



## Facilitating High Reliability Organisation behaviours in Queensland's Resources Sector and Modernising Regulatory Enforcement

### Consultation Regulatory Impact Statement (CRIS)

Below is a summary of the topics that are of particular interest to stakeholders in the explosives industry. This summary should be read in conjunction with the content contained within the CRIS document.

Page/s	Topic	Relevance
1-31	Introduction/Background	These pages provide the introductory material and background reading.
<b>Explosives specific changes</b>		
129-133	Consistent board of inquiry offence provisions	<p>This proposal aims to ensure consistency of board of inquiry offence provisions across Resources Safety Acts that are both compatible with human rights, and the associated penalties are commensurate with the level of seriousness of the offence. To achieve this for the explosives sector, the following amendments would be required to the Explosives Act:</p> <ul style="list-style-type: none"><li>• Offence for providing false or misleading statements or documents to an inquiry – increase to 500 penalty units (currently maximum penalty of 200 penalty units).</li><li>• The maximum penalty prescribed for providing “false or misleading information” to inspectors or authorised persons in the Explosives Act will be increased to 100 penalty units.</li><li>• Offences by witnesses at a board of inquiry are prescribed a maximum penalty of 40 penalty, this will be increased to 200 penalty units.</li><li>• Remove reference to insulting the board of inquiry.</li></ul>
133-135	Consistent penalties for assault and obstruct offences under the Resources Safety Acts	<p>This proposal aims to increase the current maximum penalty units from 20 penalty units to 500 penalty units for assault and obstruct offences under the Explosives Act. This would make the penalties across the Resource Safety Acts.</p>
137-140	Explosives security clearance	<p>This proposal aims to insert an exemption to the security clearance requirement in relation to employees of licenced weapons dealers where the employee already holds a weapons</p>

		<p>licence that is in force.</p> <p>Secondly, the proposal looks at broadening the requirement of the Explosives Act for destruction of biometric information (i.e., digital photo of a person and the person's digitised signature) to also apply when an occupational authority or security clearance is cancelled or surrendered.</p>
<b>188-195</b>	Minor amendments	<p><u>Activities for meaning of prohibited explosives</u></p> <p>This proposes to remove ambiguity from the prohibited explosives provision and to clarify that a regulation may declare an explosive to be a prohibited type of explosive; and that the declaration may exclude the handling of an explosive in relation to specified activities or by specified persons from being a prohibited explosive.</p> <p><u>Requirement to give name and address</u></p> <p>The objective of this proposal is to clarify that an inspector may require a person to state and give evidence to verify the person's residential address; and to increase the maximum penalty for noncompliance to 40 penalty units.</p> <p><u>Notice of explosives import or export</u></p> <p>This proposal will clarify that written notice of intention to import or export an explosive must be given to the chief inspector at least 7 days before the intended import or export date unless the authority holder has a reasonable excuse.</p>
<b>Other changes which also effect the Explosives Act or the Explosives Reg</b>		
<b>74-82</b>	Improved data and incident reporting by operators	<p><b>Oral Reporting</b></p> <p>This proposal amends the Explosives Act to require that an oral report be provided immediately after an incident has occurred. The requirement to provide a report in writing following the initial report is not proposed to be changed.</p>
<b>82-85</b>	Information sharing to improve safety	<p>This proposal aims to amend the Explosives Act so that the Minister, CEO and the chief inspector can publish information about an explosives incident, the name of the holder of the authority and where the explosives incident occurred.</p>
<b>86-89</b>	Enforceable undertakings (EUs)	<ul style="list-style-type: none"> <li>This option proposes the introduction of EUs under the Resources Safety Acts and will offer an alternative to having the matter decided through legal proceedings</li> </ul>
<b>89-93</b>	Court orders	<ul style="list-style-type: none"> <li>This option aims to broaden court order provisions.</li> <li>Specifically, under the Explosives Act there is also the proposal to provide for court orders about the recovery of unpaid fees and to enable the court to order the suspension or cancellation of an explosives authority.</li> </ul>
<b>95-100</b>	Directives	<ul style="list-style-type: none"> <li>This proposal aims to broaden the directive power under the</li> </ul>

		Explosives Act to include if an inspector reasonably suspects a person is involved in an activity that is likely to result in a contravention of the Explosives Act.
<b>106-110</b>	Industrial manslaughter	<ul style="list-style-type: none"> <li>Under this proposal the Resources Safety Acts (including the Explosives Act) would be amended to ensure that industrial manslaughter offences apply to whomever employs/engages or arranges for a worker to perform work and whose criminally negligent conduct caused the death of the worker (and a senior officer of such an entity).</li> </ul>
<b>123-125</b>	Commencement of offence proceedings	<ul style="list-style-type: none"> <li>Under this proposal the Explosives Act would be amended to ensure consistent timeframes for commencing prosecutions. These amendments will provide a time period to commence a prosecution within two years of the offence coming to the notice of the complainant.</li> </ul>
<b>125-129</b>	Maximising reporting of safety incidents – protection from reprisals	<ul style="list-style-type: none"> <li>This proposal aims to achieve consistency across the suite of resources safety legislation in penalties for reprisals. Penalties in the Explosives Act are to be amended to 1,000 penalty units.</li> <li>A definition of ‘detriment’ is also proposed to be inserted in all of the Resources Safety Acts.</li> </ul>
<b>191</b>	Disclosure of Information	<p>Existing disclosure of information provisions under the Resources Safety Acts currently prevent information sharing with non-resources agencies (e.g., Workplace Health and Safety Queensland), even where the information could assist in achieving improved safety and health outcomes. To improve this, the following are proposed:</p> <ul style="list-style-type: none"> <li>Amend section 132(2) of the Explosives Act to also include reference to administering a law about safety and health. This is in addition to the current reference to a law about explosives (which is to remain).</li> <li>More broadly, it is proposed to amend section 67(3) of the RSHQ Act to broaden the meaning of ‘prescribed entity’ to include the chief executive of a department, or agency of Queensland, the Commonwealth, or another State, that administers an Act about safety and health. This will mean that information can be shared more freely with entities in health and safety and not just limited to health and safety in specific industries.</li> </ul>
<b>191 and 197</b>	RSHQ Act consequential amendments	<ul style="list-style-type: none"> <li>These proposals look to amend the Resources Safety Acts to include all identified outstanding consequential amendments related to the commencement of the RSHQ Act.</li> <li>Details about the proposed amendments are provided at Attachment 5 (refer page 197 for Explosives Act</li> </ul>

		amendments).
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