Speech by

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MEMBER FOR MOGGILL

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COAL MINING SAFETY AND HEALTH BILL

MINING AND QUARRYING SAFETY AND HEALTH BILL

Dr WATSON (Moggill—LP) (Leader of the Liberal Party) (12.13 p.m.): I rise to speak to the Coal Mining Safety and Health Bill. This Bill, when prepared under the previous Minister for Mines and Energy, Mr Tom Gilmore, was a good Bill, but then something happened to it. Minister McGrady got hold of it.

The Bill now has three serious flaws. The changes that Minister McGrady has made to the draft legislation will not improve safety or health. The only thing they will improve is the ability of the CFMEU to disrupt the coalmining industry in this State.

I want to deal with three specific issues with regard to this Bill. Those issues are: firstly, the reintroduction of statutory officials into surface coalmines; secondly, the introduction of certain penal provisions; and, thirdly, the monopoly that this Bill gives the CFMEU over the appointment of health and safety officers.

In an effort to improve the competitiveness of this industry, last year the Federal Government commissioned the Black Coal Industry Inquiry. The report of that inquiry recommended that underground coalmines should be regulated separately from open-cut coalmines. The report said that open-cut mines should be covered by the occupational health and safety legislation governing metalliferous mining or the general legislation covering OHS in other industries. In other words, the report says that there is no need for statutory officials in open-cut mines.

The draft Bill prepared under the previous coalition Government after extensive consultation with the whole industry recognised this fact. The coalition's draft Bill did not include provisions for statutory officials in open-cut mines because the coalition recognised that open-cut mines do not need statutory officials. Quarries operated by many local councils around Australia, which follow exactly the same principles as open-cut mines, do not have or need statutory officials. Almost identical operations in metalliferous industries do not require statutory officials.

No-one is arguing that statutory officials should be taken away from the underground mines. I recognise the contribution made by the member for Fitzroy. He has had nine and a half years' experience in the dangerous conditions of underground mining. The Opposition does not walk away from the fact that there should be statutory officials in underground mines, but there is no practical or safety reason why open-cut mines need statutory officials. So why are they being foisted upon us in this flawed Bill? The answer is simple. The honourable member for Mount Isa is doing the bidding of the CFMEU.

The draft Bill in its original form required safety management plans for open-cut mines. These plans will provide the most effective means of ensuring a safe and healthy work environment. Not one single person in the mining industry in Queensland, apart from the unions, believes that statutory officials make sense in open-cut mines. They are not required for safety reasons. Minister McGrady has been unable to produce any other reason for having them.

If statutory officials are so vital for safety, why do we not have them in similar industries? Why do we not have them at every council quarry? Why do not other surface mining operations have them? The answer is that we do not need them. We are faced with the question of who really is the Minister for Mines and Energy in this State. Is it Tony McGrady or the CFMEU's Andrew Vickers?

The second major flaw in the Bill concerns the introduction of penal provisions in clause 34. The Bill provides for imprisonment for up to two years for the failure of a person to fulfil an obligation placed on that person by the legislation. Does the Minister really believe that penal provisions will improve the safety and health of miners? These provisions will have exactly the opposite effect because they will greatly hinder any investigation into an accident. Do we want to finish up in the same situation as litigation-happy America where one major coalmining company has 20 lawyers employed full-time? The money and energy would be better spent on managing risk to safety and health.

Mr Purcell interjected.

Mr DEPUTY SPEAKER (Mr Mickel): Order! That was unparliamentary. I ask the member for Bulimba to withdraw that comment.

Mr PURCELL: I withdraw.

Dr WATSON: Perhaps the honourable member should just wait and listen. New South Wales has penal provisions but they do not work down there and they will not work up here. Take the case of the Gretley mine disaster in New South Wales. Many of the people involved in that disaster have refused to cooperate on the grounds that they may incriminate themselves.

Far from being an indication of strong enforcement of legislation, these provisions represent a sign of weakness on the part of the Department of Mines and Energy. The objective of the department and its Mines Inspectorate should be to work closely with mine management to prevent accidents. There must be cooperation to avoid the recurrence of accidents. Draconian penal provisions hinder cooperation and will do absolutely nothing to improve the safety and health of mineworkers.

The third flaw in this Bill concerns clause 109, which provides that only one body can appoint industry health and safety representatives. There are no prizes for guessing that that body is the CFMEU. Currently, the CFMEU has three health and safety representatives. Under this Bill, no other union can nominate a representative. This legislation completely shuts out non-unionists. This is clearly discriminatory and is also at odds with the Black Coal Industry Inquiry report, which states that the role of employees in carrying out safety inspections should not be restricted by regulation to union members.

The Department of Mines and Energy contributes to the salaries of the three current CFMEU safety and health representatives. I think the members of this House—and the taxpayers of Queensland who pay part of the health and safety representatives' wages— may be interested to know what those three men have been getting up to recently. Those three representatives have all spent time on the picket line at Gordonstone when they should have been looking after health and safety interests. Instead, they were looking after the interests of the CFMEU. They were doing it partly at taxpayers' expense. Again I ask: who is really the Minister for Mines and Energy? Is it Tony McGrady or the CFMEU's John Maitland?

In summary, this Bill takes the Queensland coal industry backwards, not forwards. The Black Coal Industry Inquiry report stated that Governments should facilitate improvement in management by increasing the choices available to managers and owners in managing mines. The reintroduction of statutory officials, penal provisions and giving the CFMEU a monopoly on health and safety officers will have the opposite effect. These provisions will hinder management and adversely affect safety, productivity and competitiveness. It is clear that the only outcome of this legislation is to allow the CFMEU to increase its power in Queensland.