



Speech by

**JOHN MICKEL**

**MEMBER FOR LOGAN**

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Hansard 13 April 1999

### **EXPLOSIVES BILL**

**Mr MICKEL** (Logan—ALP) (3.40 p.m.): The Explosives Bill is designed to replace the existing Explosives Act 1952. As the Opposition spokesman has indicated, the Bill has bipartisan support.

The purpose of the Bill is to ensure safety for the community from all activities associated with explosives which is, of course, an inherently dangerous class of materials. These materials, because of their nature, pose a risk to the general community and an attraction to an undesirable element within the community. Yet, they are essential tools for the community, particularly in Queensland which is heavily reliant upon its mining and construction industries. The current use of high explosives in Queensland is of the order of 250,000 tonnes per annum. An efficient mining industry must have access to a competitive, efficient, flexible and innovative explosives industry, and safety legislation needs to be mindful of these needs.

A review of the explosives legislation was commenced in 1993, as all honourable members know only too well, and it continued under the previous Government and has taken considerable time to reach this stage. It involved extensive consultation with all the stakeholders and included the following considerations. The legislation is part of a network of national and international controls of explosives. The legislation, for its effectiveness, should cover a comprehensive range of activities including manufacture, importation, storage, transport and sales. Explosives represent a broad class of materials including blasting explosives, fireworks, ammunition, reloading powders, flares, toys such as caps for toy guns and practical devices such as airbag actuators for cars.

The legislation has moved over time to a form of co-regulation where standards and codes are practised and developed by both Government and industry representatives. The legislation is part of the Government's observance of its community service obligations. The legislation is complementary to other legislation and does not duplicate requirements established elsewhere. The materials in question pose a significant risk to the community and, as such, must be properly managed.

The significant changes to the existing legislation incorporated in the Bill include the following. The explosives legislation has general application and hence should promote the establishment of uniform requirements throughout Queensland. The only exemption provided in the legislation is for those explosives under the control of the military services to which the Commonwealth Explosives Act 1961 applies.

The existing explosives legislation provides for appeals against decisions to be made firstly to the chief inspector and then to the Minister, whose decision is final. Such provisions were seen not to allow an independent review of the decisions under the Act. The new Bill in part 7 provides for appeals to a Magistrates Court and outlines how such appeals may be processed. In this manner, the powers to grant, refuse, amend, suspend, or otherwise deal with authorities under the Bill are subject to—and are seen to be subject to—appropriate external review.

Given the nature of the materials covered by this Bill, the consideration of a person's suitability to hold an authority granting access to and the use of explosives includes the need to consider the mental and physical state of the applicant.

**Mr Lucas:** That rules you out!

**Mr MICKEL:** It may rule some of the One Nation members out, but such matters have been——

**Mr Black** interjected.

**Mr MICKEL:** I hear the member for Whitsunday interjecting. When I was a boy I was told to beware of the skyrockets of politics. I invite the honourable gentleman to think about that because he is one of the skyrockets of politics. They go up in the air, they go off with a flash, and in the end they come down to earth as a dead stick. I would ask the honourable gentleman to think about what stage of the process he is at.

Such matters have been considered by the Federal Attorney-General's Department with respect to the Disability Discrimination Act 1992 and found to be consistent with safe workplace requirements.

**Madam DEPUTY SPEAKER** (Ms Nelson-Carr): Order! There is too much audible noise in the Chamber.

**Mr MICKEL:** Thank you very much for your protection, Madam Deputy Speaker. They are so rude on that side of the House that it interrupts my concentration. Protection is provided within part 8 of the Bill in clause 125 to doctors and psychologists who provide information to the chief inspector about a patient's mental or physical condition and applies despite any duty of confidentiality owed by the doctor or psychologist to the patient. This provision, as honourable members know only too well, is very similar to that incorporated in the Weapons Act for similar reasons.

I congratulate the Minister. I know he has been hard at work on this legislation since 1993. Even in Opposition he was tireless in his pursuit of this issue. I commend him and his staff for the full and frank briefings they have given us on this legislation. From the research I have been able to undertake myself, I know what an outstanding Minister for Mines we have in this State. I know he represents his electorate of Mount Isa very well. I know that this Bill will be talked about—as are many of his other accomplishments—for many years to come. I commend the Bill to the House.

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