

Inquest into the death of Gareth Leo Dodunski

On 23 June 2013, Gareth Leo Dodunski died after being struck by an item of drill rig machinery, a 'ST-80' Iron Roughneck tool, which is a large hydraulic torque wrench.

The Coroner Donald MacKenzie delivered his findings of inquest on 31 August 2023.

The Queensland Government responds to recommendations directed to government agencies at inquests by informing the community if a recommendation will be implemented or the reason why a recommendation is not supported.

The department named in this response will provide implementation updates until the recommendation is delivered. Further information relating to the implementation of recommendations can be obtained from the responsible minister named in the response.

Recommendation 1

Queensland Government give consideration to amending the P&G Act to include provisions similar to sections 139 to 141 of the Coal Mining Safety and Health Act 1999, authorising investigators of serious incidents to require 'relevant' persons to give information or answer questions as directed by investigators in circumstances where such information or answers might tend to incriminate the person with the assurance in statute that such information could not be used against that person in proceedings for an offence or civil penalty.

Response and action: implementation of the recommendation is in progress.

Responsible agency: Resources Safety and Health Queensland

On 28 March 2024 the Minister for Resources and Critical Minerals responded:

Resources Safety and Health Queensland (RSHQ) has developed a comprehensive package of regulatory reforms to improve the safety and health outcomes for Queensland's resource workers. These proposed reforms are contained in the draft *Resources Safety and Health Legislation Amendment Bill 2023* ("the Bill"). Information regarding the first recommendation was included in the information paper for the consultation draft of the Bill, which can be located at [Information paper for consultation draft of RSHLA Bill and Regulation | Resources Safety & Health Queensland \(rshq.qld.gov.au\)](https://www.rshq.qld.gov.au/information-paper-for-consultation-draft-of-rshla-bill-and-regulation).

Consultation has been undertaken and feedback considered. In due course the Bill will be updated to incorporate amendments to the *Petroleum and Gas (Production and Safety) Act 2004* that, subject to the Bill being passed, will result in the implementation of recommendation 1.

RSHQ will continue its work to have the Bill introduced to Parliament and progressed through the parliamentary process. Information about the parliamentary process for the passing of government bills can be found at [Factsheet 3.7 MakingOfALaw.pdf \(parliament.qld.gov.au\)](https://www.parliament.qld.gov.au/factsheet-3.7-making-of-a-law).

Recommendation 2

Queensland Government rationalise and harmonise the various Work Health and Safety Acts into one body of legislation. At present there are various differing offence descriptions and elements, differing time limitations for prosecutions, differing avenues of appeal and legal review, differing transitional historical provisions and differing definitions of "breaches of safety" in the *Coal Mining Safety and*

Health Act 1999, Petroleum and Gas (Production and Safety) Act, Work Health and Safety Act 2001 and Mining and Quarrying Safety and Health Act 1999.

Response and action: implementation is not supported and will not be implemented.

Responsible agency: Resources Safety and Health Queensland and Office of Industrial Relations

On 24 April 2024 the Minister for Resources and Critical Minerals and the Minister for State Development and Infrastructure, Minister for Industrial Relations and Minister for Racing responded:

The *Resources Safety and Health Queensland Act 2020* that commenced on 1 July 2020, established Resources Safety and Health Queensland (RSHQ), as an independent statutory body with regulatory powers relating to safety in the resources sector. A dedicated regulator for resources safety offers numerous safety advantages, such as specialist knowledge in a complex and economically critical industry and promoting closer collaboration with industry and workers. There are complex safety issues unique to mining and resources environments which have historically informed administration in Queensland of a separate suite of resources safety legislation.

The *Work Health and Safety Act 2011* (“the WHS Act”) is part of a harmonised national framework based on model legislation. Any adjustments to the WHS Act must be considered in this national context and would require clear rationale.

Integrating work health and safety in the resources sector into the WHS Act, or vice versa, would require very careful consideration to ensure any benefits of harmonisation outweighed key risks, such as reducing RSHQ’s independence or its ability to regulate and promptly address the complex safety issues unique to these high hazard environments.

There is already a degree of consistency in the regulatory frameworks as both RSHQ and Work Health and Safety Queensland (WHSQ) utilise the same Work Health and Safety Prosecutor to prosecute safety and health offences under the WHS Act and the resources safety legislation administered by RSHQ. The draft Resources Safety and Health Legislation Amendment Bill 2023 (“the Bill”), [consulted on publicly in September 2023,](#) is also intended to increase consistency for such prosecutions by harmonising the court jurisdiction for prosecutions and the time limitations for commencing prosecutions.