Speech by

Mr JIM PEARCE

MEMBER FOR FITZROY

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

Mr PEARCE (Fitzroy—ALP) (11.53 a.m.): It gives me great pleasure to rise in this place to support the Mines and Energy Minister and the legislation that is so important to the safety and health of those who work in our most important industries—coal and metalliferous mining.

Today I have brought into the Parliament two reports—the report on the Moura No. 4 accident, in which 12 miners lost their lives, and the report on the Moura No. 2 underground mine accident, which occurred on Sunday, 7 August 1994 and in which 11 mine workers lost their lives. Those 11 workers are still entombed in that mine. I sincerely hope that no future member of Parliament has to stand in this place and talk about reports arising from a mining tragedy. I hope that this legislation will go a long way to preventing those types of tragedies in the future.

Two Bills are being debated here today—the Coal Mining Safety and Health Bill, which replaces the Coal Mining Act 1925, and the Mining and Quarrying Safety and Health Bill, which replaces the Mines Regulation Act 1964. This is a significant occasion. We are debating new legislation that will take the mining industry into the new millennium and beyond.

Coalmining remains the most hazardous industry in Australia and throughout the world. It is well understood that the unique environment of underground coalmines means that the unsafe acts of just one person can affect the safety of others much more than would be the case in other industries.

As a former coal industry worker, in both open-cut and underground mines, I can speak to the legislation with a real understanding of the coal industry and what it means for employees to have in place legislation that offers them some protection from the master/servant policies of some mining companies.

Because of my time as a coal industry worker, I will direct my comments to the Coal Mining Safety and Health Bill. This does not mean that I consider metalliferous mines less dangerous or less important than coalmines. It is well recognised that the legislation covering those mines will lift the standard of safety and health of those workplaces. Metalliferous mines have been neglected to some extent by mining inspectors because of the resources available as against the large number of mining operations that fall into the metalliferous category.

I believe it is important that I provide to the Parliament some of our mining history so that people can gain an understanding of where we have come from, the reasons for the new legislation and what impact it will have on the coal industry and the workers who put themselves daily into an environment that is dangerous and unsympathetic.

The first mine to open in Queensland was a mine called Pioneer in 1843. It had a very short life. In 1881 we saw the first Mines Regulation Act. It combined metalliferous and coalmining in the same Act. The first inspector of mines was appointed in 1882. In 1919, explosions caused the deaths of miners at the Redbank and Cardiff mines. Prior to 1925, mine safety in Queensland was controlled by the Mines Regulation Act 1910, which applied to all mining activities—both coal and metalliferous mining.

At 9.25 on Monday, 19 September 1921 there occurred a violent explosion at the Mount Mulligan colliery, in which 74 men lost their lives. The worst mining disaster in Australia's history had

occurred. A royal commission into the disaster followed. In its report of November 1921, two major recommendations brought about change that exists to this day—separate legislation to cover the coal industry and the employment of specialist coal inspectors. The 1925 Coal Mining Act, the Act we are seeking to replace here today, is the result of recommendations from that royal commission. I want members to think about the event that forced change on the mining industry. It took the loss of 74 miners to force change on the Government of the day.

The 1925 Coal Mining Act has served the industry well. While there have been a number of amendments, the essential framework of this Act has remained unchanged. The 1925 Act has provided for safe mining. Despite the disasters of the past, no royal commission or inquiry has found that the inadequacy of the Act has contributed to a major incident. The current Act has been amended 28 times since it was proclaimed and it is almost impossible to count the number of times the regulations have been changed. As a matter of interest, the Mines Regulation Act—that is, the legislation covering metalliferous mining and quarries—was completely redrafted in 1964.

We are in a changing world and it would be fair to say that the amount of change that has occurred in 77 years is almost beyond grasp. The replacement of the 1925 Act is certainly due. In fact, it is broadly accepted that this new legislation is long overdue. The current Act is too prescriptive and almost impossible to understand, even if it were not badly written.

Some things, however, remain constant. Mining, as in 1921, is still Queensland's most important industry. The coal industry still requires the utmost attention to safety. The events at the Moura No. 2 mine at 11.35 p.m. on Sunday, 7 August 1994 clearly demonstrate that. Time does not permit me to go into the details of our most recent multiple tragedy, caused by an explosion deep in the bowels of the mine. However, I can say that I was appalled by the circumstances related to the explosion and I am disappointed at the speed with which the disaster has been forgotten by some people in the industry. We still have fatalities in the coal industry and mine workers are still being seriously hurt.

