



Speech by

Hon. KEN HAYWARD

MEMBER FOR KALLANGUR

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

Hon. K. W. HAYWARD (Kallangur—ALP) (12.50 p.m.): I welcome this debate. Its principal focus is on the protection of the health and safety of mine workers. Mine and quarry safety, particularly underground mining, is an issue for all MPs to consider. Our purpose here as members of Parliament is to represent people. Two of the principal issues that I think we should never forget as to why we represent people are to work for the improvement of the economy—and, through that, the provision of jobs—and within the workplace to ensure that people whom we represent can be guaranteed an important level of safety in the workplace, particularly when one deals with the health and safety of mineworkers.

As I said before, I welcome the opportunity to speak to these Bills. The principal issue is that these two new Bills repeal the Coal Mining Act of 1925. I know that in my role as a member of Parliament I—and a number of other people in this Chamber—have had the opportunity to speak to many of the amendments to that Coal Mining Act of 1925 that have been brought before this Parliament over the years. As the industry changes, as technology changes, as the drive for improved efficiencies occurs and as safety issues that previously were not apparent to anybody are exposed—unfortunately, often tragically—the Parliament then has the need to bring in further amendments.

Of course, the history of underground mining, particularly coalmining, in Queensland is littered with tragic disasters. If one looks at its history, one sees that disasters have occurred about every seven years. The honourable member for Fitzroy talked earlier about Mount Mulligan in 1921. But if honourable members look at the history, they will see that incidents occurred in 1921, 1928, 1936, 1945, 1954—two in 1954—1972, 1975, 1978, 1986 and, of course, very tragically and most recently, Moura in 1994, in which people who work within the mining industry have been killed. So there is a great history—

Mr ROWELL: Mr Deputy Speaker, I draw your attention to the state of the House.

Quorum formed.

Mr HAYWARD: Over a number of years and particularly in recent years, mining has developed into the most important industry in the Queensland economy. The point that I made before was that the history of mining in Queensland is been littered with many tragic disasters. As I said when I first rose to speak, I welcome these Bills, but there is nothing surer than that we will be debating further amendments in this Parliament as time passes.

This is tough legislation which will send a strong safety message, because the Coal Mining Safety and Health Bill of 1999 and the Mining and Quarrying Safety and Health Bill of 1999 contain the most significant changes to mining legislation since 1925, when the present Coal Mining Act was introduced. As I said before, this is tough legislation and it will send a strong message to everybody associated with the mining industry, that is, the owners, the managers and, of course, the workers.

So far in this debate, speakers opposite have highlighted, probably through briefs that they have received from the Queensland Mining Council, a distrust between the workers, the management and the owners. Through that they are saying that many of the matters that have come forward in this debate on these very important safety and health Bills this afternoon are not relevant or helpful to safety. I think that we need to put to rest a lot of those issues and a lot of those positions and work constructively towards improving the safety and health of miners in this State.

This legislation, as I said before, is tough legislation. It was developed by tripartite groups, including Government, union and industry representatives, and it involved wide consultation within Australia and overseas. It demonstrates, I think, a solid commitment from all concerned—we do not leave anybody out; I repeat "all concerned"—to prevent accidents and to safeguard the health of those involved or affected by the mining industry and the quarrying industry.

Work started on this legislation in 1991, but it was halted in 1994 when, as I said before, the Moura disaster occurred. In 1996 the warden's report into Moura was handed down, and the legislation has now been drafted to include the recommendations of that report. Some of the key points from the legislation include an emphasis on duty of care obligations for employers and employees; on-site management of risks that are involved in mining; specific provision for employee involvement in safety at the work site; joint employer and employee planning for safety and health by developing safety management systems; importantly, I think, penalties including imprisonment which mirror the Workplace Health and Safety Act; and a major monitoring and enforcement role for the Government in the inspectorate.

I think that this legislation sets standards for safety and health, rather than prescribing how industry should do things. It is based on those modern principles, principles that are a result of sustained effort by all of the major stakeholders. People have not been exempted from or left out of the debate or the drafting of the legislation that is now before the Parliament. Under this legislation, the people who have the authority to remove hazards and reduce risk can be held accountable. Similarly, responsibility is placed on those who have the most knowledge of how detection and removal of hazards should be achieved, which in many cases is the mineworkers themselves.

While the mining industry and those supplying goods and services to the industry will have firm obligations to health and safety, there is also a clear role for the Government through the Mines Inspectorate, which has been considerably strengthened from 33 to 44 positions in preparation for this legislation. There will be a measured amount of self-regulation involved, but Government will be monitoring, auditing and correcting safety systems established by industry as well as enforcing the requirements of the legislation. If the worst happens, the Coroners Court will inquire into any fatal accidents as part of normal judicial process, as opposed to there being a warden's inquiry. Importantly, this will ensure that serious failures to meet safety obligations are reviewed by a body which is completely independent of the mining industry or agencies associated with the mining industry.

Sitting suspended from 1 p.m. to 2.30 p.m.

Mr HAYWARD: As I said before the lunch adjournment, I welcome these Bills, but there is nothing surer than that as time passes this Parliament will debate further amendments on the issue of safety as technology changes and the industry evolves.

I ask the Minister whether this legislation grants exemptions to the application of the safety measures. That is of some concern to me. As excellent as these Bills are, I would be concerned if there are exemptions that enable people to avoid these important issues of safety. I would like the Minister to explain whether there are provisions for exemptions in relation to health and safety and, if so, what catch-all there is to ensure that the safety of mine workers is maintained.

Mining and quarrying are dangerous occupations, particularly underground mining. The member for Fitzroy talked about coalmining. We should learn from the past. The history of mining is littered with disasters. That is why these Bills were developed and other legislation will continue to be developed as time goes on.

The safety of miners is paramount. We need to ensure that safety is improved and not reduced. These two Bills deal with that. As I have said before, safety will not be maintained if exemptions from the safety provisions continue to be granted at will. Why have these safety provisions if exemptions are granted easily? We have learned these lessons the hard way, as a result of disasters. I look forward to the comments of the Minister on this issue. I commend this legislation to the House.
