




Speech By  
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**MEMBER FOR MOGGILL**

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

 **Dr ROWAN** (Moggill—LNP) (12.18 pm): The safety of workers in any industry is paramount. I begin my contribution today by expressing that my thoughts are with the five critically injured mineworkers of the Anglo-American Grosvenor Coal Mine and their families. I would also like to take this opportunity to acknowledge Dr Deb Simmons, the anaesthetist from Mackay Base Hospital, and the nursing staff who provided an emergency response on the day to those critically injured workers.

When a relative, a family member or a friend leaves for work, you rightly expect them to return home safely. Sadly, in the 12 months to July last year, Queensland had seen six tragic workplace deaths in the resources industry, leading to this sector taking part in important industry safety resets through June and July, along with an expert review by Dr Sean Brady, handed down in December.

By February of this year, the Palaszczuk state Labor government tabled legislation which is now before the House—the Mineral and Energy Resources and Other Legislation Amendment Bill 2020. The principle policy objectives of this bill cover three distinct priorities: firstly, safety and health; secondly, financial assurance; and, thirdly, regulatory efficiency.

Understandably, the introduction of industrial manslaughter offence provisions and associated requirements for safety statutory roles under the principle of safety and health has caused great contention and concern amongst a number of stakeholders. Whilst every effort must be made to protect workers and improve workplace safety, particularly in the resources industry, it is overwhelmingly apparent that the Palaszczuk state Labor government has once again taken a simplistic approach to industrial reform, choosing to ignore many legitimate concerns from a variety of stakeholders and potentially enabling a number of adverse and unintended consequences.

We are here in this parliament to ensure that when legislation is examined, debated and passed there has been due diligence and scrutiny to ensure there are no adverse or unintended consequences. That is the responsibility of this parliament. It is the responsibility of individual elected representatives, and responsible parliamentarians do that. That is why the Liberal National Party is raising a number of concerns as part of this debate—for example, the issue of who exactly will be captured under this legislation with respect to industrial manslaughter offences as referenced in this bill.

In its consideration of this legislation, the Queensland parliament's State Development, Natural Resources and Agricultural Industry Development Committee in its report No. 46 noted that this bill will see industrial manslaughter as an indictable offence where criminal negligence by senior management leads to a worker's death on a particular resource or mine site. Accordingly, this legislation inserts definitions of 'employer', 'senior officer' of an employer, and 'executive officer' if the employer is a corporation. Understandably, a number of the submissions provided to the Queensland parliament's committee raised concerns that the definition of 'senior officer' was extremely broad and goes beyond executive officers of a corporation.

In its submission to the committee, the Queensland Resources Council highlighted the difficulty with the application of such a broad definition. They stated—

Resource workers like SSEs, SSMS, safety certificate holders and the people identified in the management structure of a mine are not executive officers of the corporation. They do not have the capacity to affect significantly the corporation's financial standing but are simply employed to work at the operation using the resources they are given.

This is just one example, but it is worth noting that the vast number of submissions received concurred with these sentiments and called for a number of roles to not be captured by the industrial manslaughter provisions of this bill. Such a position or recommendation is not to avoid accountability or reduce safety but rather to avert the real potential adverse consequences of the application of this provision, including providing reduced motivation to develop a better culture of safety in the workplace. Certainly, within the mining and resources sector we need to ensure there is a culture of safety because that is in the best interests of workers and all Queenslanders.

Similarly, significant concerns were raised by the requirement within this bill that not only employees of the coalmine operator could be appointed as a statutory office holder. Notwithstanding the fact that such a requirement completely took the industry by surprise, given there was no consultation with resource operators or evidence to support such a change, it must also be noted that the need for such a requirement was not reflected in the aforementioned Brady review. The vast number of submitters to the committee's review of this legislation went to great lengths to warn the Palaszczuk state Labor government that such a provision has the potential to go against the intent of this bill and in fact would have an adverse impact on workplace safety.

Along with representing a significant shift in the nature and flexibility of such work by removing the ability of contractors to be statutory office holders, there are genuine concerns that legislating for such a requirement will in fact lead to fewer reports of safety concerns, and that is the last thing we want to see in this industry here in Queensland. In fact, the committee heard evidence that it is contract statutory office holders who are more likely to report such safety concerns. Such a requirement defies the reality of the complex corporate structures in mining, which is why contract statutory office holders are in such demand given they can easily fit into new roles and provide relief where an office holder has taken leave. Such a provision also speaks to the authoritarian nature of the Palaszczuk state Labor government, which is seeking to dictate to workers who they must work for. This burdensome and impractical legislative requirement deserves further attention and consideration by Labor's minister; however, I do acknowledge that the minister has tabled amendments.

Finally, in my contribution today I believe it is important to note and reiterate for the House the very serious concerns and issues that have been raised by the Queensland Law Society in its examination of this bill along with its submission and stated position; that is, that the Queensland Law Society does not support the introduction of industrial manslaughter offences into the resource safety acts. The Queensland Law Society, along with a significant number of other submitters, also took issue with section 23 of the Criminal Code not applying to an offence of industrial manslaughter. In its submission to the committee the Queensland Law Society stated—

QLS is particularly concerned that an accused will therefore not be able to plead circumstances of accident, involuntariness or acts independent of their will. In the absence of appropriate defence or excuse provisions, these provisions essentially become strict liability offences, which infringe and deny fundamental rights given to those accused of homicide offences which carry an extremely high maximum penalty. It is the Society's view that this infringement of a cornerstone principle of our justice system is not justified by the objects and purposes of the legislation.

There is also the substantial issue of this bill's alleged breach of fundamental legislative principles. So serious was the purported breach that the Queensland Resources Council found it necessary to write to the Speaker of the parliament, with the Committee of the Legislative Assembly now reviewing the alleged failure in the regulatory assessment process of this bill.

The Queensland resources industry is vital to our great state. As of last year this industry employed more than 53,000 people, and as of January this year the value of our resource exports was more than \$71 billion. In addition to supporting many Queensland workers and their families, it is through this industry that Queensland is then able to invest in our roads, deliver more public transport, provide better school and education facilities, and invest more in our health and hospital system. There is no doubt that we need that investment in the western suburbs of Brisbane, particularly in the electorate of Moggill, given the failure to invest in road and public transport infrastructure and our local schools.

As I said at the beginning of my contribution, the safety of all workers in this industry is absolutely paramount. As Queensland seeks to recover from the ongoing economic crisis as a result of the COVID-19 pandemic, every effort must be made to ensure that this industry and so many others can continue to operate to create more jobs and provide a safe working environment for all.

In conclusion, I would like to take this opportunity to highlight to the minister one final issue. As we all know, the Labor Minister for Natural Resources, Mines and Energy is also a practising surgeon and is registered with the Medical Board of Australia via the Australian Health Practitioner Regulation Agency. It was really by good fortune or pure chance that an anaesthetist was available on the day of that most recent critical incident in Moranbah. I know that the minister sits around the cabinet table and I would encourage him and his ministerial colleagues to continue to develop strategies in relation to the medical workforce, both specialist and generalist. I know from the review into this incident that more needs to be done here in Queensland. I know that various Queensland governments of all persuasions have invested in the rural generalist training pathway and strategies to develop that, but for those particular communities like Moranbah, where there are medical superintendents with right of private practice and medical officers with right of private practice, certainly a lot more needs to be done to support those communities when incidents take place such as the one we have seen. Given the minister's training and his ministerial responsibilities, I would encourage the minister and his colleagues to consider these matters as part of the review into that critical incident recently in Moranbah.