

11 June 2025

Mr Robert Djukic
Chief Executive Officer
Resources Safety and Health Queensland
Email: psychosocial@rshq.qld.gov.au

Dear Robert

Discussion Paper - Legislative Options to Clarify Obligations to Manage Psychosocial Hazards in Queensland's Resources Industry

The Queensland Resource Council (QRC) appreciates the opportunity to provide feedback on the discussion Paper *Legislative Options to Clarify Obligations to Manage Psychosocial Hazards in Queensland's Resources Industry*.

The QRC is the peak representative organisation of the Queensland minerals and energy sector. QRC and its member companies are committed to providing a physically and psychologically safe workplace for all workers and contractors.

The QRC supports amendments to the Resources Safety and Health Legislation (Resources Legislation) where such changes are risk and evidence based. The QRC does not support amendments to the Resources Safety and Health Legislation which are overly prescriptive and administratively burdensome for participants in the Queensland resources industry.

The QRC notes that although the obligation to manage psychosocial hazards is not expressly stated in the Resources Legislation, it is implied, albeit not explicitly defined as per the *Work, Health and Safety Act* (Qld). On that basis, QRC supports clarification of existing safety and health obligations relating to the management of psychosocial hazards across Queensland's resources sector with the following recommendations:

1. Retain a principles-based approach for managing psychosocial hazards consistent with the *Work Health and Safety Act 2011* (Qld), ensuring alignment with the current 'acceptable level of risk' framework in the Resources Safety and Health Legislation.
2. Clarify existing safety and health obligations that psychosocial risks are to be managed within existing safety and health management systems, avoiding the introduction of new or conflicting regulatory requirements.
3. Address any uncertainty around reporting obligations through the development of targeted, industry-specific guidance rather than introducing further legislative amendments, to provide clarity without adding unnecessary regulatory complexity.

The QRC has prepared a submission (attached) in response to RSHQ's Discussion Paper on proposed amendments to the Resources Safety and Health Legislation. A summary of our preferred option for each section is provided in the table below:

Section		Mines and quarries	Petroleum and gas
4.0	Protecting workers from psychological harm	Option 1	Option 2
5.0	Managing the risk of psychosocial hazards	Option 1	Option 1
6.0	Psychosocial risk controls	Option 1	Option 1
7.0	Reporting obligations	Option 1	Option 1

If you require any further information regarding this submission, please contact H&S Policy Advisor [REDACTED]

Yours sincerely



Judy Bertram
Deputy Chief Executive Office



Discussion Paper:

**Legislative options to clarify obligations to
manage psychosocial hazards in Queensland's
resources industry**

Summary

The Queensland Resources Council (QRC) welcomes the opportunity to provide input on the Discussion Paper – *Legislative options to clarify obligations to manage psychosocial hazards in Queensland's resources industry*.

The QRC supports amendments to the Resources Safety and Health Legislation (Resources Legislation) where such changes are risk and evidence based. The QRC does not support amendments to the Resources Safety and Health Legislation which are overly prescriptive and administratively burdensome for participants in the Queensland resources industry.

The QRC notes that although the obligation to manage psychosocial hazards is not expressly stated in the Resources Legislation, it is implied, albeit not explicitly defined as per the *Work, Health and Safety Act* (Qld). On that basis, QRC supports clarification of existing safety and health obligations relating to the management of psychosocial hazards across Queensland's resources sector with the following recommendations:

- Retain a principles-based approach for managing psychosocial hazards consistent with the *Work Health and Safety Act 2011* (Qld), ensuring alignment with the current 'acceptable level of risk' framework in the Resources Safety and Health Legislation.
- Clarify existing safety and health obligations that psychosocial risks are to be managed within existing safety and health management systems, avoiding the introduction of new or conflicting regulatory requirements.
- Address any uncertainty around reporting obligations through the development of targeted, industry-specific guidance rather than introducing further legislative amendments, to provide clarity without adding unnecessary regulatory complexity.

Sections 4.0 to 7.0 of the Discussion Paper propose several options for amending the Resources Safety and Health Legislation. A summary of our preferred option for each section is provided in the table below:

Section		Mines and quarries	Petroleum and gas
4.0	Protecting workers from psychological harm	Option 1	Option 2
5.0	Managing the risk of psychosocial hazards	Option 1	Option 1
6.0	Psychosocial risk controls	Option 1	Option 1
7.0	Reporting obligations	Option 1	Option 1

