

Resources Safety and Health Queensland and Other Legislation Amendment Bill 2026

Explanatory Notes

Short title

The short title of the Bill is the Resources Safety and Health Queensland and Other Legislation Amendment Bill 2026.

Policy objectives and the reasons for them

This Bill will deliver a range of initiatives which aim to strengthen Resources Safety and Health Queensland's (RSHQ) governance following a review of its regulatory model in 2025. The Bill amends the *Resources Safety and Health Queensland Act 2020* (RSHQ Act), the *Coal Mining Safety and Health Act 1999* (CMSHA), the *Mining and Quarrying Safety and Health Act 1999* (MQSHA).

The Bill also amends the *Mineral and Energy Resources and Other Legislation Amendment Act 2024* (MEROLA Act), *Land Access Ombudsman Act 2017* (LAO Act) and *Coexistence Queensland Act 2013* (CQ Act) to support the expansion and transition of the Land Access Ombudsman (LAO) to a statutory body, implements revised governance arrangements and repeals a resources industry levy and cost recovery funding model.

Minor procedural and administrative changes to the *Mineral Resources Act 1989* (MRA) to enhance efficiency across the mining tenement framework are also included in the Bill.

Resources Safety and Health Queensland

RSHQ is the independent statutory regulator established under the RSHQ Act for worker safety and health in Queensland's mining, quarrying, petroleum, gas, and explosives industries.

RSHQ was established on 1 July 2020 under the RSHQ Act and performs its functions under Queensland's resources safety and health legislation, including the CMSHA, the MQSHA, the *Petroleum and Gas (Production and Safety) Act 2004* and the *Explosives Act 1999*.

In 2025, the Queensland Government commissioned the *Review of the Queensland Resources Safety and Health Regulatory Model* (the Review) to assess the effectiveness of Queensland's resources health and safety regulator after 5 years of operation. Led by Professor Susan Johnston AM, the review was delivered on 30 September 2025. The Review found that the current regulatory framework provided limited oversight and accountability, with unclear organisational roles and responsibilities, leadership and cultural challenges, gaps in technical expertise at senior levels and weaknesses in investigation, enforcement and information sharing.

The Review contained 16 recommendations to strengthen the regulator. Recommendations 1 to 3 focus on improving strategic oversight and accountability through reforms to strengthen RSHQ's governance arrangements. While government accepted the need for reform, it did not fully adopt all the Review's recommendations. It supported in principle, the establishment of a governing board (the RSHQ board) (recommendation 1), supported the retention of the advisory committees with an additional function (recommendation 3), and did not support retaining the role of the Commissioner for Resources Safety and Health (Commissioner) (Recommendation 2), instead determining that role's functions be transferred to the RSHQ board.

The Resources Safety and Health Queensland and Other Legislation Amendment Bill 2026 (the Bill) implements Queensland Government's policy response to the Review that will position RSHQ as a modern, effective and adaptable regulator that supports the health, safety and wellbeing of Queensland's resources industry workers.

The Bill establishes the RSHQ board to provide strategic leadership, guidance and independent oversight of RSHQ and transfers to the RSHQ board the functions of the Commissioner, a position which will be repealed.

The Coal Mining Safety and Health Advisory Committee (CMSHAC) and the Mining Safety and Health Advisory Committee (MSHAC) within RSHQ are reformed, by replacing the Commissioner as the Chair for each committee with members of the RSHQ board and reinstating each committee's prior function to monitor the effectiveness of legislation, standards, guidelines and regulations.

Land Access Ombudsman

The amendments to the MEROLA Act, LAO Act and CQ Act support the continued operation and expansion of the LAO as an independent coexistence institution, while repealing the industry levy and cost recovery funding model.

Queensland's coexistence framework seeks to balance the rights and interests of resource authority holders with those of landholders so that resource activities can occur alongside agricultural activities and other land uses. The framework is supported by coexistence institutions including Coexistence Queensland (CQ), the Office of Groundwater Impact Assessment and the LAO.

The LAO was established to provide a free and independent service to investigate and resolve disputes relating to alleged breaches of conduct and compensation agreements and make good agreements, where contractual dispute resolution mechanisms have been exhausted. This role was created in response to the absence of an effective and accessible pathway for resolving disputes outside court processes, which can be costly and adversarial.

The MEROLA Act expands the functions of the LAO to include voluntary dispute resolution during the negotiation and renegotiation of agreements and broadens the range of agreements that may be investigated. It also provides for the transition of the LAO to a statutory body with an advisory council and proposes that the office be funded through an industry levy and cost recovery fees.

Concerns were raised by the resources industry about the cost impacts associated with the proposed funding model, particularly in the context of increasing regulatory and operational costs and uncertainty regarding demand for the expanded services of the LAO. In response, the government determined that the LAO should be retained and strengthened through the implementation of the expanded functions, but that the industry levy and cost recovery provisions should be repealed and government funding should continue.

The Bill also refines governance arrangements by providing that the appointed membership of CQ is taken to be the LAO advisory council and the chief executive officer of CQ is taken to be the LAO. These arrangements are intended to maintain separate independent entities, while drawing on an existing body with relevant qualifications and expertise.

Legislative amendment is required to repeal the industry funding model, revise advisory council arrangements, amend appointment and delegation provisions in the LAO Act and change commencement of remaining MEROLA Act provisions so that these take effect on 1 July 2026.

Mineral Resources Act

The Bill replaces map-based requirements with spatial data to reflect modern methods of proving this information. It also removes the requirement to lodge a renewal application within a period, or within a period approved by the Minister, before the expiry date. The renewal provisions also clarify that a mining tenement continues in force where a renewal application has not been decided before the expiry date. Finally, the Bill amends the MRA to introduce a statutory requirement of a show cause process to provide natural justice before cancelling a mining tenement for unpaid rent.

Achievement of policy objectives

To achieve its objectives, the Bill proposes to amend the:

- RSHQ Act, CMSHA and the MQSHA to abolish the role of the Commissioner and establish a five-member board with oversight and governance responsibilities for RSHQ. It will also reinstate a function of the CMSHAC and the MSHAC to review and provide advice on legislation, standards and guidelines directly to the RSHQ board.
- MEROLA Act, LAO Act and CQ Act to support the continuation of the expansion of the LAO's remit and transition to a statutory body while repealing the industry-funded levy and cost recovery fees. It will also establish that the membership of CQ appointed under the CQ Act are the LAO advisory council and CQ's chief executive officer (CQ CEO) as the LAO.
- MRA to update regulatory processes and streamline administrative requirements. The amendments include replacing the requirement for map lodgement with spatial data; introducing a statutory requirement for a show cause process before action is taken for non-payment of rent; removing the requirement for Ministerial approval for lodgement of a renewal application within 3 months or in a shorter period prior to expiry; and clarify continuation arrangements for renewal applications so mining tenements remain in force while applications are decided.

Amendments to implement outcomes of the Queensland Resources Safety and Health Review

The amendments to the RSHQ Act, implement the government's response to Recommendation 1 of the Review by establishing a governing board. This Bill achieves this by:

- establishing the functions, membership and business of the RSHQ board
- introducing transitional provisions to facilitate ongoing legal and administrative continuity across the resources safety and health system.

The RSHQ Act is also amended to repeal the role of the Commissioner, to align with the government's response to Recommendation 2.

Amendment to the CMSHA and MQSHA make consequential amendments arising from the repeal of the Commissioner role and the establishment of the RSHQ board. The amendments also expand the function of the CSMHAC and MSHAC to include the review of legislation, standards and guidelines.

Revised expanded remit of the LAO

Currently the LAO Act provides for the establishment and functions of the LAO. The MEROLA Act expanded the functions of the LAO, introduced an industry funding model and established the LAO as a statutory body. These amendments are due to commence on 19 June 2026. This Bill achieves its objectives by amending the MEROLA Act, LAO Act and CQ Act to:

- repeal provisions establishing an industry levy, cost recovery fees and supplementary fees
- provide that the appointed membership of CQ are taken to be the LAO advisory council
- remove advisory council functions linked to the former funding model
- repeal advisory council appointment and procedural provisions that are no longer required
- provide that the CQ CEO is taken to be the LAO
- amend delegation provisions to support operational separation of the dual CQ CEO and LAO roles
- amend commencement so that the relevant provisions commence on 1 July 2026.

