



Speech By
Hon. Grace Grace

MEMBER FOR MCCONNEL

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**MINERAL AND ENERGY RESOURCES AND OTHER LEGISLATION
AMENDMENT BILL**

 **Hon. G GRACE** (McConnel—ALP) (Minister for Education and Minister for Industrial Relations) (12.01 pm): I rise to support the bill before the House, and I am very proud to do so. As we know, there is nothing more important or fundamental for working people than the right to return home safely to their families and friends at the end of a working day. At its very core, that is what this bill is all about. I join others in expressing my best wishes to the injured miners and their families and say a big thank you to the first responders for doing an excellent job. Well done.

I joined the movement in 1980. I remember shortly after going to my first union meeting where industrial manslaughter was on the agenda. I remember that distinctly because I had to do some research on what industrial manslaughter actually meant. I had an idea but I did not really understand the difference between industrial manslaughter and manslaughter. It comes back to me now.

Some 37 years later in 2017, the Palaszczuk government became the first state government in the country to introduce industrial manslaughter provisions into work health and safety legislation. As Minister for Industrial Relations, I cannot tell members how proud I was to be responsible for the introduction and passage of those laws—laws opposed by those opposite. That is exactly what they would do should we ever have the misfortune of them occupying the government benches in the future. They opposed those laws then and they oppose them now and they will remove them as soon as they have the opportunity. Actions speak louder than words.

The provisions we introduced in 2017 mean that negligent employers culpable in workplace deaths now have nowhere to hide. The new offence of industrial manslaughter brought with it tough penalties of up to 20 years imprisonment for individuals and fines of up to \$10 million for corporate offenders. We make no apologies for that. If any one of us acts negligently in the community and causes the death of someone, whether in our vehicle or another way, we face manslaughter charges. These provisions flowing into the industrial area is something we are very proud of. These penalties send a strong message to all employers and PCBUs—that is, people in charge of a business or undertaking—that negligence causing workplace death will not be tolerated under any circumstances. We hope and pray that employers get this message and that the provisions are rarely, if ever, used. They are there as and when required.

The first prosecution for industrial manslaughter in Queensland was commenced late last year by the Work Health and Safety Prosecutor—an independent prosecutor—following a tragic accident in May 2019 where a worker died after being struck by a reversing forklift while securing a load on a tilt tray truck at an industrial workplace. Last month the company concerned, Brisbane Auto Recycling, and its directors pleaded guilty to industrial manslaughter. The sentencing hearing takes place next week in the Brisbane District Court.

The bill before the House means that these same penalties and protections are now extended to the mining and resources sector. It is only fair and right. It is as it should be. Mining workers deserve the same protections that other workers in all Queensland workplaces have already under the Palaszczuk government, no thanks to those opposite. They voted against them. That is what this bill delivers.

This bill will strengthen safety culture in the resources sector through the introduction of industrial manslaughter provisions and also by requiring that persons appointed to critical statutory safety roles for coalmining operations must be an employee of the coalmine operator. This amendment is designed to ensure that statutory office holders can raise safety issues and make reports about dangerous conditions without fear of reprisal or impact on their employment.

In his contribution yesterday, the member for Burdekin showed he fundamentally misunderstands this legislation by conflating the two crucial mine safety and health amendments to suggest the industrial manslaughter provisions only apply to statutory office holders. To be clear, under these laws senior officers are held accountable—that is, all senior officers not just statutory office holders. The scope is not limited. It is industrial manslaughter. If a person is criminally negligent they will be held to account. I question whether he has read through this critical legislation properly. I also note the issues raised by the previous speaker.

The industrial manslaughter provisions will bring the conduct of senior officers in the sector clearly into focus, holding industry and those in senior positions on site to account. It is always somebody else's fault. It is the government's fault. It is the department's fault. It is the weather's fault. It is always somebody else's fault. PCBUs are in charge and it is their responsibility first and foremost. Workers should be able to raise issues when they see fit without any undue prejudice to their work or whether they will have a job and be able to put food on their table the next day.

Under the bill, senior officers of a mine or quarry company can be tried for industrial manslaughter if criminal negligence is proven regarding a worker's death. The executive could face up to 20 years in jail if a mine or quarry worker dies due to their criminal negligence. Fines can also apply. The maximum penalty is \$13 million.

The shadow minister, the member for Burdekin, thought it was a problem because it would deter people from applying for executive positions in the mining sector. I sincerely hope he does not subscribe to this view. We have had industrial manslaughter provisions that apply to the non-mining sectors in this state since 2017. Where is the evidence that one executive has not taken a job because of the industrial manslaughter provisions? Give me just one example where an executive has not taken a job because of the industrial manslaughter provisions. The fact is that it has not happened.

All of Queensland is covered, bar the mining and resources sector, by industrial manslaughter provisions. I have not had one case come to me. They make it up. It does not happen. Anything they can do to obfuscate their responsibilities they will do. They even make up things that are not true. The fact is that these laws are good for workers. They are good for all those employers doing the right thing. They are good for safety in an industry that sadly has a history of workplace deaths spanning many years.

The Palaszczuk government, under the stewardship of Minister Lynham, has already extensively reformed mine health and safety over the past five years. I have never known a minister to consult so widely with the industry. In the reset they were all consulted. It is ludicrous for those opposite to suggest for one second that this minister has not done all within his power to improve health and safety in the mining and resources industry.

This stands in stark contrast to the opposition's own track record regarding health and safety legislation for miners. Yesterday the shadow minister made reference to the Pike River royal commission in 2012. While in government from 2012 to 2015, they neither progressed nor passed any major health and safety legislation, except for one amendment to the Coal Mining Safety and Health Act 1999 that related to production. More than anything, that demonstrates the opposition's priorities when it comes to the crunch. This bill continues the work of the minister and the work of the Palaszczuk Labor government in supporting Queensland workers and their families, and we are proud of it. I have worked all my life in this area—40 years—and I will continue to do so.

Our goal must be that every worker who heads off to work returns home safely each and every day. We must be ever vigilant to ensure that is exactly what happens. That is what this bill is about. Beware, Queenslanders. Beware, miners. Those opposite say, 'Oh, no, we're not going to oppose the bill,' but I have not heard much from them about supporting it. I have not heard from those opposite

very good reasons why this bill should be passed. All we have heard is criticism: 'It's the minister's fault. It's the department's fault.' This is about ensuring that those who are responsible are held to account for their actions. That is what industrial manslaughter is all about. Do not ever forget it.

The opposition should be supporting this bill, not just saying, 'We're not going to oppose it.' It will be a slight on them. They opposed industrial manslaughter previously. Lord help us if they ever get back into government. I know what they will do: they will rescind this legislation. I commend the bill to the House.

(Time expired)