

# PIRC - Submission - Resources Safety and Health Queensland and Other Legislation Amendment Bill 2026

**Submission No:** 002

**Submission By:** The Australian Workers' Union, Queensland Branch

**Publication:** Making the submission and your name public

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16 March 2026

The Committee Secretary  
Primary Industries and Resources Committee  
Parliament House

By email: [PIRC@parliament.qld.gov.au](mailto:PIRC@parliament.qld.gov.au)

Dear Secretary,

## Re: Submission to the Primary Industries and Resources Committee

The Australian Workers' Union ("AWU") makes this submission to the Primary Industries and Resources Committee ("Committee") in response to the Committee's call for submissions in respect of the Resources Safety and Health Queensland and Other Legislation Amendment Bill 2026 ("Bill").

Please find below the AWU's position in relation to the Bill.

### The AWU

The Australian Workers' Union, Queensland Branch represents all workers in the metalliferous mining and quarrying industries.

### Primary comments

The AWU notes that the Review of the Queensland Resources Safety and Health Regulatory Model Report ("the Report") recommended that "the existing resources safety and health regulatory model be amended by the establishment of a governing board to oversee RSHQ, the [Commissioner] role, and the Advisory Committees."

However, the Government has determined to abolish the Commissioner role and replace many of the functions of that role with the Resources Safety and Health Queensland Board ("the Board") under the *Resources Safety and Health Queensland Act 2020* ("RSHQ Act").

The AWU's primary concerns relates to the proposed operation of the Board.

### The Board

Proposed section 49 outlines the functions of the Board.

**Stacey Schinnerl, Secretary**  
The Australian Workers' Union of Employees, Queensland

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**Stacey Schinnerl, Branch Secretary**  
The Australian Workers' Union, Queensland Branch

The AWU's primary concern is the lack of an equivalent provision in new section 49, to the current section 58(3), ensuring the Board must act "independently, impartially and in the public interest", as was imposed on the Commissioner.

Though we note section 4 of the RSHQ Act will remain undisturbed, given that the Board is charged with determining the direction of RSHQ and is not also specifically charged with independence and acting in the public interest, this is of concern.

Without such a provision, under new section 50, the Board is empowered to do whatever is necessary or convenient in the performance of its functions, without regard to the public interest in the furtherance of the goal of safety within the sectors.

We can only assume this was removed for a certain reason or was a grave oversight.

The AWU submit that a similar provision to section 58(3) be inserted to address this concern.

This absence influences all other functions, including for example proposed section 49(1)(j) concerning the consideration of information received from committees. If there is no requirement for the Board to impartially consider such information, how can parties be satisfied that there has been no exercise of discretion influenced by some other interest the Board may have. Given that the committee is at least tri-partite, how are the advice and recommendations to be assessed?

We also note the current section 58(1)(d), directs the Commissioner to engage with representatives about "promoting and protecting the safety and health of persons (ie. workers)." This is in opposition to the proposed section 49(1)(l), which reframes the Board's engagement with representatives to "about matters relating to safety and health."

The redrafting of this provision to remove focus from promotion of safety, and the direct mention of "persons (ie.workers)" is concerning as it may indicate an attitudinal shift in focus between the role of the Commissioner and the role of the proposed Board and the interests it is seeking to represent and consider when determining the direction of RSHQ.

### *Deciding the policies of RSHQ*

We note the Board is invested with the power to decide the strategies and the operational, administrative and financial policies to be followed by RSHQ.

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**The Australian Workers' Union of Employees, Queensland**

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The AWU has concerns that this broad oversight regarding operational, administrative and financial policies, may lead to the Board exercising its powers in a way that may not be in the best interests of safety of persons in the industries.

In relation to enforcement, the Board would have the power to determine that applying the carrot and not the stick approach to recalcitrant operators may be the best way to improve compliance, and enforcement of safety issues may fall to the wayside.

Another example could be, currently, the CEO of RSHQ can undertake an investigation into industrial manslaughter cases under Part 14, Division 2 of the MQSH Act. The AWU has concerns that by operation of the proposed provisions, the Board may be empowered to determine not to commence, continue or assist with such investigations, and/or referral to the WHS Prosecutor without oversight or consideration of the public interest.

