



Resources Safety and Health Queensland Act 2020

Current as at 1 July 2026

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Queensland

Resources Safety and Health Queensland Act 2020

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Resources Safety and Health Queensland Act 2020

An Act to establish a statutory body called Resources Safety and Health Queensland to regulate safety and health in the resources sector, and to establish an employing office

Part 1 Preliminary

1 Short title

This Act may be cited as the *Resources Safety and Health Queensland Act 2020*.

2 Commencement

This Act, other than sections 120 and 122, commences on a day to be fixed by proclamation.

3 Definitions

The dictionary in schedule 1 defines particular words used in this Act.

4 Main purposes

The main purposes of this Act are—

- (a) to establish an independent statutory body called Resources Safety and Health Queensland to regulate safety and health in the resources sector; and
- (b) to establish the Resources Safety and Health Queensland employing office.

Part 2 **Resources Safety and Health Queensland**

Division 1 **Establishment**

5 **Establishment of RSHQ**

Resources Safety and Health Queensland (*RSHQ*) is established.

6 **Legal status**

RSHQ—

- (a) is a body corporate; and
- (b) may sue and be sued in its corporate name.

7 **Membership**

RSHQ consists of—

- (a) the CEO; and
- (b) the organisational unit under the control of the CEO; and
- (c) the board.

8 **RSHQ represents the State**

- (1) RSHQ represents the State.
- (2) Without limiting subsection (1), RSHQ has the privileges and immunities of the State.

9 **Application of other Acts**

- (1) RSHQ is—

-
- (a) a unit of public administration under the *Crime and Corruption Act 2001*; and
 - (b) a statutory body under—
 - (i) the *Financial Accountability Act 2009*; and
 - (ii) the *Statutory Bodies Financial Arrangements Act 1982*.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way that Act affects RSHQ's powers.

Division 2 Functions and powers

10 Functions

- (1) The main function of RSHQ is to administer the Resources Safety Acts and to further their purposes.
- (2) Without limiting subsection (1), RSHQ has the following functions—
 - (a) protecting the safety and health of persons in the resources industry;
 - (b) regulating safety and health in the resources industry;
 - (c) monitoring compliance with, and the effectiveness of, the Resources Safety Acts;
 - (d) carrying out commercial activities incidental to RSHQ's main function.
- (3) RSHQ also has the functions given to it under this Act or another Act.

11 Powers

- (1) RSHQ has all the powers of an individual and may, for example—
 - (a) enter into contracts or agreements; and
 - (b) deal in land or other property; and

- (c) appoint agents and attorneys; and
 - (d) engage consultants or contractors; and
 - (e) establish funds and accounts with any financial institution in Australia; and
 - (f) charge an entity a fee for services or facilities it supplies; and
 - (g) do anything else necessary or convenient to be done in the performance of RSHQ's functions.
- (2) RSHQ also has the powers given to it under this Act or another Act.

12 Performing functions and exercising powers inside and outside Queensland

RSHQ may perform its functions, or exercise its powers, inside or outside Queensland.

13 Ministerial direction

- (1) The Minister may give a written direction to RSHQ about the performance of RSHQ's functions under this Act or the exercise of RSHQ's powers under this Act if the Minister is satisfied it is necessary to give the direction in the public interest.
- (2) Without limiting subsection (1), the direction may be to give reports and information to the Minister.
- (3) RSHQ must—
- (a) comply with a direction given under subsection (1); and
 - (b) publish a copy of the direction on a Queensland Government website.
- (4) To remove any doubt, it is declared that a direction under subsection (1) must not be about the performance of RSHQ's functions under a Resources Safety Act or the exercise of RSHQ's powers under a Resources Safety Act.

Division 3 Chief executive officer

14 Appointment

- (1) There must be a chief executive officer of RSHQ (the *CEO*).
- (2) The CEO is appointed by the Governor in Council on the recommendation of the Minister.
- (3) In recommending a person for appointment to the Governor in Council, the Minister must have regard to the nomination of a suitable candidate by the board under section 27A.
- (4) The CEO is appointed under this Act and not the *Public Sector Act 2022*.
- (5) To be appointed as the CEO, a person must have a professional qualification relevant to the resources industry, and professional experience in the resources sector.

15 Disqualification as CEO

A person is disqualified from being appointed, or continuing as, the CEO if the person—

- (a) has a conviction, other than a spent conviction, for an indictable offence; or
- (b) is an insolvent under administration; or
- (c) is disqualified from managing corporations because of the Corporations Act, part 2D.6; or
- (d) contravenes section 21 or 22.