This approach preserves access to a free and independent dispute resolution service, avoids imposing additional costs on industry and supports governance arrangements appropriate for a statutory body operating independently of the regulator.

Procedural and administrative amendments to the MRA

The Bill amends the MRA to modernise requirements to provide maps with spatial data instead, reflecting contemporary technological practices.

The Bill also amends renewal application provisions for all mining tenements by removing the requirement for a minimum lodgement timeframe and ministerial approval of a shorter period, reducing unnecessary administrative constraints and burden.

Further, the Bill introduces a statutory show cause process before mining tenement cancellation is considered by the Minister for unpaid rent.

Lastly, the Bill amends the MRA to clarify that a mining tenement continues in force after its expiry date where an application for renewal has been made but not decided before its expiry date.

Alternative ways of achieving policy objectives

There are no viable ways of achieving the policy objectives to implement the RSHQ or LAO reforms and the identified efficiency improvements for mining tenements.

Establishing a governing board can only be achieved through changes to the RSHQ Act, as this Act currently sets out RSHQ's governance structure, powers, and the reporting relationships between the RSHQ CEO and the Minister. There is no alternative mechanism to lawfully create the governing board. It must be expressly provided for in legislation to be valid and enforceable. Legislative amendment is required to abolish the statutory role of the Commissioner.

The repeal of the industry funding model in the MEROLA Act, the implementation of revised governance arrangements and the commencement of expanded functions require legislative amendment and cannot be achieved through administrative means.

With regards to the efficiency for mining tenements, the issues addressed by the Bill arise from limitations and deficiencies within the MRA itself, including impractical provisions, outdated requirements and the absence of express statutory processes. These matters cannot be effectively resolved through administrative or operational measures alone and require legislative amendment to provide clarity, certainty and consistent application.

Estimated cost for government implementation

Resources Safety and Health Queensland

The costs associated with implementing the RSHQ board will be managed within RSHQ's existing funding arrangements.

The cost of the RSHQ board will be based on the Remuneration Procedures for Part-Time Chairs and Members of Queensland Government Bodies. Board members appointed as Chairs of the CSMHAC and the MSHAC will not be remunerated, as committee members are not presently remunerated, and there is not an intention to introduce remuneration for committees pursuant to these reforms.

The 2024–25 Annual Report for the Commissioner for Resources Safety and Health identified a total operating expenditure of approximately \$2.3 million, largely comprising employee expenses, supplies and services, and administrative support for the statutory advisory committees. With the discontinuation of the Commissioner role, direct savings will arise from the cessation of remuneration and office overheads. Existing staff and support arrangements for the advisory committees will be retained or repurposed within RSHQ.

Land Access Ombudsman

The LAO will continue to be funded by government. The current annual funding allocation of approximately \$622,000 will support ongoing operations and the implementation of expanded functions.

Costs associated with transitioning to a statutory body will be managed through co-location and cost sharing arrangements with CQ, which has established corporate services and systems to minimise costs associated with the transition to a statutory body. Existing staffing resources will be retained, and no additional staffing is proposed at this time.

While demand for the expanded services cannot be predicted, current funding is considered appropriate having regard to historical demand and the early stage of implementation. Any future change in resourcing requirements will be addressed through standard state budget processes.

Consistency with fundamental legislative principles

The amendments have been drafted with due regard to the fundamental legislative principles (FLPs) in section 4 of the *Legislative Standards Act 1992* (LSA).

The Bill is generally consistent with FLPs; however, the amendments that impact upon these principles are outlined below.

Legislation should have sufficient regard to the rights and liberties of individuals – LSA section 4(2)(a) and (3)

Establishment of statutory roles without appointment

The Bill establishes statutory roles with functions and powers but does not provide for an appointment of a person to the role in the usual way (i.e. being appointed by the Governor in Council or a Minister). Legislating that statutory positions are deemed to be statutory positions under another Act could be perceived as allowing the delegation of administrative power inappropriately.

Clause 19, new section 9 provides that there is to be a LAO and that the LAO is the CQ CEO.

Similarly, new section 12 provides that if a person is appointed to act in the office of CQ CEO under the CQ Act, the person is taken to also be acting as the LAO under the LAO Act. And clause 23, new section 31C provides that the chairperson of the LAO advisory council is the chairperson of CQ and the other members of the LAO advisory council are the other members of CQ.

The amendments in clauses 19 and 23 are justifiable as any impacts to the rights and liberties of the LAO, acting LAO and advisory council members are mitigated through the reliance on existing provisions applying to the CQ CEO, acting CQ CEO and CQ members, under the CQ Act, which provides a process of appointment in a usual way.

Removal from office without cause

The Bill includes provisions that will see office holders of statutory positions deemed to be removed from the position should the holder be removed from their dual role they have been appointed to under another act. These provisions may impinge on an FLP on the grounds that legislation makes rights and liberties dependent on administrative power that is not sufficiently defined or subject to appropriate review; and is inconsistent with principles of natural justice.

Clause 19, new section 11 provides that if the CQ CEO is removed from office under the CQ Act, the person stops holding office as the LAO under the LAO Act. This provision allows the LAO to be removed from office without cause, including in circumstances where there are no issues with the ombudsman's performance under the LAO Act.

Similar to this is clause 23, new section 31F which provides that if a person resigns as a member of CQ or is removed from office as a member of CQ under the CQ Act, the person stops holding office as a member of the advisory council under the LAO Act.

Amendments in clauses 19 and 23 are justifiable as any impacts to the rights and liberties of the LAO and advisory council members are mitigated through existing provisions applying to the CQ CEO and CQ members under the CQ Act, which provides a process of removal in a usual way. In addition, any employment of the CQ CEO, or appointment of the CQ members, under the existing CQ Act, is at the discretion of CQ or the Governor in Council, and any person who accepts the positions, would be aware that their employment or appointment may end at any time without reason.

Clause 81 of the Bill inserts new section 58 into the RSHQ Act which provides that the Governor in Council may, at any time, remove a member of the board from office on the recommendation of the Minister, for any reason or none. New sections 19 and 39 under clauses 72 and 80 take the same approach when removing the CEO of RSHQ from office, or executive officer of the employing office, which is by Governor in Council on the recommendation of the Minister for any reason or none.

These provisions may impinge on the rights and liberties of individuals as legislation should be dependent on administrative power that is sufficiently defined or subject to appropriate review. For example, if an appointee commits to perform the functions of these offices has given up other employment opportunities or changed geographical location, a dismissal without justification may represent a loss of individual rights and liberties.

The potential impact on this FLP is mitigated through the legislation being clear and transparent that these appointments may be ended for any reason. Any person who accepts the positions, would be aware that their appointment may end at any time without reason.

End appointment of acting land access ombudsman

Clause 27, new section 74(3) provides that no compensation is payable to a person whose appointment as acting LAO ended on commencement. This provision will negatively affect an individual's property rights, in this case, the right to be remunerated for the full term of the individual's appointment.

This provision may impinge on the FLP that legislation has sufficient regard to the rights and liberties of individuals. However, the amendments in clause 27 are considered justifiable as they are necessary to give effect to the government's intent that the CEO of CQ is to be the LAO from commencement, and the clause does not affect the substantive employment rights of a person acting as LAO immediately before commencement.

Legislation should have sufficient regard to institute of Parliament – LSA section 4(4)(a)

Delegation of administrative powers

Clause 26, new section 61(2) provides that the LAO may delegate the function of the ombudsman mentioned in section 16(1)(a) or (b) of the LAO Act to an appropriately qualified contractor of the ombudsman.

This provision may impinge on the FLP that legislation allows the delegation of administrative power only in appropriate cases and to appropriate persons. The amendments in clause 26, new section 61(2) are justifiable because they are limited to contractors who are appropriately qualified to undertake the dispute resolution work of the LAO in section 16(a) or (b) only and will not see all functions of the LAO delegated to contractors external to government. The resolution of disputes will also not be delegated to a contractor for every case referred to the LAO, contractors will be excluded from giving advice, recommendations or reasons about the outcome of an investigation under section 51(6)(b).