QRC Detailed Response to Discussion Paper Options

Section 4.0 – Protecting workers from psychological harm

Discussion Question	Response
Mines and Quarries	
Option 1: Would this option be effective in clarifying that health includes both physical and psychological health?	<p>The QRC supports Option 1, to clarify that existing safety and health obligations include both physical and psychological health.</p> <p>Currently, the obligation to manage psychosocial risks is implicitly captured by existing duties; for example, under sections 41 of the CSMH Act and 39 of the MQSH Act, an operator must ensure risks to the safety and health of workers are managed to an 'acceptable level'.</p> <p>While the definitions of 'safety and health' in both sections 11 of the CSMH Act and the section 12 of the MQSH Act do not directly reference psychological health, the drafting of the definition implies Parliament's intention that the term be interpreted broadly, to include both physical and psychological aspects of safety and health.</p> <p>RSHQ regulates psychosocial risks in the same way as other health and safety risks, and thus, to support consistency in interpretation and application, the legislation should clearly reflect this regulatory approach.</p> <p>Modest amendments to the Resources Safety and Health Legislation to explicitly state that 'health' includes both physical and psychological health would remove ambiguity and further align with the <i>Work Health and Safety Act 2011</i> (Qld).</p>
Option 2: Do you support no change to clarify that health is physical and psychological?	<p>The QRC does not support Option 2 as the preferred approach. While the industry actively manages psychological health within existing safety and health management systems, explicitly aligning the Resources Safety and Health Legislation with the <i>Work Health and Safety Act 2011</i> (Qld) — which defines 'health' to include both physical and psychological health — would provide legislative consistency and clarity.</p>
Petroleum and Gas	
Option 1: Would this option be effective in clarifying that injury and illness includes both physical and psychological injury and illness?	<p>The QRC does not support Option 1 as the preferred approach. While including psychological injury in the definition of injury and illness may provide some clarity, it does not reflect the broader obligation under WHS legislation to identify, assess and manage psychosocial hazards as part of proactive risk management. This obligation extends beyond recognising injury or illness after it occurs.</p>
Option 2: Does the addition of 'health' as physical and psychological within Queensland's petroleum and gas legislation help to clarify that the legislation includes	<p>The QRC supports Option 2, which would amend Queensland's petroleum and gas legislation to clarify that existing safety and health obligations include both physical and psychological health.</p> <p>Currently, the PGPS Act does not define 'safety and health' — although the obligation to manage psychosocial risks is still</p>

consideration for psychological health?	<p>implied by various references to 'safety and health' throughout the PGPS Act in regard to:</p> <p>(a) content required in a joint interaction management plan;¹</p> <p>(b) reporting of a designated accident or incident;² and</p> <p>(c) the powers of Inspectors and Authorised Officers.³</p> <p>Amending the legislation to define 'health' as being both physical and psychological health would remove ambiguity and align the PGPS Act with the <i>Work Health and Safety Act 2011 (Qld)</i>.</p>
Option 3: Do you support no change to obligations relating to psychological injury or health?	The QRC does not support Option 3 as the preferred approach. While the resources industry recognises and manages psychological health as part of existing safety and health obligations, explicitly clarifying that these include both physical and psychological health would provide greater alignment with the <i>Work Health and Safety Act 2011 (Qld)</i> and support regulatory consistency.

Section 5.0 – Managing the risk of psychosocial hazards

Discussion Question	Response
Mines, Quarries, Petroleum and Gas	
Option 1: Would this option be effective in clarifying obligations for the safety and health management system (or safety management system for P&G) to provide for the management of psychosocial risks?	<p>The QRC supports Option 1 to amend the Resources Safety and Health legislation to include an explicit requirement for a safety and health management system (SHMS) to address the management of psychosocial risks.</p> <p>The proposed amendments to require safety and health management systems — provided 'safety management system' is amended to 'safety and health management system' in the PGPS Act — in the Resources Safety and Health legislation, including:</p> <ol style="list-style-type: none"> specifying that a SHMS must provide for the management of psychosocial risks; and consultation obligations for certain statutory role holders when developing the part of the SHMS that provides for the management of psychosocial risks.
Option 1: Would this option be effective in clarifying what psychosocial hazards and psychosocial risks are within Queensland's resources safety and health regulations?	<p>The QRC supports Option 1 and considers that if the Resources Safety and Health Legislation is amended to clarify that health includes both physical and psychological health, further legislative amendments will be required to define 'psychosocial hazard' and 'psychosocial risk'.</p> <p>The QRC supports including the definitions from Option 1 (Discussion Paper, p.18) in the Resources Safety and Health Legislation, as they adopt the same definitions found in sections 55A and 55B of the <i>Work Health and Safety</i></p>

¹ s.705C PGPS Act.

² s.705D PGPS Act.

³ s.761 PGPS Act.

	<i>Regulation 2011 (Qld)</i> , improving alignment and consistency between the legislative frameworks.
Option 2: Do you support no change to clarify requirements to manage psychosocial risks within the safety and health management system?	The QRC does not support Option 2 as the preferred approach. While the resources industry recognises and manages psychological health within existing safety and health management systems the explicit integration of psychosocial risk management into safety and health management systems would improve alignment and consistency of existing duties for obligation holders.

