Speech by

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MEMBER FOR GLADSTONE

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COAL MINING SAFETY AND HEALTH BILL

MINING AND QUARRYING SAFETY AND HEALTH BILL

Mrs LIZ CUNNINGHAM (Gladstone—IND) (2.47 p.m.): The mining industry, while it is not in my electorate directly, is certainly in close proximity. Over a number of years, we have seen some very serious tragedies occur. Whereas particularly with Moura there was a detailed post mortem, that does not give great assistance or great succour to the families who have been affected, particularly those who lost dads in that incident. However, the Moura mine inquiry did uncover a number of issues that needed to be addressed and needed to be addressed quite seriously.

In the information that was provided by the Minister when the Bill was introduced, the Department of Mines and Energy, the Queensland Mining Council, other industry associations and relevant unions—and two are named: the CFMEU and the ACSA—all recognise deficiencies in the current regulatory regime covering safety and health in coalmines. Yet I find it anomalous that, in the definitions of "union", only the CFMEU gets a jacket. I am sure that there are more than that particular union that operate in the mining industry.

There are a number of issues that I will be seeking to clarify with the Minister at the Committee stage, because a more appropriate opportunity will arise. There are just a number of general comments that I wish to make. The position of the inspectorate for underground mines is vital—more so than even in open-cut mining, which is the direction of the new mining companies. They have tended towards open-cut mining. The men and women who work in the underground mines are very vulnerable as far as safety is concerned. They have little opportunity to leave a mine if there is a serious incident, and that has been evidenced by a number of serious cave-ins over a number of years. So their safety, their quality of air and their quality of working conditions in an underground mine must be very closely monitored. The ability of the health and safety officer or the inspector to require that the mine be cleared of personnel if, in the safety officer's or inspector's opinion the working conditions are unacceptable or unsafe, must be unfettered.

It must not be checked by economic reasons. It must not be checked by any constraint—such as a threat of termination—as far as the person's work position is concerned. It must not be threatened by any other encumbrance that would hinder the inspector from working in the best interests of the underground work force. Conversely, the inspector must act in good faith and in no way make a decision on anything other than the working conditions. In other words, he must not close down the mine as a means of union action. I hold firmly to that view, particularly in relation to underground miners who are so very vulnerable. There is a little more flexibility with open-cut mining in regard to air quality. Underground miners are at the mercy of their employers and their inspectors, who must ensure that their working conditions are safe.

Clause 72 of the Bill allows the Minister to notify the making of recognised standards by Gazette notice. The coalition's proposed amendments provide for those notices to be advised as subordinate legislation. I will be supporting that. That will ensure that these standards are reviewed by this Parliament. Whilst in many instances no action would be taken, it at least provides for disallowance if it is felt necessary.

I want to comment on the appointment of members of the council. Clause 81 provides that council members are appointed for no more than three years, with the ability for reappointment for up to eight consecutive years. However, the chairperson is appointed without any time being specified. I

wondered why that was necessary. As I said, council members are appointed with the opportunity for reappointment. I do not know why we have this situation. I assume that the chairperson would be eligible for reappointment. This would give the Minister and others who are affected some opportunity to review the situation.

I also seek clarification from the Minister as to why he has been given the power to remove a member from office for any reason or no reason. Usually, natural justice requires that if a person is removed from an office a reason is given. That clause in the Bill is an anomaly. It is not a clause that regularly occurs in other legislation. In almost all legislation I have seen, any removal from office has to be accompanied by a reason. In some instances, those reasons have to be written to allow for the appeal apparatus to come into play. I do not understand why the Minister has been given that power. I would be interested to hear any comments that the Minister may wish to make.

The legislation contains a clear divergence of opinion with regard to the industry health and safety officer. I believe that the proposed One Nation amendments will remove this clause from the Bill. The coalition's proposed amendments allow for a significant input by the workers in the mine. However, that does not appear to be the case in the legislation tabled by the Minister. I would be interested to know why the workers have not been given some opportunity to comment on the contribution of the industry health and safety representative. One could understand the union, the workers and the Minister having some input into the situation. The way the Bill is written, the union and the Minister have an input but the workers are somewhere else. They are out in the cold. I notice that the coalition's amendments give the workers the right to decide whether their representatives have their confidence. Again, given the vulnerability of mining workers, that appears to be a very important right to confer upon the work force. I would be interested to know why the Minister finds that unacceptable.

I have a question with regard to clause 119 on page 71. My understanding of this clause is that the industry representative is funded by the union, is chosen by the union and is appointed by the union. As part of his suite of powers, he has power to issue a directive under clause 167. This refers to a directive to suspend operation if there is an unacceptable level of risk. The company's response is to go to court. I seek clarification from the Minister as to what recompense the company can pursue. Does the company sue the union which, according to the Bill, has the role of appointing the representative? The union funds the representative and has a great deal of input into the representative's work.

If the court overturns the representative's opinion as being unsubstantiated, does the company sue the union or the Minister? If the company can sue the Minister for costs, it appears that this legislation contains an inappropriate stream of accountability because, the way I understand the Bill, the representative is not directly answerable to the Minister. The representative acts on his own behalf. I believe it is not a balanced approach if the company has recourse to the Minister.

There is a proposal by the coalition to include a new section restricting the functions and powers of the industry health and safety representative to the extent that the representative will only be able to exercise power in a mine where the majority of workers are members of that industrial organisation. There is some wisdom in this provision. However, I am sure that there is a downside to it as well. I would be interested to hear the Minister's comment on the reason for not including that in the Bill.

I want to make a few comments with regard to boards of inquiry. The boards fulfil a very important role. The role is reactive, not proactive. The inquiries concern serious accidents or the potential for serious incidents occurring. I wondered what matters the Minister would consider are covered by clause 203(4). The Bill provides that the board can give the Minister a separate report on issues that the board considers should not be made public. The Minister need not table a separate report in the Legislative Assembly. However, the Minister has an obligation to table any other part of the report.

My concern with that clause is that it provides an opportunity for negligence by companies, inspectors or office bearers to be withheld from public view simply because the board details it as needing confidentiality. There are no guidelines covering this issue. The board can request the Minister to keep confidential matters concerning individuals. I could understand this provision if it covered details of mining incidents or cave-ins where graphic detail would add to the pain of the family. However, the legislation does not say that. It simply gives the board the ability to report separately to the Minister on issues that are not defined. That may lead to a situation in which people not deserving of protection will gain protection.

As I said, there are a number of other issues in the amendments that have been circulated. However, I think that I would rather deal with most of them at the Committee stage to get a more direct answer from the Minister. I reiterate that miners are a vulnerable group of people, particularly underground miners. There have been many mining tragedies in my region, which the member for Fitzroy is much more familiar with and perhaps much more passionate about. If we can do something to give protection to the underground miners in particular, we would feel relieved. The families of miners would also feel a great deal of relief and would be comforted if those safeguards could be clearly implemented and policed.