



1. Purpose

Resources Safety & Health Queensland (RSHQ) is the independent regulator of worker safety and health in Queensland's mining, quarrying, petroleum, gas and explosives industries.

Our primary function is to administer the [Resources Safety Acts](#) and to further their purposes. In doing this we protect the safety and health of resources industry workers; regulate safety and health in the resources industry; monitor compliance with, and the effectiveness of, the Resources Safety Acts; and carry out commercial activities incidental to RSHQ's main function.

It is RSHQ's policy to make public statements that may contain details of incidents and compliance activities, when release of that information will:

- raise awareness about risks to the safety and health of workers and the broader community
- promote good safety and health practice in industry
- deter practices and behaviours that endanger the safety and health of workers and the broader community.

This policy is in regard to the publication of information about incidents, investigations and the compliance activities of RSHQ. It is not intended to restrict the sharing or dissemination of information or set rigid procedures for doing so. What, when and how information is released will be considered on a case-by-case basis, in consideration of the circumstances.

RSHQ also publishes information and advice about risks or other safety and health matters generally, that may not be related to specific incidents.

2. Publications principles

A public statement may be made where it is in the public interest to do so. To determine whether it is in the public interest to make a public statement regarding specific safety and health matters, the decision-maker will consider the following principles:

- 2.1 Is the risk to safety and health significant enough that making a public statement will warn workers of the broader community?

2.2 Will the public statement deter others from engaging in substandard or undesirable behaviour?

2.3 What other reasons apply to make a public statement in the public's interest?

3. Decision to publish

Under legislation administered by RSHQ, certain officeholders, including the chief executive and the chief inspector, are provided with express powers to make public statements about specific matters. These *publications powers* are:

- section 275AC of the *Coal Mining Safety and Health Act 1999* (the Coal Act)
- section 254C of the *Mining and Quarrying Safety and Health Act 1999* (the MQ Act)
- section 126C of the *Explosives Act 1999* (the Explosives Act)
- section 851A of the *Petroleum and Gas (Production and Safety) Act 2004* (the P&G Act).

Public statements that include personal information or commercially sensitive information may only be made under the publication powers.

The Chief Operating Officer, RSHQ has been delegated the publication powers by the chief executive.

For matters not falling within the publication powers, the Chief Operating Officer or the relevant chief inspector will decide whether to publish a statement.

Generally, the public statement will be published on the RSHQ website, and the decision-maker will consider whether the circumstances warrant more extensive use of other communication channels to distribute the statement, for example: direct messages to all site senior executives and industry safety and health representatives, use of social media, or media statements.

4. Content of publication

If the decision-maker makes a public statement, its contents are subject to the following considerations.

a. No suggestion of guilt prior to trial or sentence

Any statement that is published must not suggest or pre-empt a determination of guilt of any party to a potential offence in a matter that is yet to be prosecuted.

Where an entity is prosecuted and has been found guilty of, or has pleaded guilty to, an offence, RSH may publish details of the conviction.

b. Identification of individuals or commercially sensitive information

Public statements may only identify personal details about individuals or commercially sensitive information in circumstances where the publication powers apply, namely, in any of the circumstances set out below.

Under section 275AC of the Coal Act and section 254C of the MQ Act:

- where the publication concerns offences committed against the Act. This should only occur following a finding of guilt by a court, or a plea of guilty.
- where the publication concerns an investigation, conducted under the Act, in relation to a serious accident (for example: release of an investigation report about a fatality).
- where the publication concerns action taken by the inspectorate to enforce the Act (for example: publishing details of a directive issued to a mine in respect of substandard safety practice to serve as a deterrent to substandard safety practice).
- the cancellation of a certificate of competency or site senior executive notice (by an industrial magistrate following conviction, or by the Board of Examiners for giving false information to the Board).
- the cancellation or suspension of a certificate of competency or site senior executive notice by the chief executive for contravening a relevant safety and health obligation.
- where the publication gives information about an incident or other matter that may be relevant to persons seeking to comply with their safety and health obligations (for example: the release of incident information including through safety alerts).

Under section 126C of the Explosives Act:

- where the publication concerns offences committed against the Act. This should only occur following a finding of guilt by a court, or a plea of guilty.
- where the publication concerns an investigation or inquiry into an explosive's incident conducted under the Act (for example: release of an investigation report).
- where the publication concerns action taken by the inspectorate to enforce the Act.
- the suspension or cancellation of an authority under section 24 or 25 of the Act.

Under section 851A of the P&G Act:

- where the publication concerns offences committed against the Act. This should only occur following a finding of guilt by a court, or a plea of guilty.

- where the publication concerns an investigation under the Act (for example: release of an investigation report).
- where the publication concerns action taken by the inspectorate to enforce the Act.

The publication powers permit, but do not require, identification of individuals or commercially sensitive information in these circumstances. It is a matter for the decision-maker to determine whether publication of this information is warranted. The decision-maker will consider whether, in the specific circumstances of the case, the publication of identifying information is unfair or prejudicial to any party, and whether it is in the public interest to do so.

Where the publication powers do not apply

Public statements may also be made that are consistent with the publication principles but where the publication powers do not apply. Where the publication powers do not apply, the published statement must not identify personal details about individuals or disclose any commercially sensitive information.

Examples include:

- statements about incidents where no enforcement action is taken but the decision-maker considers that publishing details about the incident will raise awareness of risks or hazards
- reports of investigations of incidents other than serious accidents under the Coal Act or MQ Act (e.g. an investigation report of a high potential incident).

c. Natural Justice

If the decision-maker proposes to make a public statement which identifies parties or commercially sensitive information, those affected must be afforded natural justice.

The decision-maker will write to the relevant party, including a copy of the proposed public statement and advising the party:

- that the decision-maker proposes to make the public statement
- of the time and manner of publication that is proposed (for example: by posting on the department's website from a stated day)
- that prior to making any decision about publishing, the decision-maker will take into consideration any representations the party makes, which are received by a time stated by the decision-maker.