Speech by

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MEMBER FOR LYTTON

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COAL MINING SAFETY AND HEALTH BILL

MINING AND QUARRYING SAFETY AND HEALTH BILL

Mr LUCAS (Lytton—ALP) (3.16 p.m.): It is interesting that the people on the other side of the House, over and over and over again, criticise the unions that represent coalminers and other miners in this State. From my knowledge of workers in the mining industry, I would have thought that no-one would hold their union officials more accountable than they do, nor would I have thought that there would be a group of workers in the community who would be more interested in their own safety.

When the Labor Party was in Opposition, the member for Fitzroy, the Minister and I went underground in a number of mines to look at long wall coalmining. I have to say that of any operation that I have inspected, that is certainly the most hazardous and dangerous operation.

Mr Schwarten: What about the young bloke who lost two legs out there recently—tell them that it is safe.

Mr LUCAS: As the Minister indicates, this activity really is inherently very dangerous. I would have thought that if a worker is not concerned about his own safety, his fellow workers would be very keen to remind him of it and to keep it at the forefront of their union representative's mind. Why would the coalmining unions and the general mining unions such as the AWU not take an interest in the safety of their workers, when they are the ones who get killed? When there is a cave-in at a mine——

Mr Johnson: Are you saying that companies do not care about their employees?

Mr LUCAS: I am not saying that the companies do not have an interest in safety issues. I am rebutting the utter balderdash that impugns the motives of the unions in wanting to maximise safety. I am saying that the people who get killed in mining disasters are not people who sit in board rooms. The people who work in the mines take the greatest interest in safety issues, because it is the funerals of their mates that they have to go to. They are the ones with the most to lose.

Mr Johnson: I have to say to you that everybody, whether they are employers, employees or whoever, has a great interest in the safety factor at mines.

Mr LUCAS: I do not wish to impugn the motives of most people involved in the industry. I am not saying that safety is not important to them. However, there is nothing like having the results of a lack of safety affecting one personally, as it does the workers. The workers' representatives are miners. It would be foolish to suggest otherwise. We can only sympathise with their position. Their union officials are elected on that basis. The coalmining union—the CFMEU—and also the AWU are unions that are particularly strong in terms of grassroots representation. Most of their union officials are people from the shop floor. It is very important to recognise their interest.

I will return to the issues that I wish to cover. The Industry Commission report into the Australian black coal industry makes a number of recommendations that contradict the Coal Mining Safety and Health Bill. It is worth while discussing why the Queensland Government has made decisions that go against the recommendations of this Industry Commission report. I will cover each of them in turn.

Firstly, I will address the issue of the Board of Examiners. The Industry Commission report suggests that a Board of Examiners would be unnecessary if the coal industry legislation were changed to duty of care based legislation. However, our legislation is duty of care based and retains the Board of Examiners. The decision was made for a number of very valid reasons. I need not remind this Chamber

that on 7 August 1994 an explosion occurred at the Moura No. 2 mine in which 11 of our fellow Queenslanders lost their lives.

However, honourable members may not be aware that that explosion was the third mine explosion on the Moura lease in 19 years, each resulting in multiple loss of life. That situation is even more tragic when one considers that the human cost of these disasters was borne by the small township of Moura and its population of about 2,000 people. It was against this background that the Moura inquiry was held. The inquiry lasted 15 weeks. It sat for 57 days and became the most intensive review into mine safety held in Queensland since the 1923 royal commission into the Mount Mulligan disaster. It is fair to say that this was the most intensive review of mine safety held in Australia in the past 20 years.

The inquiry held by the mining warden was assisted by a panel of experts drawn from the senior management of mining companies, senior union officials, institutions of higher learning and from the ranks of professionally qualified experts with experience in the mining industry. At the request of the Chief Inspector of Coal Mines, the US Department of Labour made available two experts on mine explosions, who attended the inquiry and gave advice. Various other experts from the UK and USA were brought to the inquiry by involved parties and provided advice to the inquiry.

It must be remembered that the Moura inquiry was a judicial process in which evidence was given under oath and panel members acted in their capacity as citizens deliberating on the nature and cause of the occurrence at Moura No. 2 and its lessons for mine safety. That contrasts with the Industry Commission inquiry, in which the focus was on economic efficiency and the evidence taken was in the form of submissions. The Industry Commission is a general body that looks at productivity issues in industry. It is not a body that even has expertise in mining, let alone mine safety. It is not surprising that the Industry Commission arrived at different conclusions on mine safety from those arrived at by the Moura inquiry.

