

26/02/2020

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

Dear Committee members

Submission to the Mineral and Energy Resources & Other Legislation Amendment Bill 2020

I write to you as the Site Senior Executive (SSE) for an operating coal mine in Queensland who is appointed under the Coal Mining Safety and Health Act 1999 (CMSHA). The reason for my submission is that I have concerns about the impacts that the proposed legislation, if passed through in its current form will have not only for myself, but other statutory roles that report to the SSE.

Our recent performance of fatalities in our industry is evidence that we need change, so I recognise that we need change. However I am deeply concerned with certain aspects of the proposal to introduce the industrial manslaughter (IM) offence to the existing resources health & safety legislation as stated in the Mineral and Energy Resources & Other Legislation Amendment Bill 2020.

My main concerns are:

- the IM offence is proposed to include SSE and their direct reports
- this legislation will segregate coal mine workers into two different classes, that is ones that may be prosecuted under the standard of negligence and others under the standard of recklessness
- finally, there is no evidence to support that additional prosecution will improve the safety & instead may have the unintended result of damaging our safety culture. Our industry currently shares industry learnings without the fear of prosecution through various industry events such as our SSE meetings and annual safety conference, but this additional legislation may drive those open discussions away

The proposed legislation to introduce industrial manslaughter does not recognise the high standard of safety regulated on a mine site nor does it recognise the SSE's are already personally responsible for workplace related deaths/ serious injuries causing death. I encourage the committee to review section 47A of the CMSHA, and consider the same exemption be applied to this proposed IM legislation.

Yours Sincerely



Paul Sear
Operations Manager / Site Senior Executive (SSE)

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