

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

26 February 2020

RE:SSE Submission- Mineral and Energy Resources and Other Legislation Amendment Bill 2020

To Whom it May Concern

I make this submission for consideration of the Parliamentary Committee reviewing and making recommendations to the Minister in relation to the proposed Mineral and Energy Resources and Other Legislation Amendment Bill, especially relating to the introduction of the Industrial Manslaughter offence.

Background

I have worked across gold, iron ore and coal in a career spanning 29 years. I have worked for the last twelve years in the Queensland Coal industry. I have held a range of leadership roles within maintenance and operations over my career. I am a qualified Mechanical Engineer, graduating with Honours from the University of Western Australia.

I am currently General Manager, and Site Senior Executive (SSE) at the Peak Downs Coal Mine.

Submission

There will be many submissions that will hold far more eloquent and cogent legal arguments regarding the introduction of the Industrial Manslaughter than I could possibly raise. The value of my submission will be from the perspective of one who has accepted the responsibilities of SSE and works currently in the role.

I have not taken on the role of SSE lightly and I suspect my reflections are common to almost all. The role is much more than an administrative obligation; acceptance of the role requires a deep and personal commitment to providing a safe place of work to all our employees and contractors. Whilst there are many specific obligations defined in the Coal Mining Health and Safety Act with penalties that apply for failure to meet these obligations, it is **not** the threat of these penalties that motivates compliance.

The threat of further penalties or punitive measures will not assist me in the role of SSE in creating a safer workplace. It would seem most important to focus legislative change on those things most likely to improve the safety outcomes of our industry. Additional potential threats of punishment to those deeply obligated and committed to a safe workplace are not that.

To be very honest, I believe it makes it less likely that experienced and competent people will want to take on roles potentially impacted by the introduction of the Industrial Manslaughter offence. This cannot be a good thing for our industry.

I fear also that it may impact on our efforts to create a safety culture founded on the reporting of hazards and near misses and the transparent sharing of lessons learned. Over the last three years we have increased by more than a 100% the reporting of hazards at our mine. This improved reporting has provided a significant opportunity to reduce the exposure of our people to risk. Anything that reduces the feeling of "safety" in the reporting of near misses and hazards will not be a positive for our operation or industry. To ensure a mine site culture of safe reporting and sharing of learnings is fostered, the scope of any industrial manslaughter offences should expressly exclude the SSE, statutory and management roles.

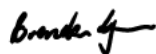
As leaders in the mining industry our most important role is improving the safety of the workplace for the current and future generations of mining employees. The recent Brady Report provides many insights into those possible areas for increased focus and improvement. The energy and focus of our industry would be better spent debating, understanding and applying the insights of the Brady Report. The report contains no recommendation that Industrial Manslaughter provisions would reduce the likelihood of fatalities. I can however be almost certain that should this provision be introduced it will create a significant distraction to leaders and perhaps deterrence to the degree of sharing and transparency required to support a step change in fatal injury rates.

Conclusion

There are self-evident downside risks to the openness of reporting and sharing in a punitive safety culture. It not clear that the potential “threat” of further punishment to various leadership roles will outweigh the downside risks to safety culture.

Those proposing these legislative changes appear to have made no effort to establish the case for why this change will improve safety outcomes.

Yours sincerely,



Brendan Lynn
SSE Peak Downs Mine