16 Criminal history report

- (1) To decide if a person is disqualified from becoming or continuing as the CEO, the Minister or the board may ask the commissioner of the police service for—
 - (a) a written report about the criminal history of the person; and

- (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (2) However, the Minister or the board may make the request only if the person has given the Minister or the board written consent for the request.
- (3) The commissioner of the police service must comply with the request.
- (4) However, the duty to comply applies only to information in the possession of the commissioner of the police service or to which the commissioner of the police service has access.
- (5) The Minister or the board must ensure the report is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.

17 Term

- (1) The CEO holds office for the term stated in the CEO's instrument of appointment.
- (2) The stated term must not be more than 5 years.
- (3) The CEO may be reappointed.

18 Remuneration and conditions

- (1) The CEO is to be paid the remuneration and other allowances decided by the Governor in Council.
- (2) The remuneration must not be reduced during the CEO's term of office without the CEO's written consent.
- (3) The CEO holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.

19 Removal by Governor in Council

- (1) The Governor in Council may, at any time, remove the CEO from office on the recommendation of the Minister.

- (2) The Minister may recommend the removal of the CEO for any reason or none.
- (3) This section does not limit the Governor in Council's powers under the *Acts Interpretation Act 1954*, section 25.

20 Vacancy in office

The office of the CEO becomes vacant if the CEO—

- (a) completes a term of office and is not reappointed; or
- (b) resigns office by signed notice given to the Minister; or
- (c) becomes disqualified under section 15 from continuing as CEO; or
- (d) is removed under section 19 as CEO.

21 CEO not to engage in other paid employment

The CEO must not, without the Minister's prior written approval—

- (a) engage in paid employment outside the responsibilities of the office of the CEO; or
- (b) actively take part in the activities of a business, or in the management of a corporation carrying on a business, outside the responsibilities of the office of the CEO.

22 Conflicts of interest

If the CEO has an interest that conflicts, or may conflict, with the discharge of the CEO's responsibilities, the CEO—

- (a) must disclose the nature of the interest and conflict to the Minister and the board as soon as practicable after the relevant facts come to the CEO's knowledge; and
- (b) must not take action or further action concerning a matter that is, or may be, affected by the conflict unless authorised by the Minister and the board.

23 Functions

- (1) The CEO has the function of managing the organisational unit under the control of the CEO.
- (2) The CEO also has the functions given to the CEO under this Act or another Act.

24 Powers

- (1) The CEO has the power to do anything necessary or convenient to be done for the performance of the CEO's functions.
- (2) The CEO also has the powers given to the CEO under this Act or another Act.

24A Relationship between CEO and Board

- (1) In performing the CEO's functions, other than a function under another Act, the CEO must give effect to any policy or direction of the board relevant to the function.
- (2) However, the CEO must act independently of the board when making a decision to disclose information under section 67.
- (3) The CEO must—
 - (a) report regularly to the board on the administration of this Act; and
 - (b) at the request of the board, provide the board with a report on a particular subject relevant to the board's functions.

25 Delegation

- (1) The CEO may delegate the CEO's functions under this Act to an appropriately qualified person.
- (2) In this section—

functions includes powers.

26 Acting CEO

- (1) The Minister may appoint a person to act as CEO—
 - (a) during a vacancy in the office; or
 - (b) during any period, or during all periods, when the CEO is absent from duty or from the State or is, for another reason, unable to perform the duties of the office.
- (2) The acting CEO is appointed under this Act and not the *Public Sector Act 2022*.

27 Preservation of rights

- (1) This section applies if a public service officer is appointed as the CEO.
- (2) The person keeps all rights accrued or accruing to the person as a public service officer as if service as the CEO were a continuation of service as a public service officer.
- (3) Without limiting subsection (2), the person's appointment does not—
 - (a) prejudice the person's existing or accruing rights to superannuation or recreation, sick, long service or other leave; or
 - (b) interrupt continuity of service, except that the employee is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or
 - (c) entitle the person to a payment or other benefit because the person is no longer a public service officer.
- (4) At the completion of the person's term of office under section 20(a) or resignation as the CEO under section 20(b)—
 - (a) the person has the right to be appointed to an office in the public service at a salary level no less than the current salary level of an office equivalent to the office the person held before being appointed as the CEO; and

- (b) the person's service as the CEO is taken to be service of a like nature in the public service for deciding the person's rights as an officer of the public service.