Legislation should have regard to parliamentary democracy based on the rule of law – LSA, section 4(1)

Clause 81 of the Bill inserts new section 58 into the RSHQ Act which provides that the Governor in Council may, at any time, remove a member of the board from office on the recommendation of the Minister, for any reason or none. New sections 19 and 39 under clauses 72 and 80 take the same approach when removing the CEO of RSHQ from office, or executive officer of the employing office, which is by Governor in Council on the recommendation of the Minister for any reason or none.

The power of removal without justification may impinge on section 4(1) of the LSA which requires that parliamentary democracy be based on the rule of law, including the separation of powers. Removing office holders for any reason or none may undermine this through the removal of standard dismissal powers which are based on performance and serve to hold appointees accountable to government in their capability to perform the functions of the position, as well as clearly distinguish appointees from government.

However, this potential impingement is justified on the basis that it allows the Minister to make timely recommendations to the Governor-in-Council about the dismissal of these appointees to ensure optimal safety outcomes for resource industry workers.

Human Rights Compatibility

The Bill is compatible with the *Human Rights Act 2019*.

A statement of compatibility will be tabled with the Bill to support the assessment.

Consultation

No public consultation on the amendments relating to the RSHQ Act and MRA has been undertaken. However, engagement has occurred with RSHQ on the proposed governance changes.

No public consultation was undertaken on the LAO related amendments in the MEROLA Act, LAO Act and CQ Act. Legislative amendments have been developed in consultation with CQ and the Office of the LAO.

Consistency with legislation of other jurisdictions

Most Australian states regulate resources safety and health through government departments or regulators embedded within government, without a governing board. Queensland's Resources Safety and Health Queensland, while established as a standalone statutory authority, will be the only jurisdiction that will operate under a board. The only exception is the Commonwealth offshore petroleum regime under the National Offshore Petroleum Safety and Environmental Management Authority, which is board-governed and does not apply to onshore activities.

The Bill relates to Queensland specific coexistence arrangements and is not part of a national or uniform legislative scheme.

Notes on provisions

Part 1 – Preliminary

Short title

Clause 1 provides that, when enacted, the Bill will be cited as the *Resources Safety and Health Queensland and Other Legislation Amendment Act 2026*.

Commencement

Clause 2 prescribes that Parts 3 and 4 commence on 1 July 2026, Part 5 commences on the date of assent and the remaining provisions of the Act commence on a day to be fixed by proclamation.

Part 2 – Amendment of Coal Mining Safety and Health Act 1999

Act amended

Clause 3 provides that part 2 amends the *Coal Mining Safety and Health Act 1999*.

Amendment of s 76 (Primary function of committee)

Clause 4 amends section 76 to amend the primary function of the committee on giving advice and recommendations to the Minister, as well as the board, or both, in recognition of the establishment of the RSHQ board and its functions.

Amendment of s 76A (Other functions of committee)

Clause 5 omits the committee's function to provide information to the Minister about the performance of RSHQ as this will be the requirement of the RSHQ board, who will coordinate the committee advice to the Minister.

Clause 5 also amends section 76A to provide that other functions of the committee include periodically reviewing the effectiveness of the CMSHA, regulations made under the Act, and the guidelines made under the Act. This function reinstates a former function of the committee which was repealed by the RSHQ Act. By reinstating this function, a forum is created to test planned regulatory changes with a committee comprised of representatives of communities most impacted by those changes. The function is important because it gives these representatives the ability to provide considered advice on proposals, developed after discussion and debate.

Amendment of s 77 (Annual report)

Clause 6 amends section 77 to replace reference to the commissioner with reference to the chairperson, in acknowledgement of the repeal of the role of the commissioner, and the replacement of the commissioner as chairperson of the committee with a member of the RSHQ board.

Amendment of s 78 (Membership of committee)

Clause 7 amends section 78 to reflect that the Minister must appoint a member of the RSHQ board, other than its chairperson, to be the chairperson of the committee, and in doing so must consider any advice given about the appointment by the chairperson of the RSHQ board. The purpose of having an RSHQ board member preside over the committee is to embed a direct, clear line of reporting from the committee, through to the RSHQ board, and then finally, to the Minister. This is intended to enhance and streamline the flow of communication from the committee through to the RSHQ board and the Minister.

Amendment of s 250 (Proof of appointments and authority unnecessary)

Clause 8 amends section 250 to replace a reference to the commissioner with reference to the RSHQ board. This is a consequential amendment reflecting repeal of the commissioner and replacement with the RSHQ board.

Amendment of s 251 (Proof of signatures unnecessary)

Clause 9 amends section 251 to replace a reference to the commissioner with reference to the RSHQ board. This is a consequential amendment reflecting repeal of the commissioner and replacement with the RSHQ board.

Amendment of s 252 (Evidentiary aids)

Clause 10 amends section 252 to replace a reference to the commissioner with reference to the RSHQ board. This is a consequential amendment reflecting repeal of the commissioner and replacement with the RSHQ board.

Insertion of new pt 20, div 13

Division 13 Transitional provisions for Resources Safety and Health Queensland and Other Legislation Amendment Act 2026

Clause 11 inserts a new division under part 20 to provide transitional provisions for the implementation of the RSHQ board. These provisions ensure continuity of governance during the transition from the former commissioner role to the new chairperson of the Coal Mining Safety and Health Advisory Committee.

342 Definitions for division

Section 342 defines key terms used in the transitional provisions:

- ‘*former chairperson*’ refers to the commissioner under section 48(1) of the *Resources Safety and Health Queensland Act 2020*.
- ‘*new section 78*’ refers to provisions of the Act as they are in force from the commencement of the *Resources Safety and Health Queensland and Other Legislation Amendment Act 2026*.
- ‘*new chairperson*’ refers to either:
 - the chairperson appointed under the new section 78; or
 - if no chairperson has been appointed at the time of commencement, an inspector nominated by the Minister under section 343(1).

343 Chairperson of committee

Section 343 provides for the appointment of a chairperson for the committee during the transition period if the Minister has not appointed a chairperson under the new section 78 by the commencement date. An inspector nominated by the Minister will act as the chairperson.

344 Continuation of acts and matters

Section 344 provides that any actions taken, or matters started but not completed, by the former chairperson before the commencement date are deemed to have been taken or started by the new chairperson. The new chairperson is also authorised to complete any ongoing matters.

345 Functions and powers

Section 345 provides that any function performed, or power exercised by the former chairperson before the commencement date is deemed to have been performed or exercised by the new chairperson, if the context permits.

346 References to former chairperson

Section 346 provides that any reference to the former chairperson in a document, where it relates to the functions of the chairperson of the committee, may be interpreted as a reference to the new chairperson, if the context permits.

Amendment of sch 3 (Dictionary)

Clause 12 makes amendments to the dictionary to reflect changes made by the Bill. Changes include:

- omitting the definition of ‘*commissioner*’;
- inserting a new definition for ‘*RSHQ board*’; and
- replacing a reference to the commissioner under the definition of ‘*official*’ with a member of the RSHQ board.

Part 3 – Amendment of Coexistence Queensland Act 2013

Act amended

Clause 13 provides that part 3 amends the *Coexistence Queensland Act 2013*.

Amendment of s 9 (Membership of Coexistence Queensland)

Clause 14 inserts a note under section 9 referencing relevant provisions in the LAO Act relating to the members of CQ also holding office as the LAO advisory council.

Amendment of s 30 (Employment of chief executive officer)

Clause 15 inserts a note under section 30 referencing relevant provisions in the LAO Act relating to CQ CEO being the LAO.

Amendment of s 36 (Delegation)

Clause 16 amends section 36 of the CQ Act to address any conflict that is created by the deeming of the CQ CEO to also be a holder of the office of the LAO when undertaking particular functions in the CQ Act.

Section 36 allows for the delegation of the functions of the chairperson of CQ by the chairperson to the CQ CEO or other members. It also provides that CQ may delegate any functions to the CQ CEO or staff of CQ. These delegations support the delivery of the functions of CQ in an efficient manner.

