

# Resources Safety and Health

## **Compliance Policy**

**Queensland Coal Mines Inspectorate**

**Queensland Mineral Mines and Quarries Inspectorate**

**Queensland Petroleum and Gas Inspectorate**

**Queensland Explosives Inspectorate**

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## Approval

Position	Name	Date
Executive Director	Mark Stone	21/11/2017

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## Purpose

The Coal Mines, Mineral Mines and Quarries, Explosives and Petroleum and Gas Inspectorates within the Department of Natural Resources, Mines and Energy are responsible for administering Queensland's resources safety and health regulatory framework. This framework comprises four Acts and corresponding regulations, as set out in the table below.

The purpose of this Compliance Policy is to outline the principles and practices that underpin our compliance and enforcement actions, which are a critical part of preventing harm to workers across the state's resources industries.

<b>Act</b>	<b>Regulation</b>	<b>Administering Inspectorate</b>
<i>Coal Mining Safety and Health Act 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 Inspectorate
<i>Explosives Act 1999</i>	Explosives Regulation 2017	Explosives Inspectorate

## Objectives

Our objective is to protect the safety and health of resource industry workers and the Queensland community at large, 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 broader community have confidence in Queensland's resources safety and health framework.

## Regulatory Values

As the safety and health regulators for Queensland's resources industry, in all of our decision-making and actions, we will uphold the following values.

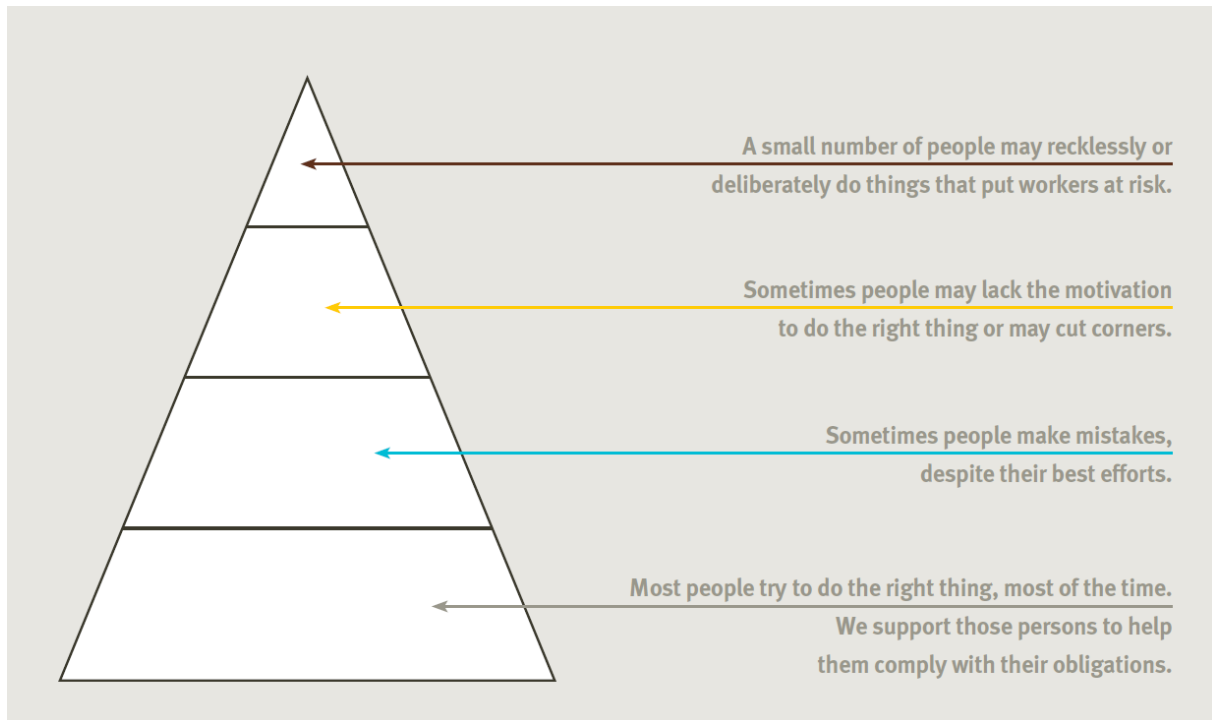
Outcomes and risk-based approach	We apply our resources to the areas of greatest risk within the resources industry, and to the activities that will achieve the greatest safety and health outcomes.
Transparency	Industry, workers and other stakeholders must have a clear understanding of what to expect from us, and what we expect from them. We will communicate on these matters with clarity and integrity, and will measure and publicly report on safety and health outcomes.
Consistency	Industry, workers and the community see that we take a consistent approach to regulation and 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, having regard to the level of potential or actual harm, the magnitude of the wrongdoing and attitude of the wrongdoer.
Fairness	In exercising our regulatory powers, we afford persons and organisations procedural fairness.