27A Nomination of suitable candidate for CEO by board

- (1) The board may—
 - (a) seek a suitable candidate for the office of CEO; and
 - (b) give the Minister the name of a suitable candidate for the office.
- (2) In this section—

suitable candidate means an appropriately qualified person suitable for recommendation by the Minister to the Governor in Council for appointment as CEO.

Division 4 Other matters

28 Annual report

- (1) RSHQ must include in its annual report prepared under the *Financial Accountability Act 2009*, section 63—
 - (a) details of the functions performed by RSHQ during the year; and
 - (b) information about how efficiently and effectively RSHQ has performed its functions, including, for example, identifying key achievements and financial and non-financial performance; and
 - (c) details of—
 - (i) any interest disclosed by the CEO under section 22(a); and
 - (ii) any action authorised by the Minister under section 22(b); and
 - (d) details of—

-
- (i) each direction given by the Minister under section 13 during the financial year to which the report relates; and
 - (ii) action taken by RSHQ because of the direction; and
- (e) details of—
- (i) each statement of expectations given by the Minister under section 63 during the financial year to which the report relates; and
 - (ii) action taken by the board or RSHQ because of the statement of expectations.
- (2) The report must not be prepared in a way that discloses confidential information.

Part 3 Employing office

Division 1 Establishment

29 Establishment of employing office

- (1) The Resources Safety and Health Queensland employing office (the *employing office*) is established.
- (2) The employing office consists of—
 - (a) the executive officer; and
 - (b) the staff of the employing office.
- (3) The employing office is a separate entity from RSHQ.

30 Employing office represents the State

- (1) The employing office represents the State.
- (2) Without limiting subsection (1), the employing office has the privileges and immunities of the State.

31 Application of other Acts

- (1) The employing office is—
 - (a) a unit of public administration under the *Crime and Corruption Act 2001*; and
 - (b) a statutory body under—
 - (i) the *Financial Accountability Act 2009*; and
 - (ii) the *Statutory Bodies Financial Arrangements Act 1982*.
- (2) For applying the *Financial Accountability Act 2009* to the employing office as a statutory body—
 - (a) the executive officer is taken to be the chairperson of the employing office; and
 - (b) the *Financial Accountability Act 2009* is taken to require the executive officer to consider the annual financial statements and the auditor-general's report as soon as practicable after they are received by the employing office; and
 - (c) the *Financial Accountability Act 2009* is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer by the auditor-general as soon as practicable after the executive officer receives them.

32 Functions

- (1) The main functions of the employing office are—
 - (a) entering into, for the State, a work performance arrangement with RSHQ under which employees of the employing office perform work for RSHQ; and
 - (b) employing, for the State, staff to perform work for RSHQ under the work performance arrangement; and
 - (c) doing anything incidental to the discharge of the functions mentioned in paragraphs (a) and (b).

-
- (2) Also, the employing office has any other function conferred on the employing office under this Act or another Act.
 - (3) This section does not limit the employing office's power to enter into and give effect to a work performance arrangement with a government entity other than RSHQ.

33 Powers

- (1) The employing office has the power to do anything necessary or convenient to be done for the performance of the employing office's functions.
- (2) The employing office also has the powers given to it under this Act or another Act.

34 Staff

The staff of the employing office are to be employed under the *Public Sector Act 2022*.

Division 2 Executive officer

35 Appointment

- (1) There is to be an executive officer of the employing office.
- (2) The executive officer is appointed by the Governor in Council on the recommendation of the Minister.
- (3) The executive officer is appointed under this Act and not the *Public Sector Act 2022*.

36 Disqualification as executive officer

A person is disqualified from being appointed, or continuing as, the executive officer if the person—

- (a) has a conviction, other than a spent conviction, for an indictable offence; or

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- (b) is an insolvent under administration; or
- (c) is disqualified from managing corporations because of the Corporations Act, part 2D.6; or
- (d) contravenes section 41 or 42.

37 Term

- (1) The executive officer holds office for the term stated in the executive officer's instrument of appointment.
- (2) The stated term must not be more than 5 years.
- (3) The executive officer may be reappointed.

38 Remuneration and conditions

- (1) The executive officer is to be paid the remuneration and other allowances decided by the Governor in Council.
- (2) The remuneration must not be reduced during the executive officer's term of office without the executive officer's written consent.
- (3) The executive officer holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.

39 Removal by Governor in Council

- (1) The Governor in Council may, at any time, remove the executive officer from office on the recommendation of the Minister.
- (2) The Minister may recommend the removal of the executive officer for any reason or none.
- (3) This section does not limit the Governor in Council's powers under the *Acts Interpretation Act 1954*, section 25.