To support the delivery of CQ's functions, the CQ Act also contains powers (sections 23 and 24) for the chairperson to require information or advice from government entities, including the LAO. The delegation provisions under section 36 are amended to address any conflict that may be created by delegating the giving of a notice to the LAO or Office of the LAO by the CQ CEO should the chairperson delegate these powers to the CQ CEO. The chairperson may not delegate these powers.

This section will be amended to include definitions of the LAO and Office of the LAO to support interpretation of the provision. It also renumbers subsections within section 36 because of the amendments.

Part 4 Amendment of Land Access Ombudsman Act 2017

Act amended

Clause 17 states that this part amends the *Land Access Ombudsman Act 2017*.

Amendment of s 4 (How purpose is achieved)

Clause 18 amends section 4 to omit the reference to the appointment of the LAO under the LAO Act. This change reflects that although there is to be an LAO, the office holder is taken to be the LAO because of their role as CQ CEO which is established under the CQ Act. As a result, the reference to the LAO's appointment in this provision is no longer required.

Replacement of pt 2, div 1, sdiv 1 and pt 2, div 1, sdiv 2, hdg

Clause 19 replaces the relevant appointment provisions for the LAO with new provisions (new sections 9, 10, 11 and 12) that establish that the holder of the office of the LAO will be taken to be the CQ CEO who is employed under the CQ Act. As any employment will be of the CQ CEO in accordance with the CQ Act, usual appointment provisions are not required in the LAO Act.

However, the LAO Act will include appropriate deeming provisions relating to the position and provide for remuneration conditions for the office holder of the LAO. This approach relies upon existing governance arrangements under the CQ Act and acknowledges synergies between the two roles.

9 Land access ombudsman

Section 9 provides that the LAO, which is a required statutory role, is taken to be the CQ CEO, explicitly linking the role of the LAO to the CQ CEO. It also includes a reference note to the CQ Act to provide additional clarity on the statutory basis for the role of the LAO.

10 Conditions of office

Section 10 provides remuneration, allowances and terms of office for the LAO as set by the Minister, allowing for the terms of appointment to be adapted to meet the needs of the position. It also clarifies that the remuneration and allowances of the LAO are in addition to a person's remuneration and allowances as CQ CEO; and that the terms and conditions by which the LAO holds office are not affected by the terms and conditions of the person's employment as CQ CEO, other than to the extent provided for in sections 11 and 12 of the Act.

11 Removal from office

Section 11 provides that if the CQ CEO is removed from office under the CQ Act they no longer hold office as the LAO under the LAO Act. The removal decision under the CQ Act, which is made by the CQ members, will not remove the CQ CEO for their conduct as the LAO as the CQ members do not have powers under the LAO Act to do so. This means that decisions on conduct of the office holder will only be made in relation to their role as CQ CEO.

12 Acting land access ombudsman

Section 12 provides that if an acting CQ CEO is appointed, they also hold office as an acting LAO.

Amendment of s 16 (Functions)

Clause 20 amends section 16 to make clear that a function of the LAO applies only to the extent the function is conferred on the ombudsman in the person's capacity as the LAO, not in their capacity as CQ CEO. It also includes a reference note to provide additional clarity on who is the LAO.

Omission of pt 2, div 1, sdiv 3 (Miscellaneous)

Clause 21 omits sections 21 and 22 as consideration of these matters will be through the CQ Act only, which contains similar provisions. Other amendments within the Bill will make clear that should there be an acting CQ CEO, this person will be deemed to be the acting LAO concurrently.

Amendment of s 31 (Alternative staffing arrangements)

Clause 22 amends section 31 to allow for the CQ CEO to make staff or the facilities of CQ available to the LAO. With the Office of the LAO transitioning to a statutory body with an expanded remit, this amendment will enable cost savings to government through the co-location of the office with CQ and the ability to utilise CQ processes and systems to support the operation of the office. The clause also re-numbers all sub-clauses of the provision.

Insertion of new pt 2A

Part 2A Advisory Council

Clause 23 inserts new part 2A – Advisory Council to establish the advisory council for the LAO with its membership being comprised of CQ’s membership (new sections 31A to 31G). It formalises the governance framework for the LAO advisory council by establishing its structure, defining its functions and providing mechanisms for advisory council members.

Deeming the CQ members as the LAO advisory council acknowledges an established and respected coexistence institution with a member structure that is established to provide strategic oversight and input into coexistence outcomes, including matters relating to negotiations between landholders and resource companies. It also promotes efficiency and minimises duplication by leveraging the members expertise and qualification in coexistence matters.

31A Establishment

Section 31A provides for the establishment of the advisory council.

31B Functions

Section 31B provides for the advisory council functions which include monitoring the LAO’s independence, advising the LAO on policy and procedural issues required for the operation of the LAO including: its dealings with resource authority holders and owners or occupiers of private land; providing advice on annual budgets and procedural guidelines; and advising the Minister on the funding of the LAO and matters in relation to its independence.

This provision also clarifies that the council’s functions are limited to its role as the advisory council, ensuring clear delineation of responsibilities for members who also serve as part of CQ.

It also includes a reference note to provide additional clarity on who comprises the advisory council.

31C Members

Section 31C provides for the composition of the advisory council, comprising of a chairperson and up to six other members of CQ who are appointed under the CQ Act.

It also includes a reference note to their appointment provision under the CQ Act.

31D Conditions of office

Section 31D provides for the remuneration and allowances of advisory council members, as determined by the Minister.

The section also provides that the remuneration and allowances are in addition to the current remuneration and allowances already provided to the appointees as chairperson or members of CQ. This ensures that their existing terms and conditions under the CQ Act remain unaffected.

Similarly, the terms and conditions of a person's appointment as chairperson or member of CQ is not impacted by the terms and conditions decided by the Minister, which are not provided for by this Act other than to the extent provided for in section 31E to 31G.

31E Leave of absence

Section 31E applies to a person who is on a leave of absence from their role as a member of CQ which has been approved by the Minister under the CQ Act and provides they are also taken to be on leave as a member of the LAO advisory council.

31F Resignation or removal from office

Section 31F provides that a person who resigns or is removed as a member of CQ under the CQ Act will automatically cease to hold office as a member of the LAO advisory council.

31G Acting chairperson or other member

Section 31G provides that if the Minister appoints an acting chairperson or member of CQ they are also taken to be acting in their respective role of the LAO advisory council.

Amendment of s50 (General powers of land access ombudsman after entering dispute land)

Clause 24 amends section 50 to update the reference to the ombudsman's functions under section 16(1)(a).

Amendment of s 60 (Secrecy)

Clause 25 amends section 60 to ensure that confidentiality provisions are extended to include members of the advisory council and any contractors who are performing their delegated functions under the Act.

Replacement of ss 61 and 62

Clause 26 amends section 61 and 62 to allow the LAO the ability to engage an appropriately qualified contractor to undertake dispute resolution functions and amends the protection from liability provisions to cover contractors under these protections.

61 Delegation

Section 61, which already enables the LAO to delegate any of the ombudsman's functions to an appropriately qualified officer, will be amended to also provide the LAO the ability to delegate to an appropriately qualified contractor investigation and alternate dispute resolution functions to assist the office with dispute resolution workload should it be necessary. It also explicitly prohibits the delegation of the function to contractors relating to the issuing of a notice about the land access dispute.

Additionally, this clause inserts a section definition for functions, which establishes that a reference in this section to function also is taken to include powers of the LAO.

62 Protection from liability

Section 62 will also be amended to provide protection from public liability for any contractors while performing their roles for the LAO. It notes that any civil liability incurred would instead attach to the State.

Insertion of new pt 7, div 3

Division 3 Transitional provisions for Resources Safety and Health Queensland and Other Legislation Amendment Act 2026

Clause 27 inserts a new division 3 in part 7 of the LAO Act to provide transitional provisions for the *Resources Safety and Health Queensland and Other Legislation Amendment Act 2026*.

