



18 September 2019

Committee Secretary  
State Development, Natural Resources and Agricultural Industry  
Development Committee  
Parliament House  
George Street  
BRISBANE QLD 4000  
Via email: [sdnraidc@parliament.qld.gov.au](mailto:sdnraidc@parliament.qld.gov.au)

Dear Committee Secretary

### **CCA SUBMISSION – RESOURCES SAFETY AND HEALTH BILL QUEENSLAND 2019**

Cement Concrete & Aggregates Australia (CCA) is the peak industry body for the \$15 billion-a-year heavy construction materials industry in Australia. Our members are involved in the extraction and processing of quarrying products, and the production and supply of cement, pre-mixed concrete and supplementary materials. CCA members account for approximately 90% of heavy construction materials produced in Australia and employ over 30,000 Australians directly and supports the employment of a further 80,000 people. We welcome the opportunity to provide feedback on the Resources Safety and Health Queensland Bill 2019 (*the Bill*).

#### **The Queensland Extractive Industry**

The Queensland extractive industry produces approximately 45 million tonnes of material per annum from hard rock, sand and river gravel quarries. The material is used for a range of local construction purposes, most particularly in concrete (made up of about 80% sand and gravel), road base (made up of about 90% sand and gravel) and a range of other applications, such as railway ballasts, landscaping, drainage, water filtration, and sporting fields.

- The vast majority of extractive materials are used *locally* (usually within a 60-80km radius) and transport of goods (usually by heavy vehicle) is expensive. Unlike the mining industry, the extractive industry is spread right across the State, particularly in areas closer to population settlement and where the geology is most suitable.
- The industry has a diverse range of operators – from publicly listed or internationally-headquartered companies with integrated cement, concrete and quarrying operations, to small, family-based operations with 1-2 employees.
- Unlike the mining industry, quarries are usually located on freehold land, and gain approvals through local government planning and development processes.

#### **Our industry's perspective on health and safety and how it is regulated**

Our industry has endeavoured to strengthen its safety and health performance, and to put in place the necessary steps to ensure that all workers, contractors and those involved with the sector have a safe and healthy working environment.



Currently, there is a significant amount of dialogue that occurs between the Queensland Mines Inspectorate and the state's quarrying industry. This includes joint industry-government safety events, industry representation on the Mining Safety and Health Advisory Committee, attendance by Mines Inspectorate officers at quarterly CCAA Health and Safety sub-committees, and Mines Inspectorate representation on judging panel for the annual industry Health, Safety and Environment awards. CCAA is keen for this dialogue and communication to continue with the introduction of any new entity to regulate safety for the extractive industry.

## Comments on the Resources Safety and Health Queensland Bill 2019

### **PART 2: Resources Safety and Health Queensland**

CCAA notes that the Bill will establish Resources Safety and Health QLD as an independent statutory body to administer the Resources Safety Acts; be overseen by a Chief Executive Officer (CEO) - **without** a board forming part of the structure. Also noted is that the Minister may give written direction to RSHQ about the exercise of powers or performance of functions, if the Minister is satisfied the direction is in the public interest.

CCAA members acknowledge the proposed establishment of RSHQ as an independent statutory body. We believe that it is important that the new entity maintain its firm but constructive approach with the quarrying industry in being proactive, proportionate and supportive in how it deals with the industry, and keeps a balanced approach to education and enforcement functions.

It is important that any new body does not impinge on information sharing about safety and other positive interaction that leads to improved health and safety outcomes in the sector. Also key is that the new body continue to appreciate and understand the unique nature of the extractive industry, and that it is adequately resourced with employees with a strong knowledge of this sector.

***CCAA acknowledges that establishment of RSHQ as an independent statutory body, overseen by a CEO, without a board structure. We believe it needs to maintain a constructive approach with the extractive industry. CCAA is also supportive of the Bill having provisions for Ministerial direction.***

### **PART 4: Commissioner for Resources Safety and Health**

CCAA notes that the Bill establishes the independent role of Commissioner for Resources Safety and Health, which supersedes the Commissioner for Mine Safety and Health position and includes functions such as:

- Advising the Minister on matters relating to safety and health in the resources sector; and
- Fulfilling the role of Chairperson of the mining safety and health advisory committee (MSHAC).

CCAA is supportive of the establishment of an independent Commissioner for Resources Safety and Health. We believe the role of the Commissioner provides an important oversight role for the management of health and safety regulation, and provides a point of industry expertise, while



remaining independent from the regulator. We also believe it is important that the position continues its' role of providing advice directly to the Minister.

***CCAA is supportive of establishing the independent role of Commissioner for Resources Safety and Health including fulfilling the role of Chairperson of MSHAC.***

**PART 7: Amendments of Acts and subordinate legislation – Enhancing the functions of MSHAC**

CCAA representatives have been a member of the Mining Safety Health Advisory Committee since its inception. CCAA is supportive of enhancing the functions of MSHAC to provide a high-level strategic focus and to identify and prioritise risk areas for the extractive industry. CCAA strongly believes that it is important that the extractive industry is fully represented; the specific nature of the quarrying industry is recognised and issues relating to the extractive industry can be fully explored; and that the extractive industry continues to 'have a voice' and there is proper account taken of the unique issues associated with our industry.

***CCAA is supportive of enhancing the functions of MSHAC including developing a 5-year strategic plan for improving the safety and health of persons.***

**PART 7: Utilising the WHS Prosecutor**

CCAA understands that the Bill will provide that:

- Only the WHS Prosecutor can prosecute serious offences under resources safety legislation;
- Prosecutions for less serious offences may be brought by the regulator or the WHS Prosecutor;
- A person may request the WHS Prosecutor to consider whether to bring a prosecution for a serious offence.

CCAA members continue to have reservations about utilisation of the WHS Prosecutor to prosecute serious offences under the resources safety legislation. CCAA notes that this is a newly formed role and further information about how the role will have the level of expertise to make expert, consistent, transparent, efficient and effective decisions for the extractive industry is still required.

It is vital that safety information and learnings continue to be distributed free from the delays caused by legal proceedings; and that positive performance and actions are recognised as an important way to improve safety in the industry, as much as the penalties of prosecution are.

CCAA also questions whether the WHS Prosecutor will achieve the best possible safety outcomes for the extractive industry i.e. would the focus shift towards prosecution rather than a more meaningful mechanism to improve health and safety outcomes. CCAA believes that there should be a firm but fair regulator, and operators should be rewarded for good health and safety behaviours, while those who do not should be penalised accordingly.



***CCA members believe that further information is required as to how the WHS Prosecutor would achieve the best safety outcomes for the extractive industry and how the role would have the expertise to make expert, consistent, transparent, efficient and effective decisions for matters pertaining to the extractive industry.***

Thank you for the opportunity to provide a submission. To further discuss any of the issues raised in the submission, please contact me on [REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to read 'Aaron Johnstone', with a long horizontal flourish extending to the right.

Aaron Johnstone  
CCA State Director - Queensland