40 Vacancy in office

The office of the executive officer becomes vacant if the executive officer—

- (a) completes a term of office and is not reappointed; or
- (b) resigns office by signed notice given to the Minister; or
- (c) becomes disqualified under section 36 from continuing as executive officer; or
- (d) is removed under section 39 as executive officer.

41 Executive officer not to engage in other paid employment

The executive officer must not, without the Minister's prior written approval—

- (a) engage in paid employment outside the responsibilities of the office of the executive officer; or
- (b) actively take part in the activities of a business, or in the management of a corporation carrying on a business.

42 Conflicts of interest

If the executive officer has an interest that conflicts, or may conflict, with the discharge of the executive officer's responsibilities, the executive officer—

- (a) must disclose the nature of the interest and conflict to the Minister as soon as practicable after the relevant facts come to the executive officer's knowledge; and
- (b) must not take action or further action concerning a matter that is, or may be, affected by the conflict unless authorised by the Minister.

43 Functions

- (1) The executive officer has the function of ensuring the effective and efficient administration and operation of the employing office and the performance of its functions.

- (2) The executive officer also has the functions given to the executive officer under this Act or another Act.

44 Powers

- (1) The executive officer has the power to do anything necessary or convenient to be done for the performance of the executive officer's functions.
- (2) The executive officer also has the powers given to the executive officer under this Act or another Act.

45 Delegation

- (1) The executive officer may delegate the executive officer's functions under this Act to another appropriately qualified officer of the employing office.
- (2) In this section—
functions includes powers.

46 Acting executive officer

- (1) The Minister may appoint a person to act as executive officer—
 - (a) during a vacancy in the office; or
 - (b) during any period, or during all periods, when the executive officer is absent from duty or from the State or is, for another reason, unable to perform the duties of the office.
- (2) The acting executive officer is appointed under this Act and not the *Public Sector Act 2022*.

47 Preservation of rights

- (1) This section applies if a public service officer is appointed as the executive officer.

- (2) The person keeps all rights accrued or accruing to the person as a public service officer as if service as the executive officer were a continuation of service as a public service officer.
- (3) Without limiting subsection (2), the person's appointment does not—
 - (a) prejudice the person's existing or accruing rights to superannuation or recreation, sick, long service or other leave; or
 - (b) interrupt continuity of service, except that the employee is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or
 - (c) entitle the person to a payment or other benefit because the person is no longer a public service officer.
- (4) At the completion of the person's term of office under section 40(a) or resignation as the executive officer under section 40(b)—
 - (a) the person has the right to be appointed to an office in the public service at a salary level no less than the current salary level of an office equivalent to the office the person held before being appointed as the executive officer; and
 - (b) the person's service as the executive officer is taken to be service of a like nature in the public service for deciding the person's rights as an officer of the public service.

Part 4 Resources Safety and Health Queensland Board

Division 1 Establishment

48 Establishment

The Resources Safety and Health Queensland Board (the *board*) is established.

Division 2 Functions and powers

49 Functions

- (1) The board has the following functions—
- (a) deciding the strategies and the operational, administrative and financial policies to be followed by RSHQ;
 - (b) ensuring RSHQ performs its functions and exercises its powers in a proper, effective and efficient way;
 - (c) providing guidance and leadership to each of the following—
 - (i) the CEO;
 - (ii) the coal mining safety and health advisory committee;
 - (iii) the mining safety and health advisory committee;
 - (iv) any committee established by the board under section 61;
 - (d) nominating a suitable candidate for the office of CEO under section 27A;
 - (e) managing the performance, including, for example, by setting performance expectations and key performance indicators, of each of the following—

-
- (i) the CEO;
 - (ii) a committee mentioned in paragraph (c);
 - (f) advising the Minister on matters relating to safety and health in the resources sector;
 - (g) responding to requests by the Minister for advice on particular matters, including, for example, the strategic direction of RSHQ;
 - (h) giving advice to the Minister about filling vacancies for the following roles—
 - (i) chairperson of the coal mining safety and health advisory committee;
 - (ii) chairperson of the mining safety and health advisory committee;
 - (i) requesting advice on particular matters from the committees mentioned in paragraph (c);
 - (j) ensuring any information received from the committees mentioned in paragraph (c) is considered in the performance of RSHQ's functions;
 - (k) ensuring RSHQ and the committees mentioned in paragraph (c) have appropriate and effective arrangements for sharing information relevant to their functions;
 - (l) engaging with representatives of the resources industry and its workforce about matters relating to safety and health in the resources sector;
 - (m) monitoring, reviewing, and reporting to the Minister on the performance of the functions of each of the following—
 - (i) RSHQ;
 - (ii) the CEO;
 - (iii) a committee mentioned in paragraph (c).
- (2) The board also has the functions given to it under this Act or another Act.