# Compliance Principles and Practice: Our Approach

## Context

Most of the time, most people try to do the right thing but sometimes a small minority may do things that put workers or the community at unacceptable levels of risk or cause harm.

**Figure 1: Compliance Attitudes and Behaviours**



## Principles

We achieve our regulatory objectives through compliance action that is systems-focussed and proportionate to the risk and/or circumstances.

In making decisions about the compliance action we may take, we have regard to:

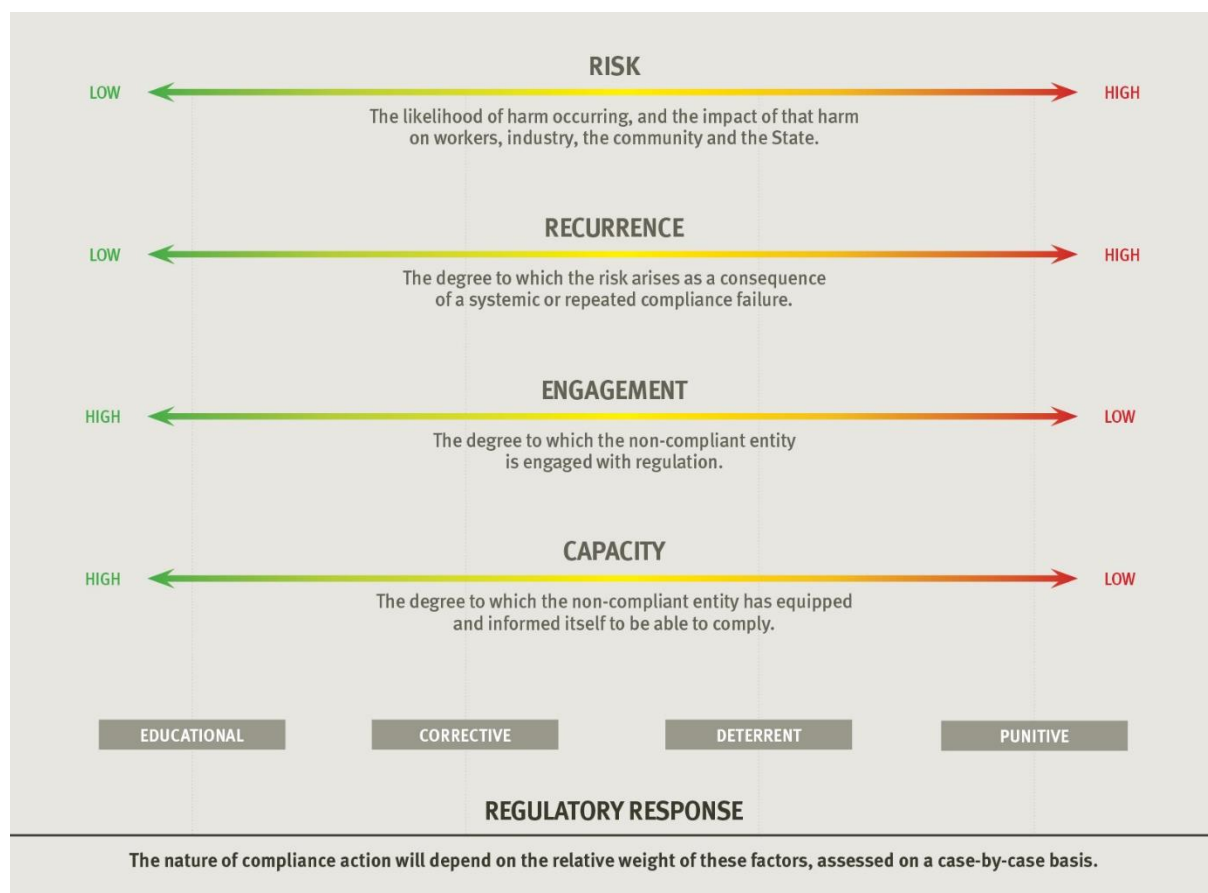
- The nature of the particular risk;
- Whether the non-compliance is systemic and/or recurrent;
- The nature of the non-compliant behaviour, considering evidence of:
  - disengagement with, or resistance to, safety and health regulation
  - the capacity of the obligation-holder
  - the extent to which 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 characteristics:

