



Speech by

BILL FELDMAN

MEMBER FOR CABOOLTURE

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**COAL MINING SAFETY AND HEALTH BILL
MINING AND QUARRYING SAFETY AND HEALTH BILL**

Mr FELDMAN (Caboolture—ONP) (2.33 p.m.): For the enlightenment of members, I will discuss several contentious issues raised in the submission of the Queensland Mining Council delivered to the Premier. As we all know, the Queensland Mining Council is a very respected Queensland institution which represents most of the mining industry in Queensland. If an institution as highly regarded as the Queensland Mining Council has some problems with the new mining legislation, then it probably contains some flaws.

The Mining Council believes that penal provisions will be counterproductive and it does not want them in the legislation because they will impede the free flow of information between parties after an accident. It is not hard to imagine that many participants in discussions will want to seek legal immunity for fear of incriminating themselves. The proposed penal provisions are supported by the CFMEU and the Department of Mines and Energy, but not the AWU.

I point out to the House that the New South Wales Act has operated with penal provisions since 1983, yet the Queensland mining industry is twice as safe as the New South Wales industry, according to the LTIFR figures for 1996-97. I will recap some of the things said about that yesterday, and I ask members to bear in mind just exactly how dangerous the mining industry is. In the three years to June 1998 there were 13 fatalities in the Queensland mining industry, with four in the coalmining industry. That could be seen by other industry standards as a very sound safety record. I table the figures relating to lost time and fatal injuries in Queensland.

The Queensland Mining Council is also completely against the statutory positions of open cut examiner in the coal sector and district workers' representatives in other mines. The Mining Council makes the valid point that no such similar positions are provided for in any other industries under the Workplace Health and Safety Act. Why has the mining industry been singled out? The Mining Council maintains that the creation of these statutory positions will reinforce the dangerous notion that safety is the responsibility of only a handful of people, when in fact all personnel need to be involved in preventing accidents. The Mining Council challenges the Government to prove how these provisions will improve safety in Queensland mines.

Whilst we applaud the positive moves to enhance the safety of any sector of the mining industry, I ask: how will this position, specifically targeted as a union position, assist in raising the safety standard for workers in mines? There will be confusion between the roles and jurisdictions of the qualified Public Service inspectorate and the unqualified union appointed officers. The appointment will be counterproductive, as it shifts responsibility from management to a third party. The fact that the district workers' representatives will be appointed by the Minister and not subject to the Public Service Act 1996 means that the Government, and therefore the public, will be liable for damages as a result of improper exercise of powers by a district workers' representative. Last, but by no means least, the practical implementation of the appointment of the DWRs in the coal sector and the ISHRs in the other sectors may breach anti-discrimination laws.

Few members of this Parliament would be aware that eight months of protracted negotiations have occurred between the chief executives of every major company in the mining industry and the Minister for Mines and Energy, Tony McGrady. They have been voicing their strong opposition to

certain provisions contained in this legislation. In desperation, after complaints fell on deaf ears, they decided to approach the Premier directly. Part of the submission to the Premier on 4 March 1999 states—

"The individual companies represented by the Queensland Mining Council are totally opposed to the amendments now before you. We believe they actually constitute a threat to the health and safety of our workforce in the mines we manage and are responsible for. We are seeking your assurances that the proposed amendments as drafted will not proceed."

I concur with these statements. These are pretty damning words from the Queensland Mining Council. I urge all members of the House to pass the amendments to be moved by my colleague the member for Whitsunday during the Committee stage.
