

# NEWLANDS OPEN CUT

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## GLENCORE

26 February 2020

Committee Secretary  
Industrial Manslaughter Committee  
State Development, Natural Resources and Agricultural Industry Development Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Dear Committee Members,

**Concerns re: The proposed Mineral and Energy Resources Legislation Amendment Bill 2020, which is proposing to introduce an industrial manslaughter offence into the resources safety legislation.**

I am writing to you to formally raise my concerns with the proposed Amendment Bill in its current format.

Whilst I recognise the need for existing laws to be reviewed in response to serious incidents, which have occurred in our industry, I am deeply concerned with several aspects of the proposal to introduce industrial manslaughter into the existing resources safety legislation, namely;

- The definition of negligence to apply to the industrial manslaughter offence, which is a much lower standard than reckless behaviour in terms of criminal culpability
- Broad application of the Industrial Manslaughter offence to persons concerned with, or who take part in, management of a company who make or take part in making decisions affecting all or a substantial part of the employers function. This leads me to believe that my Management Team may be subject to criminal charges relating to Industrial manslaughter offences
- No timeframe being set in which criminal proceedings must commence after the occurrence of an incident. Without this, incidents will linger with uncertainty and could have a severe impact on me and my Management Team's mental health
- Exclusion of statutory defences currently available to me should I be charged in relation to a non-workplace context

Our current legislation already holds me responsible for any serious incidents which occur which result in a workplace fatality, grievous bodily harm or other serious offences and can be prosecuted through both the mining safety legislation and Queensland criminal code with penalties of imprisonment and/or significant fines. The proposed bill looks to be a bolt on from Workplace and Health Safety legislation and does not take into consideration the statutory roles and clear obligation that currently exist in the Queensland Coal Mining Safety and Health Act

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Ultimately, the Industry's goal should be working towards eliminating workplace fatalities. I cannot see how these proposed changes will improve safety outcomes. If anything, I believe it may in fact drive a defensive behaviour, which is counterproductive to the transparent safety culture, additionally it will deter people from taking up leadership roles in the coal mining industry that is already struggle attracting and retain quality people. The proposal creates two classes of coalmine workers, those who can be prosecuted and charged with manslaughter and those who can't based on position not on portion of contribution to the fatality.

If Industrial Manslaughter needs to be introduced it needs to be across all Coal Mine Workers.

Yours sincerely



Graham Gardner

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Ph. [Redacted]