50 Powers

- (1) The board has all the powers to do anything necessary or convenient to be done in the performance of its functions.
- (2) Anything done in the name of, or for, RSHQ by the board, or with the authority of the board, is taken to have been done by RSHQ.

Division 3 Membership

51 Appointment

- (1) The board consists of not more than 5 members appointed by the Governor in Council on the recommendation of the Minister.
- (2) In recommending a person as a member, the Minister must ensure the board collectively has sufficient knowledge and experience of each of the following—
 - (a) governance, risk and assurance;
 - (b) regulation of safety and health in the mining, petroleum and gas, and explosives industries;
 - (c) stakeholder engagement with government, industry and workforce representatives;
 - (d) investigations and enforcement;
 - (e) occupational health, hygiene and psychosocial hazards;
 - (f) organisational effectiveness, culture and regulatory performance;
 - (g) financial management and strategic oversight.
- (3) The members are appointed under this Act and not the *Public Sector Act 2022*.
- (4) To remove any doubt, it is declared that a member may satisfy 2 or more paragraphs of subsection (2).

52 Disqualification as member

A person is disqualified from becoming, or continuing as, a member if the person—

- (a) has a recorded conviction, other than a spent conviction, for an indictable offence; or
- (b) is an insolvent under administration; or
- (c) is not able to manage a corporation because of the Corporations Act, part 2D.6; or
- (d) is an employee or contractor of RSHQ or the employing office; or
- (e) contravenes section 62.

53 Conditions of appointment

- (1) A member is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) For matters not provided for by this Act, a member holds office on the terms and conditions decided by the Governor in Council.

54 Term of appointment

- (1) A member is appointed for the term, of not more than 4 years, stated in the member's instrument of appointment.
- (2) However, a person's appointment as a member ends if, during the term of the appointment, the person becomes disqualified under section 52.

55 Chairperson

- (1) The chairperson of the board is appointed by the Governor in Council on the recommendation of the Minister.
- (2) In recommending a member as chairperson, the Minister must ensure the member has advanced knowledge or experience of the matters mentioned in section 51(2)(a) and (c).

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- (3) A person may be appointed as the chairperson when the person is appointed as a member.
- (4) The chairperson holds office for the term, ending no later than the person's term of appointment as a member, stated in the person's instrument of appointment as chairperson.
- (5) However, a person's appointment as chairperson ends if, during the term of the appointment, the person stops being a member.

56 Deputy chairperson

- (1) The deputy chairperson of the board is appointed by the Governor in Council on the recommendation of the Minister.
- (2) The deputy chairperson holds office for the term, ending no later than the person's term of appointment as a member, stated in the person's instrument of appointment as deputy chairperson.
- (3) However, a person's appointment as deputy chairperson ends if, during the term of the appointment, the person stops being a member.
- (4) The deputy chairperson must act as chairperson—
 - (a) during a vacancy in the office of chairperson; and
 - (b) during all periods when the chairperson is absent from duty or, for another reason, can not perform the functions of the office.
- (5) A person may be appointed as the deputy chairperson when the person is appointed as a member.

57 Resignation

- (1) A member may resign by signed notice given to the Minister.
- (2) Also, a member may resign the office of chairperson or deputy chairperson by signed notice given to the Minister.
- (3) The resignation takes effect—

- (a) on the day the notice is given; or
 - (b) if a later day is stated in the notice—on the later day.
- (4) A person resigning from the office of chairperson or deputy chairperson may continue to be a member.

58 Vacancy in office

- (1) The office of a member becomes vacant if the member—
- (a) completes a term of office and is not reappointed; or
 - (b) is disqualified from office under section 52: or
 - (c) resigns from office under section 57; or
 - (d) is removed from office by the Governor in Council under subsection (2).
- (2) The Governor in Council may, at any time, remove the member from office on the recommendation of the Minister.
- (3) The Minister may recommend the removal of the member for any reason or none.
- (4) This section does not limit the Governor in Council’s power under the *Acts Interpretation Act 1954*, section 25.

Division 4 Business

59 Conduct of business

Subject to this division and any requirement prescribed by regulation, the board may conduct its business, including its meetings, in the way it considers appropriate.