The Moura inquiry endorsed duty of care based legislation but also specifically stated that, in the view of the inquiry, statutory positions as currently exist for underground coalmines should be retained. The inquiry rejected a submission recommending that statutory positions be eliminated and concluded that there was no conflict between duty of care based legislation and statutory positions. Statutory positions are based on statutory certificates issued by the Board of Examiners and it is for this reason that the Board of Examiners is retained in keeping with the Moura inquiry recommendations. What was the point of setting up an inquiry into Moura if its recommendations were not going to be taken seriously?

Mr Pearce: That's where the current Minister was excellent. He came in and said, "We will implement all these recommendations."

Mr LUCAS: That is correct. This outstanding Minister is probably the best Minister for Mines and Energy that this State has ever had.

Mr Johnson interjected.

Mr LUCAS: I note that the member for Gregory agrees with me in that regard. It was very gracious of him to do that.

During the evidence given at the Moura inquiry, at no time was evidence put forward that supports the amazing suggestion included in the Industry Commission report that somehow the existence of statutory positions creates an attitude of apathy to mine safety. That is bizarre.

The proposed legislation for coalmining safety and health allows a specific union to appoint a person to be an industry safety and health representative with powers under the legislation. The Industry Commission report into the Australian black coal industry argues against this. Once again, there were some very valid reasons for this decision. It must be remembered that the Industry Commission report was based on submissions from sectional interests. Some of these submissions reflect the industrial relations agenda of those making the submissions. An example is given in the report extracted from one submission and purports to prove that the powers given to union safety inspectors are routinely abused.

Apparently there were no submissions or, if there were, they were not highlighted by the commission, which told of the extensive use that mining companies have made of the services of district union inspectors—how they have been invited into company risk assessments, requested to contribute to solving difficult safety problems and invited by companies and Government to participate in safety audits. It is not an exaggeration to say that, since these positions were created in 1940, the persons holding them have made a contribution to coalmine safety that has been acknowledged by all parties in the Queensland coalmining industry, from the boardroom to the coalface. As for not representing the safety concerns of non-union employees, that has not been the case. The district union inspectors have protected the safety of all coal industry employees. The proposed legislation

mirrors the provisions in the existing legislation, because we are concerned with protecting and improving the safety of coalmine workers. That must come first.

In relation to the concerns that these positions can be misused, this possibility is well covered in the legislation. Decisions can be overturned by inspectors. The tenure of any person holding these positions who misuses his/her powers can be terminated by the Minister. The companies watch the activities of union safety inspectors very closely and are not slow to complain if powers are misused. The union has demonstrated over a considerable time that it values these officers for the independent support they can give mine workers on safety issues. These officers have demonstrated that they are capable of separating safety and industrial issues. Coalmining involves very large amounts of money. These activities are by nature very capital intensive. Any stoppages often generate considerable costs. If in a mine there is an expert who can give an assurance to the workers that their safety issues will be taken on board immediately, that can only enhance safety.

Unfortunately, there has been a suggestion that some supervisors have been putting pressure on mine workers to take risks. With the downsizing, outsourcing and general increase in uncertainty, the opportunity to do this has increased considerably. The district union inspectors provide a valuable independent barrier against such behaviour. It must be remembered that the legislation also provides for a site safety and health representative who is elected by all coalmine workers, not just union members. The person in this position normally works closely with district union inspectors, adding an extra control to ensure that the concerns of non-union members are considered. It has been demonstrated over a long period that the activities of district union inspectors complement the safety activities of inspectors, and I see no reason why this should not continue into the future.

The Industry Commission suggests that open-cut coalmines should be placed under occupational health and safety legislation, not mining safety and health legislation. However, our proposed legislation includes both open-cut and underground mines. This can be justified for a number of reasons. Coalmines often start out as an open-cut mine and then develop into an underground coalmine. This sometimes involves concurrent open-cut and underground production using common treatment facilities. These open-cut and underground mining operations form a mining complex controlled by a site manager. In these situations, it is impractical and probably impossible to separate one set of mining activities from another.

The suggestion taken in a Queensland context is so impractical that it has never been raised during the extensive consultations with stakeholders. The proposed legislation puts in place controls in proportion to the existence of hazards and levels of risk. Consequently, the requirements on open-cut coalmining are much lower than on underground mining and closely follow the workplace health and safety requirements. Placing open-cut mines under the jurisdiction of the Workplace Health and Safety Act would achieve nothing other than increasing the cost to mining companies and Government and greatly complicating the administration of the relevant legislation.

