

Committee Secretary
State Development, Natural Resources and Agricultural Industry Development Committee
Parliament House
George Street
Brisbane Qld 4000
By email only: sdnraidc@parliament.qld.gov.au

15 September 2019

Dear Sir/Madam,

Submission on the Resources Safety & Health Queensland Bill

Thank you for the opportunity to provide comment on the *Resources Safety & Health Queensland Bill*.

The Committee has a specific responsibility to consider not only “Resources” but also the “Agricultural Industry”, and my concerns below identify that this Bill has unintended and potentially dire consequences for the Agricultural industry that have not been considered.

While as an Occupational Health, Safety & Environment Professional, I support the findings of the Coal Workers’ Pneumoconiosis Select Committee Inquiry that lead to this proposed Bill, and expressly support *Report No. 3, 55th Parliament Coal Workers’ Pneumoconiosis Select Committee August 2017* which appropriately recommended a draft of this Bill that EXCLUDED the Petroleum and Gas (Production & Safety) Act, I am greatly concerned that the changes proposed to broaden the Bill to “Resources” and include the P&G Act is a drastic and poorly considered overreach, and will have unintended consequences that will effectively reinforce the circumstances that have created the original subject of the inquiry, but for the agricultural industry who are statutorily required to host the unconventional gas industry.

Specifically my concern relates to the wholesale inclusion of the broad ‘resources’ industries which by default appears to include the Petroleum and Gas Industry, when the key element of the inquiry and all of the evidence produced was relating to the coal mining and associated industries and NOT the Petroleum and Gas Industry.

While the Petroleum and Gas Industry tends to be caught up in all references to ‘resource industries’, the Petroleum and Gas industry are indeed separate since it is only the Coal Mining and Quarrying industries that operate expressly under their own separate Health and Safety legislation. The Petroleum and Gas Industry operates simultaneously under the P&G Act and the WHS Act.

I have outlined my concerns in dot points below and respectfully refer you to my recently published¹ [research journal article](#) by way of background and further evidence for my concerns and recommendations below.

1. The focus of the entire inquiry and reports has been on the stand alone and separately legislated Coal Mining and Quarries.
2. At no time in any of the inquiry’s reports has any investigation been into or including the petroleum and gas industry.
3. Except for the *Report No. 4, 55th Parliament Coal Workers’ Pneumoconiosis Select Committee September 2017* that reviews the existing legislation for protecting work health and safety, the Petroleum and Gas Industry is not considered in the inquiry. The Report No. 4 mentions the

¹ Shay Dougall (2019) Workplace health and safety (WHS) implications for farmers hosting unconventional gas (UG) exploration & production, Policy and Practice in Health and Safety, DOI: [10.1080/14773996.2019.1649903](https://doi.org/10.1080/14773996.2019.1649903)

Petroleum and Gas Industry only in passing in referring to the 'resource industry legislation'. Further in the paragraph 3.2 *Mining and petroleum industry safety and health legislation*, the analysis only discusses the "Queensland's mining industry WHS legislation" and in doing so fails to identify as I have in my recently published [Research Journal Article](#):

An analysis of the [Petroleum & Gas (Production & Safety) Act] in relation to how it addresses WHS showed the majority of the P&G Act details matters related to the administrative management of the P&G Industry. WHS matters are expressively captured in Chapter 9 - Safety in the P&G Act. The name of this chapter and the content does not represent contemporary WHS constructs and standards.

4. The P&G Act suddenly makes an appearance in the drafting of the Resources Safety & Health Bill in a seeming administrative attempt to cast a wide net to the "resources" industry without considering the fact that the P&G industry, its footprint, its simultaneous relationship to the WHS Act (as demonstrated by the [MOU](#)) and the industry's significant impacts on WHS for the Agricultural industry by its colocation have been given no consideration in any of the inquiry, its extended terms of reference and reports.
5. Scooping the P&G Act under this Bill by virtue of the term 'resources' but without the benefit of detailed inquiry that was provided to the coal mining industry could result in a "catastrophic failure, at almost every level, of the regulatory system intended to protect the health and safety of [agricultural workers] in Queensland" since the P&G Industry and the Agricultural Industry interface intimately
6. As I have shown in my research findings referred above, the evidence exists that the P&G Industry WHS impacts on host farmers is poorly captured, poorly administered and poorly enforced, and would benefit from a greater relationship with the WHS Act, not one further removed by being arbitrarily included in this proposed change.
7. I strongly recommend that the P&G act and industry should be left out of the Resources Safety and Health Bill and the document revert to the Mines Safety & Health Authority Bill.
8. As per my Research Article referred above, a separate inquiry of similar gravitas should be held to ensure that the WHS impacts of this nascent P&G industry are properly managed through appropriate regulatory and administrative structures by placing the WHS of the P&G industry under the existing WHS Act.

I urge the Committee to address the concerns outlined above. There has not been adequate investigation to properly understand the impact of pulling the already inadequately managed jurisdictions of the P&G Act and the WHS Act interface into another layer of administration designed for an industry (Coal Mining and Quarries) that for all intents and purposes has evolved separately to date.

Yours sincerely,
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