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Office of the President

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Our ref

Committee Secretary  
Infrastructure, Planning and Natural Resources Committee  
Parliament House  
George Street  
Brisbane QLD 4000

By email: [ipnrc@parliament.qld.go.au](mailto:ipnrc@parliament.qld.go.au)

Dear Committee Secretary

**Mine Safety and Health Authority Bill 2017**

Thank you for the opportunity to provide a submission on the Exposure Draft: Mine Safety and Health Authority Bill 2017 (the "**Bill**").

The Queensland Law Society ("**Society**"), in carrying out its central ethos of advocating for good law and good lawyers, endeavours to be an honest, independent broker delivering balanced, evidence-based comment on matters which impact not only our members, but also the broader community. Many of our members have first-hand experience in assisting those who suffer from the devastating effects of pneumoconiosis. We believe that it is essential that appropriate action be taken to address the cause and impacts of this disease.

To that end, the Society has been participating in the Coal Workers' Pneumoconiosis Stakeholder Reference Group which has developed proposals to address the difficulties in the diagnosis of coal workers' pneumoconiosis ("**CWP**") and the rehabilitation and compensation afforded to workers suffering from this disease and similar diseases.

In respect of this inquiry, we would like to respond to the exposure draft of the Bill, which has been developed by the Coal Workers' Pneumoconiosis Select Committee (the "**Select Committee**") in association with the Committee's preparation of the "Black Lung White Lies: Inquiry into the re-identification of Coal Workers' Pneumoconiosis in Queensland" (the "**Report**"). Firstly, we thank the Select Committee for their work on this report. It is an important document for the health and safety of Queenslanders.

Our comments and queries are outlined below.

## Mine Safety and Health Authority Bill 2017

### Inspection Powers and Referral

Pursuant to proposed section 2(d) of the Bill, the commissioner has the authority to start and conduct proceedings for an offence against a mine and safety law. The Society notes that under workplace health and safety legislation, matters can be referred to the Director of Public Prosecutions for investigation and prosecution and we would presume that a similar referral mechanism can be put in place in respect of the Mine Safety and Health Authority ("the **Authority**"). We note that this has not been expressly included in the current drafting of the Bill.

The Society also notes proposed section 43(2) which sets out that the commissioner has authority to direct an inspector to carry out an investigation about a contravention, or alleged contravention, of the law. The Bill does not contain any other guidance regarding the details of and limits to the inspector's powers, which is a concern. The Society strongly recommends that the Bill be amended to particularise the inspector's powers. This should include the insertion of provisions akin to sections 160 to 181 (inclusive) of the *Work Health and Safety Act 2011*, which will ensure that the inspectorate powers are appropriately regulated and clearly understood by the inspector and the affected party.

### Minister's Role

The Society recommends that proposed section 61(3)(a) of the Bill so that the word 'may' is replaced with 'must' as follows:

"(a) ~~may~~ **must** state reasonable requirements about the information that is to be given or published, including, for example –"

### Establishment of the Expert Medical Advisory Panel

We note the establishment of the Expert Medical Advisory Panel pursuant to proposed section 67 of the Bill and suggest that a key function of this panel should be not only to advise the Authority, but to make recommendations as may be appropriate to ensure that the Authority's processes, put in place to carry out its functions under proposed section 11, evolve in accordance with good medical practice and developments in medical research.

The Society also suggests that this process may be more appropriately managed by Queensland Health, and integrated with the Authority via a reporting requirement.

### Insufficient protection of personal information

The Bill does not contain sufficient protection of personal and medical information which may be collected and disseminated by this panel or the wider Authority. This sensitive and personal information must be treated in accordance with Queensland's Information Privacy Principles ("IPP"), and adequate provision must be included in the draft Bill to this effect. The confidentiality provisions set out in proposed section 80 of the Bill do not go far enough to ensure the protections afforded by the IPP, and as a result sections 44, 62, 64 and 67(3) ought to be amended.

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**Mine Safety and Health Authority Bill 2017**

**Standing Committee on Dust Research and Control**

The Society notes the introduction of this committee under Division 3 of the Bill. The Society would welcome further details of this committee, and notes that no information has been included in the exposure draft regarding the appointment of members, term limits or reporting obligations. Proposed section 66(4) of the Bill is exceptionally broad and does not provide adequate information about the intended range or scope of the standing committee's functions.

**Further consultation will assist**

Thank you again for the opportunity to make a submission to this inquiry. We await the further detail on the operation of the authority and performance of its functions as outlined above. We believe that further consultation is required once stakeholders have commented on this exposure draft and before any bill is passed by the Legislative Assembly.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Senior Policy Solicitors,

Yours faithfully

Christine Smyth  
**President**

The proposed changes to the Mine Safety and Health Act 1982 are intended to improve the safety and health of workers in the mining industry. The changes are designed to address the current challenges facing the industry and to ensure that the regulatory framework is fit for purpose. The proposed changes include the following:

1. The proposed changes will ensure that the regulatory framework is fit for purpose and that the regulatory burden is reduced. This will be achieved by streamlining the regulatory framework and ensuring that the regulatory burden is reduced. This will be achieved by streamlining the regulatory framework and ensuring that the regulatory burden is reduced.

2. The proposed changes will ensure that the regulatory framework is fit for purpose and that the regulatory burden is reduced. This will be achieved by streamlining the regulatory framework and ensuring that the regulatory burden is reduced. This will be achieved by streamlining the regulatory framework and ensuring that the regulatory burden is reduced.