60 Meetings

- (1) The board may hold its meetings when it decides.
- (2) However, the board must meet at least 4 times a year.
- (3) The chairperson of the board—

[s 61]

- (a) may call a board meeting at any time; and
 - (b) must call a board meeting if asked by at least 2 of the other members.
- (4) The chairperson of the board presides at all board meetings at which the chairperson is present.
- (5) If the chairperson is absent, the deputy chairperson presides.
- (6) If both the chairperson and deputy chairperson are absent, the member chosen by the members present at the board meeting presides.
- (7) At a board meeting—
- (a) the number of members that is half the number appointed at the time of the meeting constitutes a quorum; and
 - (b) a question is to be decided by a majority of votes of the members present and voting at the meeting; and
 - (c) each member present has 1 vote on any question arising for decision and, if the votes are equal, the member presiding at the meeting has a casting vote.
- (8) For subsection (7)(a), if the number of members that is half the number appointed at the time of the meeting is not a whole number, the number must be rounded up to the nearest whole number.
- (9) The board must keep minutes of its meetings.

61 Committees

- (1) The board may establish 1 or more committees to advise and make recommendations to the board on particular subjects, including, for example, the following—
- (a) finance and audit;
 - (b) risk management;
 - (c) regulatory practice;
 - (d) people and culture;

- (e) stakeholder engagement.
- (2) A committee established under subsection (1) consists of the persons, including, for example, members of the board, chosen by the board.
- (3) The board may choose a member of the committee to be chairperson of the committee.
- (4) The document establishing a committee must include information about—
 - (a) the committee’s terms of reference; and
 - (b) the procedures, if any, with which the committee is required to comply; and
 - (c) the composition of the committee’s membership.
- (5) The board may amend the document mentioned in subsection (4) at any time.
- (6) RSHQ must publish a copy of the document mentioned in subsection (4), and any amendments under subsection (5), on a Queensland Government website.

62 Disclosure of interests

- (1) This section applies to a member if—
 - (a) the member has an interest in an issue being considered, or about to be considered, by the board; and
 - (b) the interest conflicts or may conflict with the proper performance of the member’s duties about the consideration of the issue.
- (2) After the relevant facts come to the member’s knowledge, the member must disclose the nature of the interest to a board meeting.
- (3) Unless the board otherwise directs, the member must not—
 - (a) be present when the board considers the issue; or
 - (b) take part in a decision of the board about the issue.

- (4) The member must not be present when the board is considering whether to give the direction.
- (5) If there is another person who must, under subsection (2), also disclose an interest in the issue, the other person must not—
 - (a) be present when the board is considering whether to give the direction; or
 - (b) take part in making the decision about giving the direction.
- (6) Subsections (7) and (8) apply if—
 - (a) because of this section, a member is not present at a board meeting for considering or deciding the issue, or for considering or deciding whether to give the direction; and
 - (b) there would be a quorum if the member were present.
- (7) The remaining members present are a quorum of the board for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.
- (8) If there are no members who may remain present for considering or deciding the issue, the Minister may consider and decide the issue.
- (9) The disclosure must be recorded in the minutes of the board meeting.

Division 5 Role of Minister

63 Statement of expectations

- (1) The Minister may give the board a written statement (a *statement of expectations*) about the Minister's expectations for the performance of the board's functions.
- (2) Without limiting subsection (1), the statement of expectations may—

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- (a) state a particular period for which the statement applies; and
 - (b) provide for the nature and scope of the board's activities for a particular period.
- (3) The board must have regard to the statement of expectations in performing the board's functions.
- (4) RSHQ must publish a copy of the statement of expectations, and any amendments to the statement, on a Queensland Government website.

Part 5 General

66 Disclosure of information

A person must not disclose information concerning the personal affairs of a person or commercially sensitive information obtained by the person in the administration of this Act, unless the disclosure is made—

- (a) with the consent of the person from whom the information was obtained; or
- (b) in the administration of this Act; or
- (c) in a proceeding under this Act or a report of the proceeding; or
- (d) in a proceeding before a court in which the information is relevant to the issue before the court.

Maximum penalty—100 penalty units.

67 CEO may disclose information to particular entities

- (1) The CEO may disclose anything that comes to the CEO's knowledge under this Act or a Resources Safety Act to a prescribed entity if the CEO is satisfied the disclosure would assist in the performance of the prescribed entity's functions under an Act or another law.

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(2) Subsection (1) applies despite section 66 and the prescribed confidentiality provisions.