74 Acting land access ombudsman

New section 74 provides clarity and certainty of the rights and entitlements of the acting LAO in place immediately before the commencement of these provisions, which may be affected by the changes of this Bill. Specifically, it makes clear that the current acting LAO appointed under former section 22 of the *Land Access Ombudsman Act 2017* continues in their role until commencement of the Bill. They are also not entitled to any compensation but are entitled to any rights or entitlements that may have accrued prior to the commencement of the provisions.

The section also provides a definition to clarify the word ‘former’ as it refers to the provision as it was in force immediately before commencement of the amendment.

75 Leave of absence for member of advisory council

New section 75 provides that a CQ member who had a leave of absence approved by the Minister under the CQ Act, in effect at the time of commencement, is taken to be on a leave of absence from office as a member of the advisory council until the leave of absence stops having effect.

76 Acting chairperson or other member of advisory council

New section 76 makes it clear that an acting chairperson or other member of CQ at the time of commencement, is taken to be the acting chairperson of the advisory council, or other member of the advisory council, until their acting appointment under the CQ Act stops having effect.

Amendment of sch 1 (Dictionary)

Clause 28 amends schedule 1 (Dictionary) to omit the definition of ‘appointed’ from the LAO Act. It inserts a new definition for ‘contractor’ to support the delegation of alternate dispute resolution functions to an appropriately qualified contractor. It also inserts a new definition of ‘advisory council’ and ‘Coexistence Queensland’

Part 5 Amendment of the Mineral and Energy Resources and Other Legislation Amendment Act 2024

Act amended

Clause 29 states that this part amends the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*.

Amendment of s 2 (Commencement)

Clause 30 amends section 2 to allow for the provisions not in force from the Act to commence on 1 July 2026. This supports the efficient financial administration of the Office of the LAO.

Amendment of s 48 (Insertion of new pt 2, div 2, sdiv 2 and sdiv 3, hdg)

Clause 31 amends the provision within the MEROLA Act not yet commenced to remove references in section 48 relating to the LAO preparing a budget with the advisory council. Provisions that are being omitted are in relation to cost recovery fees and the Minister requiring a recommendation of the advisory council on budgetary matters. These provisions are no longer necessary as the proposed industry funding model is being removed, and government funding is being reinstated. The amendments also remove the need for the LAO to prepare budget guidelines as they were originally intended for the LAO's industry funded model.

Omission of s 50 (Insertion of new pt 2, div 3 and new pt 2A)

Clause 32 omits section 50 of MEROLA Act.

This omission removes the requirements to have an industry funding model, comprised of an annual levy, cost recovery fees and supplementary fees. The Office of the LAO will be government funded.

Omission of section 50 also removes part 2A which established the advisory council for the purposes of the policy approach taken for the LAO in MEROLA Act. The operation of the advisory council will change under this Bill, with the members of CQ, who are appointed under the CQ Act, taken to also be the LAO advisory council. Along with the removal of the industry funding model, the approach to appointment and focus of the functions of the Advisory Council will be amended.

The revised provisions for the advisory council are included in part 4 of this Bill.

An editor's note has been included to make clear that amendments made to MEROLA Act will ultimately amend the LAO Act.

Amendment of s 67 (Amendment of sch 1 (Dictionary))

Clause 33 amends section 67 omitting the definition of 'advisory council', 'cost recovery fee' and 'prescribed resource authority' from the MEROLA Act. These changes are necessary to support proposed changes made in the Bill.

As the Bill amendment provisions of the LAO Act have not commenced in the MEROLA Act, clause 33 also inserts an editor's note which serves to clarify that the bill will ultimately amend the LAO Act.

Part 6 Amendment of Mineral Resources Act 1989

Act amended

Clause 34 outlines that this part of the Bill amends the *Mineral Resources Act 1989*.

Amendment of s 4B (Notice to local government and chief executive (planning) of particular mining tenements)

Clause 35 replaces the requirement for an entity to include a 'map' of mining tenements in local government areas within their notices with a requirement to provide a note that 'spatial data' is connected to the local government planning scheme in subsection (2)(a). This change reflects the technological mapping advances in notices for mining tenements.

Amendment of s 11 (Mining districts)

Clause 36 amends section 11 to replace reference to 'map' with reference to 'spatial data' which is necessary to accommodate technological mapping advances.

Amendment of s 93 (Renewal of mining claim)

Clause 37 amends section 93 to omit the minimum timeframe of six months for making an application for renewal of a mining claim, allowing holders to make an application for renewal at any time within 12 months of the day of expiry. By doing so, the requirement to seek the Minister's permission for a shorter period than six months is also removed.

Replacement of s 93A (Continuation of claim while application being dealt with)

Clause 38 replaces the existing section 93A with a new section to ensure that the benefit of continuation provided by the section applies to relevant mining claims despite the ending of the term of the mining claim, whether it's a properly made application or whether there has been compliance during the period in which the renewal application is being dealt with. Compliance with the MRA and the mining claim conditions is considered under the existing provision on deciding the renewal application.

Amendment of s 106 (Contravention by holder of mining claim)

Clause 39 amends section 106 to omit the reference to '(other than rental)' which excluded the non-payment of rent from the requirement to issue a notice in writing calling upon the holder to show cause why the mining claim should not be cancelled or a penalty imposed. The clause also omits subsection (2) which provides for the cancellation of a mining claim where the Minister has considered that there has been a failure to pay rent or a penalty imposed for non-payment of rent. Lastly, the clause re-numbers the remaining subsections under section 106 to reflect the omission of subsection (2). These amendments provide a statutory show cause process before consideration is given to cancelling a mining claim for unpaid rent, consistent with other types of non-compliance under section 106.

Amendment of s 147 (Application for renewal of exploration permit)

Clause 40 amends section 147 to omit the minimum timeframe of three months for making an application for renewal of an exploration permit, allowing holders to make an application for renewal at any time within six months before expiry. By doing so, the requirement to seek the Minister's permission for a shorter period than 3 months is also removed.

Replacement of s 147C (Continuation of permit while application being dealt with)

Clause 41 replaces the existing section 147C with a new section to ensure that the benefit of continuation provided by the section applies to relevant exploration permits despite the ending of the term of the exploration permit, whether it's a properly made application or whether there has been compliance during the period in which the renewal application is being dealt with. Compliance with the MRA and the exploration permit conditions is considered under the existing provision on deciding the renewal application.

Amendment of s 160 (Contravention by holder of exploration permit)

Clause 42 amends section 160 to omit the reference to '(other than rental)' which excluded the non-payment of rent from the requirement to issue a notice in writing calling upon the holder to show cause why the exploration permit should not be cancelled or a penalty imposed. The clause also omits subsection (2) which provides for the cancellation of an exploration permit where the Minister has considered that there has been a failure to pay rent or a penalty imposed for non-payment of rent. Lastly, the clause re-numbers the remaining subsections under section 160 to reflect the removal of subsection (2). These provide a statutory show cause process before consideration is given to cancelling the exploration permit for unpaid rent, consistent with other types of non-compliance under section 160.

Amendment of s 197 (Application for renewal of mineral development licence)

Clause 43 amends section 197 to omit the minimum timeframe of six months for making an application for renewal of a mineral development licence, allowing holders to make an application for renewal at any time within six months to the day of expiry. By doing so, the requirement to seek the Minister's permission for a shorter period than six months is also removed.

Replacement of s 197C (Continuation of licence while application being dealt with)

Clause 44 replaces the existing section 197C with a new section to ensure that the benefit of continuation provided by the section applies to relevant mineral development licences despite the ending of the term of the mineral development licence, whether it's a properly made application or whether there has been compliance during the period in which the renewal application is being dealt with. Compliance with the MRA and the mineral development conditions is considered under the existing provision on deciding the renewal application.

Amendment of s 209 (Contravention by holder of mineral development licence)

Clause 45 amends section 209 to omit the reference to “(other than rental)” which excluded the non-payment of rent from the requirement to issue a notice in writing calling upon the holder to show cause why the mineral development licence should not be cancelled or a penalty imposed. The clause also omits subsection (2) which provides for the cancellation of the mineral development licence where the Minister has considered that there has been a failure to pay rent or a penalty imposed for non-payment of rent. Lastly, the clause renumbers the remaining subsection to reflect the omission of subsection (2) from section 209. This provides a statutory show cause process before consideration is given to cancelling the mineral development licence for unpaid rent, consistent with other types of non-compliance under section 209.

