



27 February 2020

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

Via eEmail: sdnraidc@parliament.qld.gov.au

Dear Sir/Madam

RE: Mineral and Energy Resources Legislation Amendment Bill 2020

Origin welcomes the opportunity to provide feedback on the Mineral and Energy Resources Legislation Amendment Bill 2020 (the Bill), in particular the industrial manslaughter provisions within the Bill.

Origin is supportive of the Bill including the introduction of industrial manslaughter provisions into Queensland Resources Legislation. Origin does however have an outstanding concern regarding positions that will be captured in the definition of 'Senior Officer' currently in the Bill. The definition in its current form will have some unintended impacts. These are discussed in more detail in the attached submission, that was provided to Resources Safety and Health Policy team within The Department of Natural Resources, Mines and Energy in December 2019 during the consultation of the draft bill.

Origin would be pleased to give evidence to the committee on this submission. For all enquires please contact Greg Wicks either via phone [REDACTED] or email [REDACTED]

Your sincerely,

A handwritten signature in blue ink that reads "G. Williams".

Gary Williams
General Manager – Risk, Assurance, Compliance & Process Safety
[REDACTED]



9 December 2019

RSH Policy
Resources Safety and Health
Department of Natural Resources, Mines & Energy
275 George Street,
Brisbane QLD 4000

Email: [REDACTED]

Dear Sir/Madam

RE: Consultation draft of the Mineral and Energy Resources Legislation Amendment Bill 2019 (the Bill)

Origin welcomes the opportunity to provide feedback on the DNRME's *Information Paper – Consultation draft industrial manslaughter provisions for Resource Safety Acts and the Mineral and Energy Resources Legislation Amendment Bill 2019 (the Bill)*.

As expressed in prior consultation on the matter, Origin is concerned that the proposed changes could potentially expose front line and middle management and that any further uplift in penalties would limit the industry's ability to attract the best candidates for these roles.

As a result, please see Origin's comments and recommendations in respect of the Bill outlined below:

Proposed provision	Recommendation
799I, 799K, 799L	<p>The term 'senior officer' and its corresponding definition be removed.</p> <p>The term 'officer' be inserted and defined as follows: <i>officer</i> means an officer within the meaning of Section 9 of the <i>Corporations Act 2001</i> of the Commonwealth. It does not include the Site Safety Manager under this Act or any person who reports to the Site Safety Manager.</p> <p>This change is recommended because there are concerns that the definition of 'senior officer' may apply to individuals who do not have a prevailing influence over business and statutory positions. Site Safety Managers already have significant personal exposure and liability under the <i>Petroleum and Gas (Production and Safety) Act 2004 (Act)</i>, and we believe that increased penalties would limit the industry's ability to attract the best candidates given the global nature of the petroleum and gas industry.</p>
	<p>The term 'employer' and its corresponding definition be removed.</p> <p>The terms 'operator' and 'person holding a gas work licence' be inserted.</p> <p>The term 'person holding a gas work licence' be defined as follows: <i>person holding a gas work licence</i> means a person who currently holds a gas work licence or gas work authorisation under Chapter</p>

Proposed provision	Recommendation
	<p>8, Part 6, Division 3 or gas device approval authority under Chapter 8, Part 6A, Division 2 of the Act.</p> <p>This change is recommended because the term 'employer' in the Bill is not used or reflected elsewhere in the Act. As such, there is no direct link between the new obligation and the existing obligations on operators or persons holding a gas work licence. There are also concerns that the term employer would apply to persons that do not have a prevailing influence over the business.</p> <p>The definition of 'worker' be amended to include the words 'at the operating plant or gas work' at the end of the definition.</p> <p>This change is recommended for consistency and to reduce ambiguity as currently the wording "carries out an activity related to the operating plant or gas work" means that the worker does not necessarily need to be at site.</p>
799J	<p>To remove the exception so that section 23 does apply in relation to an offence.</p> <p>Section 23 (1) <i>intention – Motive</i> of the Criminal Code Act 1899, namely the defence of an act or omission which occurs independently of a person's will, or an event which the person does not intend or foresee as a possible consequence, or one which an ordinary person would reasonably foresee as possible.</p> <p>The rationale for removing this defence is not clear as it is based on a common law view of reasonably foreseeable consequences from acts or omissions.</p>
837	<p>Section 837 not be amended to remove the limitation on time in bringing a prosecution for an offence of Industrial Manslaughter as we believe that this places an unreasonable burden on persons who are involved with managing an industrial fatality, including the family, witnesses and investigating personnel.</p>

We would welcome the opportunity to discuss this submission further.

Your sincerely,



MP

Gary Williams
 General Manager – RAC & Process Safety

[Redacted contact information]