

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:

Consultation on Proposed Introduction of Industrial Manslaughter Offence to Resources Sector:

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

The recent spate of fatalities in our industry is evidence that we need change, I recognise this and support moves to improve safety for all Coal Mine Workers in Queensland. However, I am deeply concerned with certain aspects of the Queensland Government's proposal to introduce the industrial manslaughter (IM) offence to the existing resources safety legislation as stated in the consultation draft of the Mineral and Energy Resources Legislation Amendment Bill 2019.

My main concerns relate:

- The IM offence proposes to include SSE's and their direct reports. By only targeting those roles, the legislation will segregate coalmine workers into two different classes. As currently drafted, the IM offence would mean that for a negligent act that caused a death, an SSE is exposed to 20 years imprisonment but for the same negligent act a coalmine worker would only be exposed to a maximum of 2 years imprisonment. While statutory roles have defined obligations and responsibilities, Section 39 of the Coal Mining Safety and Health Act places the same obligations on all persons on a coal mine.

- The recently released "Brady Heywood Review" of all fatal accidents in Queensland Mines and Quarries from 2000 to 2019 listed 11 recommendations to the Department of Natural Resources, Mines and Energy, none of which related to the implementation of IM as a deterrent. There is no clear evidence presented to support the belief that additional prosecution will improve our industries Safety performance. In fact, it may have the unintended result of eroding our safety culture and driving down the reporting and subsequent investigations relating to incidents. Our industry currently shares industry learnings without the fear of prosecution through various industry events such as our SSE meetings and the annual safety conference, but this legislation could potentially reduce the communications and sharing of learnings.

- I am also concerned that the added impost will remove a large number of senior, experienced personnel from management structures within our Industry. Myself at the age of 59 with 39years Industry experience and 13years as an appointed SSE would not put my family, my possessions and my future at risk under the proposed Legislation. The above-mentioned Brady Report listed experiential retention at all levels of our Industry as a recommendation for improvement.

The current legislation already holds SSE's and their direct reports personally responsible for workplace related deaths/ serious injuries causing death. As stated earlier I recognise the need for change to continue working towards our industries lifelong goal of "0" fatalities or serious injuries but would urge the committee to review its intention to allow the proposed Legislation to change current Legislations criteria for prosecution of SSE's and their direct reports.

Yours Sincerely

Andrew McDonald
Operations Manager / Site Senior Executive (SSE)
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