Amendment of s 231G (Conditions of mineral development licence (194))

Clause 46 amends section 231G to replace a reference to ‘maps’ with reference to ‘spatial data’, which is necessary to accommodate technological mapping advances.

Amendment of s 252A (Giving and publication of mining lease notice and other information)

Clause 47 amends section 252A to replace a reference to ‘map’ with reference to ‘spatial data’ which is necessary to accommodate technological mapping advances.

Amendment of s 286 (Application for renewal of mining lease)

Clause 48 amends section 286 to omit the minimum timeframe of six months for making an application for renewal of a mining lease, allowing holders to make an application for renewal at any time within one year before expiry. By doing so, the requirement to seek the Minister’s permission for a shorter period than six months is also removed.

Replacement of s 286C (Continuation of lease while application being dealt with)

Clause 49 replaces the existing section 286C with a new section to ensure that the benefit of continuation provided by the section applies to relevant mining leases despite whether it’s a properly made application or whether there has been compliance during the period in which the renewal application is being dealt with. Compliance with the MRA and the mining lease conditions is considered under the existing provision on deciding the renewal application.

Amendment of s 308 (Contravention by holder of mining lease)

Clause 50 amends section 308(1)(b) to omit the reference from ‘thereunder’ to ‘thereof’ and replaces it with ‘under or in respect of the mining lease’ and amends section 308(1)(c) to omit the reference from ‘other’ to ‘or (b)’. These changes no longer exclude the non-payment of rent from the requirement to issue a notice in writing calling upon the holder to show cause why the mining lease should not be cancelled or a penalty imposed. The clause also omits subsection (2) which provides for the cancellation of a mining lease where the Minister has considered that there has been a failure to pay rent or a penalty imposed for non-payment of rent. Lastly, the clause renumbers the remaining subsections to reflect the removal of subsection (2) from section 308. These provide a statutory show cause process before consideration is given to

cancelling the mining lease for unpaid rent, consistent with other types of non-compliance under section 308.

Amendment of s 317J (Initial development plan requirements—proposed mining lease)

Clause 51 amends section 317J to replace a reference to ‘maps’ with a reference to ‘spatial data’, which is necessary to accommodate technological mapping advances.

Amendment of s 317K (Initial development plan requirements—mining lease)

Clause 52 amends section 317K to replace a reference to ‘maps’ with a reference to ‘spatial data’, which is necessary to accommodate technological mapping advances.

Amendment of s 318AAD (Application for grant of mining lease (245))

Clause 53 amends section 318AAD to replace a reference to ‘map’ with a reference to ‘spatial data’, which is necessary to accommodate technological mapping advances.

Amendment of s 318DT (General requirements)

Clause 54 amends section 318DT to replace a reference to ‘map’ with a reference to ‘spatial data’, which is necessary to accommodate technological mapping advances.

Amendment of s 386R (Required way for defining boundary of proposed mining tenement)

Clause 55 amends section 386R to replace a reference to ‘map’ with a reference to ‘spatial data’, which is necessary to accommodate technological mapping advances.

Part 7 Amendment of Mining and Quarrying Safety and Health Act 1999

Act amended

Clause 56 outlines that this part of the Bill amends the *Mining and Quarrying Safety and Health Act 1999*.

Amendment of s 67 (Primary function of committee)

Clause 57 amends section 67 to amend the primary function of the committee on giving advice and recommendations to the Minister, also includes the RSHQ board, or both.

Amendment of s 67A (Other functions of committee)

Clause 58 amends section 67A to provide that other functions of the committee include periodically reviewing the effectiveness of the MQSHA and regulations and guidelines made under the Act. This function reinstates a former function of the committee which was repealed by the RSHQ Act. By reinstating this function, a forum is created to test planned regulatory changes with a committee comprised of representatives of communities most impacted by those changes. The function is important because it gives these representatives the ability to provide considered advice on proposals developed after discussion and debate.

Amendment of s 68 (Annual report)

Clause 59 amends section 68 to replace a reference to the commissioner with a reference to the chairperson reflecting repeal of the commissioner, and replacement with a member of the RSHQ board as chairperson.

Amendment of s 69 (Membership of committee)

Clause 60 amends section 69 to reflect that the Minister must appoint a member of the RSHQ board, other than the chairperson of the RSHQ board, to be chairperson of the committee, and must consider any advice given to the Minister by the chairperson of the RSHQ board in appointing the chairperson of the committee.

Amendment of s 229 (Proof of appointments and authority unnecessary)

Clause 61 amends section 229 to replace a reference to the commissioner with a reference to the RSHQ board. This is a consequential amendment reflecting the repeal of the commissioner and replacement with the RSHQ board.

Amendment of s 230 (Proof of signatures unnecessary)

Clause 62 amends section 230 to replace a reference to the commissioner with a reference to the RSHQ board. This is a consequential amendment reflecting repeal of the commissioner and replacement with the RSHQ board.

Amendment of s 231 (Evidentiary aids)

Clause 63 amends section 231 to replace a reference to the commissioner with a reference to the RSHQ board. This is a consequential amendment reflecting repeal of the commissioner and replacement with the RSHQ board.

Insertion of new pt 20, div 9

Division 9 Transitional provisions for Resources Safety and Health Queensland and Other Legislation Amendment Act 2026

Clause 64 inserts a new division into part 20 to provide transitional provisions for the implementation of the RSHQ board. These provisions ensure continuity of governance during the transition from the former commissioner role to the new chairperson of the Mining Safety and Health Advisory Committee.

303 Definitions for division

Section 303 defines key terms used in the transitional provisions:

- ‘*former chairperson*’ refers to the commissioner under section 48(1) of the *Resources Safety and Health Queensland Act 2020*.
- ‘*new section 69*’ refers to provisions of the Act as they are in force from the commencement of the *Resources Safety and Health Queensland and Other Legislation Amendment Act 2026*.

- ‘*new chairperson*’ refers to either:
 - the chairperson appointed under the new section 69; or
 - if no chairperson has been appointed at the time of commencement, the inspector nominated by the Minister under section 304(1).

304 Chairperson of committee

Section 304 provides for the appointment of a chairperson for the Mining Safety and Health Advisory Committee during the transition period. If the Minister has not appointed a chairperson under the new section 69 by the commencement date, an inspector nominated by the Minister will act as the chairperson.

305 Continuation of acts and matters

Section 305 provides that any actions taken, or matters started but not completed, by the former chairperson before the commencement date are deemed to have been taken or started by the new chairperson. The new chairperson is also authorised to complete any ongoing matters.

306 Functions and powers

Section 306 provides that any function performed, or power exercised by the former chairperson before the commencement date is deemed to have been performed or exercised by the new chairperson, where the context permits.

307 References to former chairperson

Section 307 provides that any reference to the former chairperson in a document, where it relates to the functions of the chairperson of the committee, may be interpreted as a reference to the new chairperson, where the context permits.

Amendment of sch 2 (Dictionary)

Clause 65 makes amendments to the dictionary to reflect changes made by the Bill. Changes include:

- omitting the definition of ‘*commissioner*’;
- inserting a new definition for ‘*RSHQ board*’; and
- replacing a reference to the commissioner under the definition of ‘*official*’ with a member of the RSHQ board.

Part 8 Amendment of Resources Safety and Health Queensland Act 2020

Act amended

Clause 66 provides that this part of the Bill amends the *Resources Safety and Health Queensland Act 2020*.

Amendment of long title

Clause 67 amends the long title of the Bill to remove reference to the commissioner and insert a reference to ‘establish an employing office’.

Amendment of s 4 (Main purposes)

Clause 68 amends section 4 to omit reference to the commissioner and insert reference to establishing the board under the main purposes of the Act.

Amendment of s 7 (Membership)

Clause 69 amends section 7 to insert that RSHQ also consists of the board.