If the safety performance of Queensland's underground coal industry is not improved, a mine worker will run a 1 in 33 chance of being fatally injured during a 40-year career. Nationally, that figure is 1 in 28, and 1 in 24 for a worker in an underground metalliferous mine. A coal worker will, in the same time, also suffer, on average, five injuries which would render him incapacitated for, on average, 13 working days for each injury. Comparison work by the Minerals Industry Safety and Health Centre of the University of Queensland indicates that the fatality risk in general industry is 1 in 455, compared to the 1 in 33 in the coal industry.

While it can be legitimately said that many of the workers in general industry are in office environments that are low risk, it should be remembered that a proportion of workers in the underground mining industry do not work or spend much time underground; they are service workers, or they work in wash plants and offices where the risk is less. What this means is that the figures on those who work underground are understated. In the 10-year period 1989 to 1998 inclusive, there have been 17 fatal injuries. As to lost time injuries in Queensland coalmines in the past five years, 289 were reported. The average number of days lost to each injury over the past five years is 4,240 each year.

Those statistics speak for themselves, but they mean nothing to the general public until we have a tragedy like that at Moura. Quite frankly, they still mean nothing to many people in the industry today—unless there is a tragedy and we have to go over the rhetoric of making sure that we improve safety so that these tragedies do not occur in the future. It has all been said before, but still those tragedies are occurring.

The Government believes that the next step towards improving safety in our mines is to apply safety and health principles to mining while still retaining a focus on mining safety. The State Government has a clear obligation to all employees in the coal industry to ensure that the highest standards of health and safety in the world's most hazardous industry are in place. The new legislation is about standards of health and safety that a mine operator must put in place. It gives a mine operator the opportunity to work with mine employees who also have a responsibility for safety and health. The legislation recognises that mining, because of its very nature, has a high potential for accidents. Accidents can happen at any time because of the sheer size of machinery, the environment and its sensitivity. The use of electricity creates a risk. Human error, human risk taking and even the humidity can influence an incident.

The Bill has been some eight years in its development. It has been developed by tripartite groups, including Government, union and industry representatives. There has been wide consultation, and many long hours have been put into giving us this legislation that is now before the House. The legislation sets standards for safety and health rather than prescribing how industry should do things. There is an emphasis on duty of care, the principles on which this legislation is built. It is about every worker, management and supplier accepting responsibility for a safe work environment through safe work practices, safe equipment and supplies, and a management structure with a genuine commitment to ensuring that safety and health remain in focus and are not set aside in the interests of getting coal

onto the stockpile. If there is failure by any party to do their job, than that party must accept responsibility. However, unfortunately, if past practices are any indication, mine management and boardrooms will be looking to place the consequences of their failings onto the shoulders of someone other than themselves.

I am very happy that the legislation before the House retains the statutory positions of open cut examiners, which are covered in clause 59, and mine deputies, which are covered in clause 60(8) and (9). For an OCE, that person must hold an open cut examiner's certificate of competency to enable the person to carry out responsibilities and duties prescribed by regulation at an open-cut mine. I thank the Minister for his preparedness to bite the bullet and to take on the chin the criticism for the retention of OCEs at open-cut mines. If the Opposition had introduced this legislation, those statutory positions would have been omitted. The position of open cut examiner is in the Coal Mining Safety and Health Bill because we have a Labor Minister who knows the mining industry and who is prepared to bring in legislation based on commonsense, not on the whim of mining companies. OCEs owe the retention of those positions in the new legislation to a Labor Government. They were gone under a coalition Government, and they should never forget that.

I say to OCEs in the coal industry— because I know where the problem arose— that those positions almost became extinct because, in the past, some—but not all— OCEs have allowed themselves to be sidetracked. They, to put it simply, did not do their job. They became messenger boys and carried out work other than that which they were supposed to be doing. They allowed management to erode the status of their position. At the same time, management was recording the activities of OCEs and was able to put up a good argument for them to be unimportant to the safe operation of a mine. OCEs need to take that on board. Mining deputies need to have a serious look at what they are doing, too. Working double shifts, 20-hour and 24-hour shifts is not on. And if they continue to do it they will be putting themselves into the position where mining companies will want those positions removed, as well.