(3) In this section—

prescribed confidentiality provision means—

- (a) the *Coal Mining Safety and Health Act 1999*, section 275A; or
- (b) the *Explosives Act 1999*, section 132; or
- (c) the *Mining and Quarrying Safety and Health Act 1999*, section 255.

prescribed entity means—

- (a) the chief executive of a department in which a Resource Act is administered; or
- (b) the chief executive of a department or another entity responsible for administering a law of the Commonwealth or a State about safety and health; or
- (c) the WHS prosecutor; or
- (d) the director of public prosecutions.

Resource Act see the *Mineral and Energy Resources (Common Provisions) Act 2014*.

WHS prosecutor see the *Work Health and Safety Act 2011*, schedule 2, section 25.

68 Regulation-making power

The Governor in Council may make regulations under this Act.

Part 6 Transfer notices

69 Definitions for part

In this part—

instrument means any document, and includes—

- (a) a written or oral agreement; and
- (b) an application; and
- (c) an accreditation, approval, certificate, entitlement, exemption, licence, manual, notice, permit, plan and any other authority.

right includes power, privilege and immunity.

transfer notice see section 70(1).

70 Minister may make transfer notice

- (1) For the purpose of the establishment of RSHQ or the employing office, the Minister may, by gazette notice (a *transfer notice*), do any of the following—
 - (a) transfer a business, asset or liability of the State to RSHQ or the employing office;
 - (b) grant a lease, easement or other right from the State to RSHQ or the employing office;
 - (c) vary or extinguish a lease, easement or other right held by the State;
 - (d) in relation to a lease held under the *Land Act 1994*—
 - (i) transfer the lease; or
 - (ii) change a purpose for which the lease is issued; or
 - (iii) change a condition imposed on the lease; or
 - (iv) grant a sublease;
 - (e) in relation to a reserve under the *Land Act 1994*—
 - (i) change a community purpose for which the reserve is dedicated; or
 - (ii) remove a trustee of the reserve; or
 - (iii) appoint a trustee of the reserve, subject to conditions or without conditions;

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- (f) provide whether and, if so, the extent to which, RSHQ is the successor in law of the State;
 - (g) make provision for a legal proceeding that is being, or may be, taken by or against the State to be continued or taken by or against RSHQ or the employing office;
 - (h) make provision for or about the issue, transfer or application of an instrument to RSHQ or the employing office.
- (2) A transfer notice may include conditions applying to something done or to be done under the notice.
 - (3) If the Minister is satisfied it would be inappropriate for a particular matter to be stated in a transfer notice (for example, because of the size or nature of the matter), the Minister may provide for the matter by including a reference in the transfer notice to another document that is—
 - (a) signed by the Minister; and
 - (b) kept available, at a place stated in the transfer notice, for inspection by the persons to whom the matter relates.
 - (4) The transfer of a liability of the State under a transfer notice discharges the State from the liability, other than to the extent stated in the notice.
 - (5) A transfer notice has effect despite any other law or instrument.
 - (6) A transfer notice has effect on the day it is published in the gazette or a later day stated in it.
 - (7) If a transfer notice makes provision for a matter under subsection (1)(h) in relation to an instrument, the responsible entity for the instrument must take the action necessary to register or record the effect of the transfer notice, including—
 - (a) updating a register or other record; and
 - (b) amending, cancelling or issuing an instrument.
 - (8) In this section—
lease includes any derivative under lease of the lease.

responsible entity, for an instrument, means the entity required or authorised by law to register or record matters in relation to the instrument.

71 Application of instruments

- (1) This section applies if a transfer notice provides for an instrument that applied to an entity (the *transferor*) to apply to another entity (the *transferee*) in place of the transferor.
- (2) Without limiting the application of the transfer notice to the instrument—
 - (a) any right, title, interest or liability of the transferor arising under or relating to the instrument is taken to be transferred from the transferor to the transferee; and
 - (b) if the instrument, including a benefit or right provided by the instrument, is given to, by or in favour of the transferor, the instrument is taken to have been given to, by or in favour of the transferee; and
 - (c) the transferee is taken to be a party to the instrument in place of the transferor; and
 - (d) a reference in the instrument to the transferor is, to the extent possible and if the context permits, taken to be a reference to the transferee; and
 - (e) if an application was made for the instrument in the name of the transferor, the application is taken to have been made in the name of the transferee; and
 - (f) if the instrument is an instrument under which an amount is or may become payable to or by the transferor, the instrument is taken to be an instrument under which the amount is or may become payable to or by the transferee, in the way the amount was or might have been payable to or by the transferor; and
 - (g) if the instrument is an instrument under which property, other than money, is or may become liable to be transferred, conveyed or assigned to or by the transferor, the instrument is taken to be an instrument under which

the property is or may become liable to be transferred, conveyed or assigned to or by the transferee, in the way it was or might have been liable to be transferred, conveyed or assigned to or by the transferor.

