



Speech by

Mr N. ROBERTS

MEMBER FOR NUDGEES

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COAL MINING SAFETY AND HEALTH BILL

MINING AND QUARRYING SAFETY AND HEALTH BILL

Mr ROBERTS (Nudgees—ALP) (12.20 p.m.): It was interesting to listen to the contributions of the members opposite, particularly those that related to the involvement and role of the trade union movement in occupational health and safety. So often members opposite fail to acknowledge the significant contribution that the trade union movement makes to the improvement of workplace health and safety not just in the mining industry but to industry generally.

A Government member: They just don't like unions.

Mr ROBERTS: They do not like unions. That is self-evident from a lot of the speeches that we have heard today. I spent 10 years as an industrial advocate for the Electrical Trades Union.

Mr McGrady: And a good one.

Mr ROBERTS: I thank the Minister for that. I also spent some time as an occupational health and safety trainer. I conducted courses in the mining industry, particularly the metalliferous industry, and also in other industries throughout the State. That experience led me to believe that it is, in fact, in many instances the trade union movement that initiates the majority of activity in terms of addressing workplace health and safety issues in the workplace, not employers. That experience has also shown me that in the majority of cases it is unions that initiate the election of workplace health and safety representatives, it is unions that actively initiate the establishment of workplace health and safety committees, it is unions which, through their representatives on the ground, initiate the investigation of workplace accidents in many premises, it is unions that initiate activities to regularly identify hazards in the workplace and also, most importantly, in the main it is unions that disseminate information to workers about hazards in the workplace. So in my experience—and I think that this is also acknowledged by other members, at least on this side of the House—the role of the trade union movement is crucial in addressing workplace health and safety issues.

Yesterday, I was hoping to speak on this issue because yesterday, which was 28 April, marked the fourth International Day of Mourning, which is an annual event that commemorates the many thousands of men, women and children who are killed or injured or who become ill as a result of their work. Yesterday, the Australian Council of Trade Unions Queensland Branch commemorated that day with some activities. I want to place on the record my appreciation to the ACTU for highlighting this important day. It is a day that we should give recognition to in this place. Some of the statistics are very sobering. Internationally, each year around 335,000 workers die as a result of workplace injury. Additionally, the figures suggest that about 160 million workers across the world contract occupational diseases. In Australia, at least nine workers are killed each week and 11,000 are injured. Each year, over 2,200 die from diseases caused by exposure to hazardous substances. Contrary to popular belief, this rate is much worse than the rate in other countries such as England and the United States, because we tend to think that those countries have less safe workplaces than our own.

In Queensland in 1997-98, there were 79,686 successful WorkCover claims and of those, 96 related to deaths in the workplace. So it is important to recognise the International Day of Mourning to acknowledge the tremendous carnage that is occurring in our workplaces. The day also highlights the need for tough workplace health and safety legislation, particularly in the mining industry.

Despite the best efforts of many people, and I have highlighted my experience with the trade union movement, the safety record in the mining industry in Queensland has not been as good as it could have been. Within the past 23 years, there have been four major coalmining disasters in

Queensland. Those disasters have resulted in 56 deaths in the mining and quarrying industry and 49 deaths in the coal industry. The report into the accident at the Moura No. 2 underground mine in August 1994, which has been referred to by the member for Fitzroy, also contributed significantly to the shaping of this legislation. There is no doubt that we need new mining legislation and we need legislation that is going to play a strong role in improving workplace health and safety for miners within Queensland. Through this legislation, the Government recognises that every time an individual is killed or maimed, it not only affects that person but also their families and many other people associated with them. Even one incident is one too many.

I want to make a few brief comments on the role of the Government in this proposed legislation. These two Bills place significant accountability and responsibility with the people who have the most direct control over the risks that are generated in the workplace, and that is the management and the staff of the companies that undertake mining, that contract to mining companies and those who design, manufacture and supply equipment to mining companies. However, the Government has an overriding responsibility to, where necessary, put in place mechanisms to ensure that people can be directed to manage risks and, where they neglect to do so, to hold them accountable for the consequences. In essence, under this legislation this is the Government's role, and provisions are included in the Bill to allow the Government to carry out that role effectively. However, through its mechanisms, the Government must be able to detect persons who are not taking their safety and health obligations seriously and require them to control and manage risks. Wherever possible, the aim is to prevent accidents.

For this particular purpose, the Bills create and empower an inspectorate of suitably qualified and experienced persons. In that regard, I note that recently the Mines Inspectorate has been strengthened from 33 to 44 to increase its capacity significantly. The emphasis is on accident prevention and the inspectorate's functions and powers contained in the legislation are designed specifically with that objective in mind. Inspectors are empowered to enter mines and other workplaces controlled by persons with safety and health obligations under the mining legislation; examine and, if appropriate, seize documents; and, where necessary, issue directives on health and safety matters. Some of those directives include the power to stop an operation where the level of risk is considered to be unacceptable. Additionally, there are directives to reduce risk by requiring engineering studies, by requiring certain tasks to be carried out by people with appropriate competencies and being able to review safety management systems that are being developed at the particular workplace, and also directives relating to principal hazard management plans.

The legislation also contains safeguards against the unreasonable use of legislative power. These include the ability to appeal to the chief inspector against the directives of an inspector, and also provides for an appeal to the Industrial Court against the review decision of a chief inspector or the directive from a chief inspector. A directive can be stayed, unless it is a directive to cease operation because there is an unacceptable risk to workers. However, in this instance there is also a right of appeal.

The functions of the inspectorate are spelled out clearly in the legislation and include the requirement to enforce the Act, to monitor health and safety performances at coalmines and also to inspect and audit coalmines to assess whether the level of risk to persons is at an acceptable level. In each piece of legislation inspectors, industry worker representatives and site senior executives can recommend to the chief inspector that prosecution be initiated.

I will make some general comment about industry worker representatives, particularly those who have been elected by their peers. As I have stated, in my experience in the majority of cases it is the trade unions that ensure that those representatives are put in place. In effect, having a network of workplace health and safety representatives elected by fellow workers extends the role of the inspectorate. There is never enough money to have the hundreds of inspectors required to ensure that workplace health and safety standards are being applied in workplaces. The next best option is to have a network of duly elected, trained and competent workplace health and safety representatives to act as an extension of the role of the inspectorate. That is why I support wholeheartedly the role of elected workplace health and safety representatives in the system that we are creating. I also applaud the trade union movement for the proactive role that it takes in ensuring that these representatives have been elected and put in place in as many workplaces as possible.

While these two Bills have the objective of achieving high safety and health standards by cooperation and consultation, clear obligations are also placed on mining companies to manage risk. The Government has a clear role to audit and monitor the industry and to take appropriate action against persons who are not managing their risks appropriately or to an acceptable standard, or who are not meeting their safety and health obligations.

I believe that these two Bills make a very worthwhile contribution towards improving the workplace health and safety of workers within the mining industry. I commend the Bills to the House.