OCEs have been retained in this legislation. Their duties will alter, but they will retain their positions, backed by the power of legislation and regulations. Underground mine deputies are to be retained, which is in line with the recommendations from the Moura No. 2 inquiry. For a person to be a mine deputy, that person must hold a deputy's certificate of competency. An underground mine manager can also appoint a person holding a first or second-class certificate of competency to have control of activities in one or more explosive risk zones of a mine.

Given that there are many important areas in a coalmine—I spent nine and a half years underground, so I do have some understanding of this—I feel that the definition of "explosive risk zone" limits the ability of a competent person to monitor the mine's stability, its roadways and airways. I have received an explanation from people within the department, which I accept. However, I will be seeking clarification from the Minister as to the meaning of "explosive risk zone", its boundaries and when a zone is considered to be at risk of explosion. I note that the unions have endorsed this legislation. In fact, they have played a big and very important role in its preparation. So they will accept the definition of "explosive risk zone". I want only to have its meaning, its boundaries and time of recognition placed on record so that the intent of the wording is understood and cannot be abused or interpreted to suit the intent of the inspectorate or mine operators.

The Queensland Mining Council has attacked the legislation. Its chief executive officer, Mr Michael Pinnock, said that the legislation represented outdated industrial attitudes. He has to be joking. He said that these Bills are now about protecting trade union power bases and not about protecting workers' safety. And the words that came from the mouth of the Opposition spokesman are those that Mr Pinnock himself has been mouthing . Mr Pinnock cannot accept the reality of the mining industry: that the workers have protected the workers from the poor management decisions that have been made in the past. And if the workers cannot protect themselves, who is going to protect them?

Mr Pinnock and the people he represents are never happy. Sometimes I think he cries out loudly simply to justify his existence. Mr Pinnock has a problem because, in Queensland, the QMC is viewed by many, including on-site mine managers and some members on the conservative side of politics, as having reached its use-by date. With mining companies—in fact, individual mine sites—becoming more independent in line with QMC policy on price negotiation and negotiation with the work force in determining industrial relations outcomes, the QMC has almost lost the reasons for its existence.

With regard to the legislation now before the Parliament, Mr Pinnock and members opposite wanted the mining industry to have the absolute right to self-regulation. It has been a relentless push for self-regulation with total disregard for its consequences. The result would be that the health and safety of mine workers would be left in the hands of mine management and the board rooms of the coal companies. The big company board rooms have no compassion for anyone to whom they pay a wage.

An Opposition member interjected.

Mr PEARCE: Don't tell me; I've been there. As far as company boards are concerned, workers are disposable. Workers are merely names on a computer and can be erased or wiped out.

A Government member: Units of production.

Mr PEARCE: They are treated as units of production, as the honourable member said. This legislation offers protection for workers—protection that is enhanced by the introduction of significantly increased penalties, including imprisonment.

The Opposition took a different position and supported the mining companies because they are tired old bedmates who still dream of the good old days of master and servant. Those days are gone. This legislation retains the employee-friendly statutory positions of open cut examiners and mine deputies. The legislation provides power and competency. It provides protection for workers against the ruthless demands of mining companies in the push to win coal with reduced work forces. These things are now starting to impact on the industry. Currently miners are working longer hours alongside inexperienced part-timers and contractors.

Fair dinkum, if honourable members consider what I have said they will realise that we have a disaster waiting to happen. It would have been of enormous concern if statutory positions had been abolished. The people in the statutory positions are really the mine workers' police officers. They ensure that the mine workers do the job in a safe manner. They also ensure that mine management has the right attitude and provides sufficient resources to ensure that the mine is safe.

The self-regulation pursued by Mr Pinnock has led to a significant increase in incidents causing serious injury or death in Western Australia's mining sector. A report on the inquiry into fatalities in the Western Australian mining industry showed that a number of submissions were provided by supervisors and employees which related to direct and indirect management pressure to maximise production to the detriment of safety in the underground sector. This pressure was considered unacceptable. It was recommended that it should be eliminated because of its negative impact on safety performance and the safety culture of the organisation. The task force that carried out that inquiry found that it was not uncommon for unsafe work practices to prevail in pursuit of production.

At this stage I wish to quote from the inquiry's report. Under the heading "Safe Practices" the report states—

> "The task force found that it was not uncommon for unsafe work practices to prevail in the pursuit of production."

That is something I have been saying for a long time. The report continues—

> "It appears that while some supervisors are aware of unsafe practices, they allow them to continue in the absence of an incident because production targets"——

Time expired.