Section 6.0 – Psychosocial risk controls

Discussion Question	Response
Mines, Quarries, Petroleum and Gas	
Option 1: Are existing obligations sufficient for controlling psychosocial risks to as low as reasonably achievable?	<p>The QRC supports Option 1 and considers that existing obligations under the Resources Safety and Health Legislation are sufficient for controlling psychosocial risks to as low as 'reasonably achievable'.</p> <p>Maintaining existing obligations signifies that psychosocial risks are managed in the same way as other safety and health risks to achieve an acceptable level of risk. This approach upholds a consistent, integrated risk management framework within which psychosocial risks are already effectively managed as part of existing safety and health systems across the industry.</p>
Option 2: Would amendments to specify factors to consider when implementing psychosocial risk controls assist in achieving more effective risk management?	The QRC does not support Option 2 as the preferred approach. Introducing specified factors into Queensland's Resources Safety and Health Legislation for psychosocial risk controls would require careful drafting and tailoring to the industry's unique operational contexts (e.g. roster work; working in remote locations; large fly-in-fly-out and drive-in-drive-out workforce etc.). Adopting a model similar to section 55D of the <i>Work Health and Safety Regulation 2011 (Qld)</i> would require industry-specific guidance, akin to the <i>Managing the Risk of Psychosocial Hazards at Work Code of Practice 2022</i> , to support obligation holders in addressing these factors when implementing psychosocial risk controls.
Option 3: Would amendments to include the hierarchy of controls for managing psychosocial risks assist in achieving more effective risk management?	The QRC does not support Option 3 as the preferred approach. The QRC notes that other jurisdictions, including New South Wales, have not adopted this approach for psychosocial hazards.

Section 7.0 – Reporting obligations

Discussion Question	Response
Mines, Quarries, Petroleum and Gas	
Option 1: Would updating SSE reporting obligations guidance material to inform Queensland's resources industry on psychosocial reporting requirements provide more clarity on reporting obligations? If supportive, provide examples of what would be helpful to clarify.	<p>The QRC supports Option 1 for no further amendments to the Resources Safety and Health Legislation regarding incident reporting requirements for psychosocial hazards.</p> <p>QRC considers that the proposed clarification in Section 4 of the Discussion Paper —that safety and health obligations include both physical and psychological health — is sufficient to support consistent interpretation and application of existing reporting obligations.</p> <p>Further clarity can be achieved through the publication of guidance material tailored to the operations of the Queensland resources industry as well as through the drafting of the Resources Safety and Health Legislation proposed in Option 1 (Mines and Quarries) and Option 2 (Petroleum and Gas) in Section 4 of the Discussion Paper.</p>
Option 2: Do you support the introduction (P&G), clarification (mines and quarries) and use of the RSHQ CEO power to require statistical information relating to exposure to psychosocial hazards? If supportive, what statistical information would be reasonable to request?	<p>The QRC does not support Option 2 as the preferred approach. While the intent to improve oversight of psychosocial hazard exposure is understood, accurate and meaningful reporting requires clearly defined metrics and consistent terminology. In the absence of standardised definitions and sector-specific guidance, there is a risk that reported data could be misinterpreted or lead to inaccurate comparisons across operators.</p> <p>Notably, operators with more mature systems and reporting may appear to have higher rates of psychosocial hazard exposure, without this necessarily being related to unmanaged risks but rather due to differences in reporting practices.</p>
Option 3: Do you support amendments to Queensland's mining and P&G legislation to require periodical reporting of exposure to traumatic events, bullying and harassment (incl. sexual harassment)?	<p>The QRC does not support Option 3 as the preferred approach. Psychosocial hazards can exist in complex, high-risk environments while being effectively controlled through robust systems and practices. The extent of exposure, identification of exposure and how individuals may differ in their perception of a traumatic event span a wide range of individual responses — cognitive, emotional and behavioural — that may vary significantly and are not always attributable to a single exposure or event.</p> <p>Requiring periodic statistical reporting on such exposures risks imposing significant administrative burdens on operators without clear evidence that this data will lead to improved health and safety outcomes.</p>
Mines and quarries	
Option 1: Do you support removing the requirement to provide names of witnesses or persons present to Industry Safety and Health Representatives and District Workers' Representatives for	<p>The QRC does not support Option 1 as the preferred approach. Many HPIs involving physical hazards may also involve persons being exposed to a psychosocial hazard, particularly in the event of a serious injury or fatality.</p> <p>Following an HPI, the SSE reporting the incident would be required to make a subjective judgement as to whether the</p>

<p>high potential incidents involving psychosocial hazards?</p>	<p>exposure to a psychosocial hazard has occurred in relation to the HPI and, if so, withhold the names of individuals in the notification of the ISHR and DWR accordingly.</p> <p>While the intent to protect sensitive information in psychosocial incidents is acknowledged, the proposed amendment would result in ambiguity and inconsistency with existing reporting obligations.</p> <p>Further information is required regarding how the proposed amendments to the CSMH Act and the MQSH Act will be drafted.</p>
---	--