Part 7

Transitional provisions for Resources Safety and Health Queensland and Other Legislation Amendment Act 2026

72 Definitions for part

In this part—

former commissioner see section 74(1).

73 CEO appointed before commencement

- (1) This section applies to a person who, immediately before the commencement, held an appointment under former section 14 as CEO.
- (2) The person continues to be CEO under new section 14 on the same terms of appointment that applied to the person immediately before the commencement.
- (3) However, new section 19 applies to the person despite any contract or other document or another law.
- (4) No compensation is payable to the person because of subsection (3).
- (5) To remove any doubt, it is declared that subsections (3) and (4) do not limit or otherwise affect the person's right to a benefit or entitlement that had accrued under the person's instrument of appointment before the removal.
- (6) In this section—

former, in relation to a provision of this Act, means the provision as in force from time to time before the commencement.

new, in relation to a provision of this Act, means the provision as in force from the commencement.

74 Office of commissioner abolished

- (1) On commencement, the office of Commissioner for Resources Safety and Health (the *former commissioner*) is abolished.
- (2) No compensation is payable to a person because of subsection (1).
- (3) To remove any doubt, it is declared that subsection (2) does not limit or otherwise affect a person's right to a benefit or entitlement that had accrued under the person's instrument of appointment before the commencement.

75 Board successor in law of former commissioner

- (1) The board is the successor in law of the former commissioner.
- (2) Subsection (1) is not limited by another provision of this part.

76 Continuation of acts and matters

- (1) Anything done, or started but not completed, under this Act, by the former commissioner before the commencement is, if the context permits, taken to have been done or started, and may be completed, by the board.
- (2) Subsection (1) is not limited by another provision of this part.

77 Functions and powers

A function performed, or power exercised, under this Act by the former commissioner before the commencement is, if the context permits, taken to have been performed, or exercised, by the board.

78 Assets and liabilities

On the commencement, the assets and liabilities of the former commissioner immediately before the commencement become the assets and liabilities of the board.

79 Records and other documents

On the commencement, the records and other documents of the former commissioner immediately before the commencement become the records and other documents of the board.

80 Contracts, agreements, undertakings and other arrangements

- (1) This section applies in relation to a contract, agreement, undertaking or arrangement—
 - (a) to which the former commissioner was a party immediately before the commencement; and
 - (b) that is still in effect on the commencement.
- (2) On the commencement, the board becomes a party to the contract, agreement, undertaking or arrangement in place of the former commissioner.

81 Proceedings not yet started

- (1) This section applies if, immediately before the commencement, a proceeding could have been started by or against the former commissioner within a particular period.
- (2) The proceeding may be started by or against the board within the period.

82 Current proceedings

- (1) This section applies to a proceeding that, immediately before the commencement, had not ended and to which the former commissioner was a party.

- (2) On the commencement, the board becomes a party to the proceeding in place of the former commissioner.

83 References to former commissioner

In a document, a reference to the former commissioner may, if the context permits, be taken to be a reference to—

- (a) to the extent the reference relates to the former commissioner's advisory, governance or reporting functions—the board; or
- (b) to the extent the reference relates to administrative or operational matters—the CEO; or
- (c) to the extent the reference relates to the former commissioner's functions as chairperson of the coal mining safety and health advisory committee—the chairperson of that committee; or
- (d) to the extent the reference relates to the former commissioner's functions as chairperson of the mining safety and health advisory committee—the chairperson of that committee.

Schedule 1 Dictionary

section 3

board see section 48.

CEO see section 14(1).

coal mining safety and health advisory committee means the coal mining safety and health advisory committee under the *Coal Mining Safety and Health Act 1999*.

criminal history, of a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions.

employing office see section 29(1).

executive officer means the executive officer of the employing office appointed under section 35(1).

member means member of the board.

mining safety and health advisory committee means the mining safety and health advisory committee under the *Mining and Quarrying Safety and Health Act 1999*.

instrument, for part 6, see section 69.

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

Resources Safety Act means—

- (a) the *Coal Mining Safety and Health Act 1999*; or
- (b) the *Explosives Act 1999*; or
- (c) the *Mining and Quarrying Safety and Health Act 1999*; or
- or
- (d) the *Petroleum and Gas (Production and Safety) Act 2004*.

right, for part 6, see section 69.

RSHQ see section 5.

transfer notice, for part 6, see section 69.