Amendment of s 14 (Appointment)

Clause 70 amends section 14 to provide that the chief executive officer of RSHQ (RSHQ CEO) is appointed by the Governor in Council on the recommendation of the Minister. In recommending a person for appointment, the Minister must have regard to the nomination of a suitable candidate by the RSHQ board under new section 27A.

The clause also re-numbers all sub-clauses of the provision.

Amendment of s 16 (Criminal history report)

Clause 71 amends section 16 to include the RSHQ board in addition to the Minister as having authority to request a criminal history report for the RSHQ CEO candidate.

Replacement of s 19 (Removal by Governor in Council)

Clause 72 replaces section 19 with a new section which enables the Governor in Council to, at any time, remove the RSHQ CEO from office on the recommendation of the Minister. The Minister may recommend the removal of the RSHQ CEO for any reason or none. This section does not limit the Governor in Council's power under the *Acts Interpretation Act 1954* section 25, ensuring contractual entitlements are preserved.

Amendment of s 22 (Conflicts of interest)

Clause 73 amends section 22 to include the RSHQ board in addition to the Minister, to whom the RSHQ CEO must disclose any conflict of interest.

Amendment of s 23 (Functions)

Clause 74 amends section 23 to replace subsection (1) to provide that the RSHQ CEO has the function of managing the organisational unit under the control of the RSHQ CEO. This is necessary as the RSHQ board has the function of ensuring RSHQ performs its functions and exercises its powers in a proper, effective and efficient way.

Insertion of new s 24A

24A Relationship between CEO and Board

Clause 75 inserts new section 24A, which is required to establish a clear relationship between the CEO RSHQ and the RSHQ board as it is essential to ensure effective governance of RSHQ. The RSHQ board provides strategic direction and oversight, ensuring that the organisation operates in line with its objectives and complies with legislative and policy requirements. By

reporting to the RSHQ board, the RSHQ CEO is accountable for the day-to-day management of RSHQ, allowing operational decisions to be made efficiently while keeping the RSHQ board informed of progress and risks. This arrangement ensures that the RSHQ board can focus on governance and strategy, while also being able to provide informed advice and recommendations to the Minister.

Subsection (1) provides that in performing the CEO's functions under the RSHQ Act, the RSHQ CEO must give effect to any policy or direction of the RSHQ board relevant to the function.

Subsection (2) provides that the RSHQ CEO must act independently of the RSHQ board when making a decision under section 67, as a decision under this section is not a decision pertaining to overarching policies of RSHQ, or the guidance and leadership of RSHQ, and as such it is not a function that falls within the RSHQ board's purview.

Subsection (3) provides that the RSHQ CEO must also report regularly to the RSHQ board on the administration of the RSHQ Act and at the request of the RSHQ board, provide the RSHQ board with a report on a particular subject relevant to the RSHQ board's functions.

Insertion of new s 27A

27A Nomination of suitable candidate for CEO by board

Clause 76 inserts new section 27A, which provides the RSHQ board must identify and nominate a suitable candidate for the office of the RSHQ CEO and give the Minister the candidate's name. The candidate must have suitable qualifications for the Minister to recommend the candidate to the Governor in Council for appointment as RSHQ CEO.

Amendment of s 28 (Annual report)

Clause 77 amends section 28 to require the RSHQ annual report to include details of each statement of expectations given by the Minister under section 63 during the relevant financial year, as well as the action taken by the RSHQ board or RSHQ in response to those statements. This amendment strengthens transparency and accountability by clearly reporting how ministerial expectations have been addressed.

Amendment of s 30 (Employing office represents the State)

Clause 78 amends section 30 to omit the word 'status'. This corrects a drafting error in the wording of the provision which mistakenly conferred the employing office with the status of the state, when in fact this was not the legislative intention behind the provision.

Amendment of s 35 (Appointment)

Clause 79 replaces section 35(2) to enable the Governor in Council to appoint an executive officer of the employment office, on the recommendation of the Minister.

Replacement of s 39 (Removal by Governor in Council)

Clause 80 replaces section 39 with a new section which enables the Governor in Council to, at any time, remove the executive officer from office on the recommendation of the Minister. The Minister may recommend the removal of the executive officer for any reason or none. This

section does not limit the Governor in Council's powers under the *Acts Interpretation Act 1954* section 25, ensuring contractual entitlements are preserved.

Replacement of pt 4 (Commissioner for Resources Safety and Health)

Clause 81 omits the establishment of the commissioner and inserts new Part 4 which establishes the RSHQ board.

Part 4 Resources Safety and Health Queensland Board

Division 1 Establishment

48 Establishment

Section 48 provides that the RSHQ board is established.

Division 2 Functions and powers

49 Functions

Section 49 provides the functions of the RSHQ board. The RSHQ board is responsible for the strategic direction and oversight of RSHQ. Its functions include setting strategies and operational, administrative and financial policies, ensuring RSHQ performs its functions and exercises its powers effectively and efficiently. This function does not include operational or administrative policies dealing with the safety and health regulatory frameworks.

The RSHQ board provides leadership and guidance to the RSHQ CEO and relevant committees, manages their performance through key performance expectations and indicators, and nominates a suitable candidate for appointment as RSHQ CEO.

The RSHQ board advises the Minister on safety and health matters in the resources sector, responds to ministerial requests for advice, including for example on RSHQ's strategic direction, and provides advice on filling vacancies for CSMHAC and MSHAC chairpersons.

The RSHQ board may seek advice from committees, ensure that advice is appropriately considered, and maintain effective information-sharing arrangements. It also engages with industry and workforce representatives and monitors, reviews and reports to the Minister on the performance of RSHQ, the RSHQ CEO and the committees.

The RSHQ board also has functions conferred under the RSHQ Act or another Act.

50 Powers

Section 50 provides that the RSHQ board has all the powers to do anything necessary or convenient to be done in the performance of its functions. It also provides that anything done in the name of, or for, RSHQ by the RSHQ board, or with the authority of the RSHQ board, is taken to have been done by RSHQ.

Division 3 Membership

51 Appointment

Section 51 provides for the appointment of members of the RSHQ board. The RSHQ board is to consist of no more than five members appointed by the Governor in Council on the recommendation of the Minister.

The section requires the Minister to consider that the RSHQ board, as a whole, has an appropriate mix of knowledge and experience necessary for the effective governance and regulation of resources safety and health. This includes expertise in governance, risk and assurance; safety and health regulation across the mining, petroleum and gas, and explosives industries; stakeholder engagement; investigations and enforcement; occupational health, hygiene and psychosocial hazards; organisational effectiveness, culture and regulatory performance; and financial management and strategic oversight.

This mix of knowledge and experience may be met by different members, and a single member may satisfy more than one category of knowledge and experience.

The section further clarifies that RSHQ board members are appointed under the RSHQ Act rather than the *Public Sector Act 2022*.

52 Disqualification as member

Section 52 sets out the circumstances in which a person is disqualified from being appointed as, or continuing as, a member of the RSHQ board. A person is disqualified if they have a recorded conviction, other than a spent conviction, for an indictable offence; are an insolvent under administration; are disqualified from managing a corporation under part 2D.6 of the *Corporations Act 2001*; are an employee or contractor of RSHQ or the employing office; or contravene section 62.

53 Conditions of appointment

Section 53 outlines the conditions of appointment. Members will receive remuneration and allowances decided by the Governor in Council. For matters not provided for by the RSHQ Act, a member will hold office under terms and conditions that are decided by the Governor in Council.

54 Term of appointment

Section 54 provides that the term of appointment of a member is the term of not more than four years as stated in the member's instrument of appointment. The member's appointment will end if during their term, the person is disqualified under section 52.

55 Chairperson

Section 55 provides for the appoint of the chairperson of the RSHQ board. The chairperson is appointed by the Governor in Council on the recommendation of the Minister. In recommending a member as chairperson, the Minister must ensure the member has advanced knowledge or experience of governance, risk and assurance, and stakeholder engagement with government, industry and workforce representatives.

The person may be appointed as chairperson at the time they are appointed as a member. The chairperson holds office for the term, ending no later than the person's term of appointment as a member, as stated in the person's instrument of appointment. An appointment as chairperson automatically ends if the person ceases to become an RSHQ board member.