- **Educational:** Particular actions are taken with a view to ensuring relevant parties have the information, advice and support they need to achieve an acceptable level of risk in their activities and operations. We also strive to raise awareness and disseminate information about safety and health matters across stakeholder groups, with a view to improving 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 particularly egregious non-compliance.

We balance all of 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**





## Our Compliance Toolkit

We make use of a range of compliance tools, allowing us to respond in an effective, appropriate way to particular risks and harms.

### Inspections, audits and engagement

Educational, deterrent, corrective

Inspections, audits and engagement are at the core of our regulatory work. We tailor the frequency and scope of inspection, audit and engagement activities as we become aware of particular risks, harms and other incidents of non-compliance.

These proactive activities can be an effective deterrent to non-compliance. Interactions between regulatory officers and persons or organisations involved in regulated activities are also opportunities to provide guidance and advice.

As necessary, we will escalate these activities to include accountability meetings with management, senior officers and others responsible for safety and health performance.

### 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.

When we receive complaints, we investigate these in a manner consistent with the principles and values set out in this policy.

### Inspectorate advice

Educational, corrective

We will issue information and advice 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 and, if left unchecked, could result in increased risk or harm. Alternatively, we may take this approach where we observe that 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 actively take responsibility for improving safety and health outcomes.

We also engage widely and regularly with industry through workshops, seminars, conferences and other forums. This engagement is a critical part of our work to build safety and health capacity across industry and actively contribute to the sharing of good practices.

### Statutory powers to require action

Corrective, deterrent

The inspectorates have various statutory powers to require persons or organisations to undertake certain actions. These include but are not limited to directives, remedial action notices and compliance directions.

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

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

These powers are an effective 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

Corrective, deterrent, punitive

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

### Public statements

Educational, deterrent

We publish information and investigation reports for certain incidents that occur in the Queensland resources industry. Reports provide a factual account of the incident and compliance actions we have taken, and serve to hold industry participants accountable and educate the community at large.

Refer to the [Policy for making public statements](#).<sup>1</sup>

### Prosecutions

Punitive, deterrent

We prosecute 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 egregious conduct.

Refer to the [Prosecution Policy](#).<sup>2</sup>

<sup>1</sup> [https://www.dnrme.qld.gov.au/?a=109113:policy\\_registry/public-statement-policy.pdf](https://www.dnrme.qld.gov.au/?a=109113:policy_registry/public-statement-policy.pdf)

<sup>2</sup> [https://www.dnrme.qld.gov.au/?a=109113:policy\\_registry/prosecution-policy.pdf](https://www.dnrme.qld.gov.au/?a=109113:policy_registry/prosecution-policy.pdf)