Further, the AWU has concerns that the Board would be able to determine that the number of Inspectors or technical staff are not operationally or financially viable, and reduce that number, without oversight or consideration of the public interest.

### *Appointments to the Board and conflicts of interest*

Firstly, the AWU notes that with the required knowledge and experience set out in proposed section 51(2), it is likely the appointees will most likely come from senior management and professions of mining operators and be either still employed or recently employed, who still have a connection to the operators and industry.

The AWU submits that, notwithstanding the objects of the Act, that likely there will be no one that can be appointed to the Board with experience to actually represent workers and their families. As such the AWU submits that the Board may not be sufficiently and fairly representative of interests within the industry.

Workers and their families deserve to have a seat at the table and have their interests represented by persons who intimately understand the realities and struggles of employment on worksites, not just the business and financial operation of such sites when decisions regarding regulation and enforcement of safety and health affecting them are being made.

Without appropriate representation from workers on the Board, no equivalent obligation carried over from the Commissioner role to specifically promote and protect the safety and health of persons (ie. workers), and no direction to independence or to act in the public interest, we submit that the full impact of a lapse in health or safety on a worker, their family and the community will not be front of mind.

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Secondly, there appears to be no equivalent to the current section 56 – the prohibition on engagement in other paid employment without prior written approval – regarding the Board.

Given the above submissions, the AWU seeks that an equivalent provision to section 56 is inserted to ensure the Board is independent and impartial with no remaining financial connections within the industry.

Thirdly, regarding the disclosure of interests and withdrawing from discussions and decisions involving those interests, the AWU notes that the operation of proposed section 62(8) provides for circumstances where all members of the Board are conflicted! The Minister is then empowered to consider or decide the issue.

The AWU submit this is not appropriate solution when the purpose to the RSHQ as stated in section 4, is to be an independent statutory body.

### *Definitions*

The AWU submits that the following terms should be defined within the Act, for clarity:

Section 49(1)(l) “representatives of the resources industry and its workforce.” The AWU submit that with regard to workforce representatives, this should be taken to mean the relevant registered organisation eligible to represent the industrial interests of workers.

Section 49(1)(c) “providing guidance and leadership.” The AWU submit this needs to be defined so that all parties are clear on the boundaries of the Board’s role specifically in relation to the committees.

### **Statement of expectations – section 63**

The AWU notes this appears to be intended as an equivalent provision to the current section 63 - Ministerial Direction. However, there are some significant differences between the two.

Firstly, the phrasing that the Minister may give direction about the “expectations for the performance of the board’s functions.” This is concerning when read in conjunction with the lack of impartiality and duty to act in the public interest imposed upon the Board in its functions.

Secondly, that there is no equivalent requirement for any direction to only be given where the Minister is satisfied it is in the public interest to do so. Therefore, on its face, the Minister has greater discretion to give direction and impose expectations that may direct the Board’s work. The AWU submit this may go against the intention of section 4(a) of RSHQ Act, for the RSHQ to be

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an independent body, if it is being captained by a Board who is not bound to be independent and can be directed by the Minister.

Thirdly, the new section omits the requirement for the direction not to be about the content of any advice or recommendation given to the Minister. The removal of this exclusion draws the inference, in conjunction with the above, regarding the scope of the statement that can be made which must be considered by the Board in exercising their duties and powers.

The AWU submits that a definition should be drafted for “statement of expectations” and amendments should be made to this section to address the above concerns.

### **Appointment of a Chair of the Board - Section 304(1)**

The AWU is of the view is that an Inspector is a person who’s work performance and functions are reviewed and overseen by the Board and therefore it is potentially a conflict of interest and not appropriate for an Inspector to appointed even in the interim as Chair of the Board.

The AWU seek that this provision is revised and an alternative interim arrangement is provided for.

### **Conclusion**

The AWU seeks that the above submissions are taken into consideration and amendments made to the Bill to resolve the concerns.

If you have any queries in relation to the above, please do not hesitate to contact Mr Mark Raguse from our office on mobile [REDACTED] or email [REDACTED] if we can assist further with the Committee’s work.

Yours faithfully

[REDACTED]

STACEY SCHINNERL  
SECRETARY

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