



Australian Manufacturing Workers' Union

Submission to the State Development, Natural Resources and Agricultural Industry Development Committee in respect of Mineral and Energy Resources and Other Legislation Amendment Bill 2020.

Enquiries:

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Mineral and Energy Resources and Other Legislation Amendment Bill 2020

1. Introduction

- 1.1 This submission is made on behalf of members of the Australian Manufacturing Workers' Union ("AMWU").
- 1.2 The AMWU represents over 100,000 members working across sectors of vehicle building, maintenance and parts supply, engineering, printing and paper products. Our members are engaged in maintenance services work across all industry sectors. We cover many employees throughout the resources sector, mining, aviation defence, aerospace and building and construction industries. We also cover members in technical and supervisory occupations in engineering and across diverse industries including food, technology and construction. The AMWU Queensland and Northern Territory Branch represents over 13,000 members with the majority employed in Queensland.
- 1.3 The AMWU welcomes the opportunity to make a submission to the State Development, Natural Resources and Agricultural Industry Development Committee in respect of the Mineral and Energy Resources and Other Legislation Amendment Bill 2020 ("Bill").
- 1.4 This submission will deal with the provisions regarding Industrial Manslaughter.
- 1.5 The Bill, as presented to Parliament, contains the insertion of the same provisions into each of the existing Acts dealing with safety.

2. Amendment of *Coal Mining Safety and Health Act 1999*

- 2.1 Division 3 of the Bill deals with amendments relating to other matters. In particular, s 11 of the Bill deals with the insertion of a new Part 3A in the *Coal Mining Safety and Health Act 1999*.
- 2.2 The AMWU supports the definitions to be included in the *Coal Mining Safety and Health Act 1999* at s 48A. They are clear and should be easily understood and applied for the purposes of the legislation.
- 2.3 The AMWU supports the inclusion of s 48B in the *Coal Mining Safety and Health Act 1999* to exclude the application of s 23 of the Criminal Code.
- 2.4 The AMWU supports the inclusion of s 48C in the *Coal Mining Safety and Health Act 1999*, the provisions and penalties for the crime of Industrial Manslaughter.
- 2.5 The AMWU supports the provisions to be added at s 48D in the *Coal Mining Safety and Health Act 1999*.

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- 2.6 The AMWU supports s 14 of the Bill, which amends s 257 of the *Coal Mining Safety and Health Act 1999* to remove the time limitations on the commencement of proceedings relating to Industrial Manslaughter as to be defined by pt 3A of the *Coal Mining Safety and Health Act 1999*.
- 3. Amendment of the *Explosives Act 1999***
- 3.1 The AMWU supports the amendment of the *Explosives Act 1999* by the insertion of a new pt 4A Industrial Manslaughter.
- 3.2 The AMWU supports the definitions to be added as s 54A of the *Explosives Act 1999*.
- 3.3 The AMWU supports the additional s 54B of the *Explosives Act 1999* as we did at s 2.3 of this submission.
- 3.4 The AMWU supports the additional ss 54C and 54D of the *Explosives Act 1999*. The proposed provision is clear and directly related to work involving explosives. The proposed wording is consistent with the amendments made to the *Coal Mining Safety and Health Act 1999*.
- 3.5 The AMWU is concerned that there is no inclusion of a provision removing any time limitations on the commencement of a prosecution. We submit it would be beneficial to avoid any doubt for offences relating to the *Explosives Act 1999*.
- 4. Amendment of *Mining and Quarrying Safety and Health Act 1999***
- 4.1 The AMWU supports the insertion of Industrial Manslaughter provisions to be included at pt 3A of the *Mining and Quarrying Safety and Health Act 1999*.
- 4.2 As with other Divisions of the Bill, the AMWU supports the definitions to be added to s 45A, the Criminal Code exception to be added at s 45B, and the offence provisions relating to employers and senior officers to be added at ss 45C and 45D to the *Mining and Quarrying Safety and Health Act 1999*.
- 4.3 The AMWU also supports the proposed amendment to s 236 of the *Mining and Quarrying Safety and Health Act 1999* to remove time limitations and allow greater validity in Industrial Manslaughter investigations by allowing time for a complete and thorough investigation of the circumstances of a fatality in this sector.
- 5. Amendment of *Petroleum and Gas (Production and Safety) Act 2004***
- 5.1 As with other Divisions of the Bill, the AMWU supports the definitions to be added to s 799I, the Criminal Code exception to be added at s 799J, and the offence provisions

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relating to employers and senior officers to be added at ss 799K and 799L to the *Petroleum and Gas (Production and Safety) Act 2004*.

5.2 The AMWU also supports the proposed amendments outlined in ss 204 and 205 of the Bill.

6. Conclusion

6.1 In our submission the AMWU has only provided comment on the provisions that deal with the issue of Industrial Manslaughter. Overall the AMWU is very supportive of the amendments that are proposed in this area and believes the legislation should be passed.

6.2 The AMWU is grateful for the opportunity to put forward a submission regarding this aspect of the Mineral and Energy Resources and Other Legislation Amendment Bill 2020.