56 Deputy chairperson

Section 56 provides for the appointment of the deputy chairperson of the RSHQ board. Appointing a deputy chair provides continuity and stability in the board's leadership. The deputy chair can act in the chair's absence, ensuring that board meetings and decision-making processes continue smoothly without disruption. The deputy chairperson is appointed by the Governor in Council on the recommendation of the Minister. The deputy chairperson must act as chairperson whenever the chairperson's office is vacant, or when the chairperson is absent from duty or, otherwise unable to perform their duties.

A person may be appointed as the deputy chairperson at the same time they are appointed as an RSHQ board member. The deputy chairperson holds office for the term that ends no later than their term as a member, as stated in the instrument of appointment. The appointment as deputy chairperson automatically ends if the person ceases to be an RSHQ board member.

57 Resignation

Section 57 provides for resignation of members of the RSHQ board. A member may resign by signed notice given to the Minister. A member may also resign the office of chairperson or deputy chairperson by signed notice given to the Minister. The resignation takes effect on the day the notice is given or if a later day is stated in the notice, on the later day. A person resigning from the office of chairperson or deputy chairperson may continue to be a member.

58 Vacancy in office

Section 58 provides that the office of a member becomes vacant if the member completes a term of office and is not reappointed, is disqualified from office, resigns from office, or is removed from office by the Governor in Council. This section also provides that the Governor in Council may remove the member from office on the recommendation of the Minister, and that the Minister may recommend removal of the member for any reason or none.

Division 4 Business

59 Conduct of business

Section 59 provides that subject to this division and any requirement prescribed by regulation, the RSHQ board may conduct its business, including its meetings, in the way it considers appropriate.

60 Meetings

Section 60 provides the requirements for RSHQ board meetings. The RSHQ board may hold its meetings when it decides but must meet at least four times a year. The chairperson may call an RSHQ board meeting at any time and must call a board meeting if asked by at least two of the other members. The chairperson presides at all RSHQ board meetings unless absent, in

which case the deputy chairperson presides. If both the chairperson and the deputy chairperson are absent, the member chosen by the members present at the RSHQ board meeting presides.

At a board meeting the number of members that is half the members appointed at the time of the meeting (rounded up) constitutes a quorum. A question is to be decided by a majority of votes of the members present and voting at the meeting. Each member has one vote on any question arising for decision and, if the votes are equal, the member presiding at the meeting has a casting vote. The RSHQ board must keep minutes of its meetings.

61 Committees

Section 61 permits the RSHQ board to establish one or more committees to provide advice and make recommendations on specific matters, such as finance and audit, risk, regulatory practice, people and culture, or stakeholder engagement.

The RSHQ board decides who will serve on each committee, which may include, for example, RSHQ board members and may appoint one member as the chairperson. The document establishing the committee must set out its terms of reference, any procedures the committee is required to follow, and the composition of its membership.

The RSHQ board may amend the committee's establishment document at any time. RSHQ must publish a copy of the document establishing the committee and any amendments on a Queensland Government website.

62 Disclosure of interests

Section 62 provides for disclosure of interests of members. This section applies if the member has an interest in an issue being considered, or about to be considered, by the RSHQ board and the interest conflicts or may conflict with the proper performance of the member's duties about the consideration of the issue. After the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a board meeting.

Unless the RSHQ board otherwise directs, the member must not be present when the board considers the issue or take part in a decision of the board about the issue. The member must not be present when the board is considering whether to give the direction. If there is another person who must also disclose an interest in the issue, the other person must not be present when the RSHQ board is considering whether to give the direction or take part in making the decision about giving the direction.

If a member is not present at the board meeting for considering or deciding the issue or whether to give the direction, the remaining members present at the meeting are a quorum of the board for considering or deciding the issue or whether to give the direction. If there are no members who may remain present for considering or deciding the issue, the Minister may consider and decide the issue. The disclosure must be recorded in the RSHQ board's minutes.

Division 5 Role of Minister

63 Statement of expectations

Section 63 provides that the Minister may give the RSHQ board a written statement of expectations about the Minister's expectations for the performance of the RSHQ board's

functions. The statement of expectations may state a particular period for which the statement applies and provides for the nature and scope of the RSHQ board's activities for a particular period. RSHQ must publish a copy of the statement of expectations and any amendments to the statement on a Queensland Government website. The RSHQ board must have regard to the statement of expectations in performing its functions.

Insertion of new pt 7

Part 7 Transitional provisions for Resources Safety and Health Queensland and Other Legislation Amendment Act 2026

Clause 82 inserts a new part 7 to provide transitional provisions for the implementation of the RSHQ board. These provisions ensure continuity of governance during the transition from the former commissioner role to the RSHQ board.

72 Definitions for part

Section 72 provides definitions for this part:

- '*former commissioner*' has the meaning in new section 74(1).

73 CEO appointed before commencement

Section 73 applies to a person who was appointed as RSHQ CEO before commencement under former section 14 immediately before the commencement. This section provides that the person continues as RSHQ CEO under new section 14 on the same terms of appointment that applied before the commencement.

However, new section 19 which allows the Governor in Council to remove the RSHQ CEO on recommendation of the Minister, applies to this person despite any contract or other document or another law. No compensation is payable because of this provision. This does not affect any benefits or entitlements that the person had already accrued under their instrument of appointment before the removal.

The section also provides definitions for the section including:

- '*former*', means the provisions 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

Section 74 provides that the office of Commissioner for Resources Safety and Health is abolished on commencement. No compensation is payable because of this provision. This does not affect any benefits or entitlements that the person had already accrued under their instrument of appointment before commencement.

75 Board successor in law of former commissioner

Section 75 provides that the RSHQ board is the successor in law of the former commissioner. This is to give effect to the transfer of the former commissioner's functions to the RSHQ board.

76 Continuation of acts and matters

Section 76 provides that anything done or started but not completed under the RSHQ Act by the former commissioner before the commencement is, if the context permits, taken to have been performed, or exercised, by the RSHQ board. This is to give effect to the transfer of the former commissioner's functions to the RSHQ board.

77 Functions and powers

Section 77 provides that a function performed, or power exercised, under the RSHQ Act by the former commissioner before the commencement is, if the context permits, taken to have been performed, or exercised, by the RSHQ board.

78 Assets and liabilities

Section 78 provides that on the commencement, the assets and liabilities of the former commissioner immediately before the commencement become the assets and liabilities of the RSHQ board.

79 Records and other documents

Section 79 provides that on commencement, the records and other documents of the former commissioner immediately before the commencement become the records and other documents of the RSHQ board.

80 Contracts, agreements, undertakings and other arrangements

Section 80 applies in relation to a contract, agreement, undertaking or arrangement to which the former commissioner was a party immediately before the commencement and that is still in effect on the commencement. On the commencement, the RSHQ board becomes a party to the contract agreement, undertaking or arrangement in place of the former commissioner.

81 Proceedings not yet started

Section 81 applies if, immediately before the commencement, a proceeding could have been started by or against the former commissioner with a particular period. The proceeding may be started by or against the RSHQ board within the period.

82 Current proceedings

Section 82 applies to a proceeding that, immediately before the commencement, has not ended and to which the former commissioner was a party. On the commencement, the RSHQ board becomes a party to the proceeding in place of the former commissioner.

83 References to former commissioner

Section 83 provides guidance on interpreting references to the former commissioner in documents. Depending on the context, a reference to the former commissioner may be read as referring to: the RSHQ board, where it relates to advisory, governance, or reporting functions; the RSHQ CEO, where it relates to administrative or operational matters; the chairperson of CMSHAC, where it relates to the former commissioner's role as chair of that committee; or

the chairperson of MSHAC, where it relates to the former commissioner's role as chair of that committee.

Amendment of sch 1 (Dictionary)

Clause 83 makes amendments to the dictionary to reflect changes made by the Bill. Changes include:

- Omitting the definition of '*commissioner*';
- Inserting a new definition for '*board*' referring to section 48;
- Inserting a new definition for '*member*' meaning a member of the RSHQ board.