The Industry Commission report recommended also that Governments should not prescribe the management hierarchy at a mine site, the bundle of skills held by mine managers, including management experience, and the responsibility of mine managers. However, our legislation contains statutory positions for the following reasons. This issue helps to clarify some of the misconceptions surrounding the Industry Commission's report into the black coal industry.

To put things into context, the important thing to remember, as I indicated before, is that the Industry Commission report was not about mine safety; it was about international competitiveness, about cost cutting and increasing productivity. Mine safety was only mentioned in passing. Those other three issues are important, but at the end of the day if one does not have a safe mine, one can forget about everything else because people are going to be getting killed. If one cannot look after the work force, then one cannot carry out any sort of operation.

The report has as much relevance to mining safety as the Federal Government's blueprint for waterfront reform has to safe working practices on the waterfront. I might add, of course, that the Federal Government has not put its money where its mouth is in relation to Port Road. The Minister had to put up with that as well. When the shadow Minister for Transport and Main Roads was the Minister, he also had to put up with the Federal Government not coming to the party with money for Port Road.

It is well known how central and fundamental the recommendations of the Moura inquiry are considered to be to any serious attempt to improve mine safety. Members may ask themselves: if the Industry Commission report is being used to justify changes that have safety implications, what notice did the commission take of the Moura findings? The answer is simple. All the recommendations of the Moura inquiry on statutory positions which include a management hierarchy for underground coalmines and ways to ensure that the mine manager is competent are ignored. It is not that the Industry Commission was unaware of the report of the Moura inquiry. In fact, part of the Moura report was selectively "quoted" to try to justify the incredible contention that the current legislation led to an apathetic approach to safety in the mining industry and somehow prevented some mining companies from training their people properly and holding emergency exercises.

The legislation before the House contains the recommendations of the Moura inquiry regarding the hierarchy of management at underground coalmines. In addition, the position of open cut examiner in open-cut coalmines is also retained. This retention was made in response to the strong views held by many across industry that the position is necessary to preserve safety in these times of outsourcing and downsizing. This retention seems to have caused unnecessary concern to some mining companies. However, the facts of the matter are simple. This position is equivalent to the workplace health and safety officer as required under the Workplace Health and Safety Act. It is not a big deal.

This Government is well aware of the importance of mining to the economy of Queensland. One could not get a greater defender of the mining industry than this Minister.

Mr Johnson: Who wrote this speech?

Mr LUCAS: I am pleased to deliver this speech.

Mr Johnson: Did the Minister write this for you?

Mr LUCAS: No. Can I just say—and I said this before—that this Minister is the greatest Mines Minister that this State has ever had. One could not get someone who is a greater advocate for the mining industry. The difference with this Minister is that he does not advocate just the interests of coalmines; he advocates the interests of coalminers. He does not advocate just the interests of non-metalliferous mines; he advocates the interests of non-metalliferous miners and their families and communities, and that is where the difference is and that is what makes this Labor Minister a Minister of whom we are very proud for the great work that he has done.

Mr Johnson: Those on this side of the House care about the miners and their families, too.

Mr LUCAS: I am not suggesting that the member for Gregory does not care about miners' families, but the fact is that he is mistaken in the way that he is approaching this legislation. He just happens to be wrong and the Minister happens to be right.

Mr Johnson interjected.

Mr LUCAS: The member is more than welcome to have his go. I look forward to hearing from him. It will demonstrate further that he is wrong and that he has the wrong end of the stick in this debate.

This Government is well aware of the importance of mining to the economy of Queensland and, consequently, has given considerable thought to allowing management innovation without compromising safety. However, we will not trade lives for profit. This may be the result if the hasty recommendations of the Industry Commission report were implemented.

In closing, I would like to remind the House that there was strong bipartisan support for the recommendations of the Moura inquiry—recommendations that have been incorporated into the safety and health legislation currently before the House. There is one final thing that I want to say, and I mentioned it briefly in the debate yesterday. This again relates to the tendency of some members on the other side of the House when we are debating primary industries legislation to accuse those of us who are not farmers of not having a view or the ability to express a view in relation to it. I pointed out that those of us who have legal qualifications do not seek to apply that same standard to them when we are debating legal issues.

I will also say that it is this side of the House that has a member who has been a coalminer and that it is this side of the House that has a person who has that expertise and knowledge of the very great dangers, both as an open-cut and as an underground coalminer. I give him credit and, as I said before, I give the Minister credit.