



Speech by

Mr ROB MITCHELL

MEMBER FOR CHARTERS TOWERS

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EXPLOSIVES BILL

Mr MITCHELL (Charters Towers—NPA) (5.21 p.m.): It feels like this Bill has had more false starts than the Olympic track team. This Bill was introduced in November last year. However, it has finally been brought on for debate, although we will not get far this afternoon. The Opposition will not be opposing this Bill. As the Minister stated in his second-reading speech, the review of this Bill commenced in 1993 by the then Labor Government and continued through the period of the coalition Government in 1996-98, with the legislation being introduced eventually in November 1998. The Bill replaces the existing Explosives Act 1952 and the amendments moved in the interim period until the introduction of this Explosives Bill 1998. It is very important to have legislation that covers all aspects of explosives to ensure the safety of the total community, to have in place deterrents against undesirable elements in the community purchasing that material, and to enable the police to search persons and vehicles for illegal carriage of explosive material. That is very important, especially in relation to the carriage of explosive material from interstate.

We have witnessed many horrific happenings here in Australia and elsewhere in the world from certain elements who have been able to access dangerous explosives to commit felonies, including devastating destruction and even murder. The Internet poses another problem, because some sites demonstrate and promote how to make homemade bombs. The increased use of letter and parcel bombs by individuals with a grudge against the system puts people at risk of permanent injury and also puts their lives at risk.

Explosives include a wide range of materials, including blasting explosives, which is the bulk of the 250,000 tonne of explosives used per annum. That is a huge amount of explosives. Blasting explosives are extensively used by mining companies and the construction industry, who, at all times, have very strict regulations placed on the use of those materials whether it be by employees of a company or by contractors. I have witnessed many times blasting at mines, both open-cut and underground. I have nothing but praise for the safety and security measures taken at all times. I had the pleasure of opening the ICI plant near the Blair Athol mine. In common with the people who were with me, I was very impressed with the safety regulations that have to be observed. They are followed to the letter.

The Bill also puts an emphasis on other materials, including fireworks, ammunition, reloading powders, flares and even toys and party novelties with explosive devices. It is a shame that we have to legislate to regulate the selling of certain toys such as party novelties. I know that society has changed considerably over the past couple of decades. People appear to have different values towards the use of any sort of explosive material. I mentioned earlier that the Internet promotes homemade bombs. People can access the ingredients for those bombs, so we have to regulate the sale of those items, which is a shame. I well remember—as I am sure other older members would remember—the great Guy Fawkes nights we used to have. I cannot recollect the serious injuries over many years.

Mr Purcell: What sort of injuries?

Mr MITCHELL: The member for Bulimba would remember those nights. We would prepare the wood for at least a couple of weeks and stock up on our big fireworks.

Mr Purcell: We used to drag rubbish from neighbour's yards into our own.

Mr MITCHELL: That is right. It helped the environment by getting rid of a lot of rubbish. We would use Dad's old oily clothes to make the Guy Fawkes. We remember it well. We would have a little bit of practice. We would throw a few rows of tom thumbs here and there for a warm up. We were always very safe in the way we handled fireworks in those days. Things have changed and other elements have to be taken into account in legislation. Those were great times. This legislation is all about protecting society from those people who cannot handle that type of material and from the loonies who are running around Queensland, Australia and the rest of the world. However, I believe the great percentage of people are very responsible in the use of fireworks, on which restrictions are placed, and in most cases in the use of ammunition and reloading powders. Mining and construction companies are very well aware of the dangers and stick to the regulations very well.

Considering that the review took some five and a half years, I found it surprising that there were no submissions calling for any major changes to the current format and control mechanisms in the existing explosives legislation. Perhaps in his reply the Minister can respond to the concerns of a couple of the retailers to whom I spoke. They hoped that this Bill would not generate more paperwork. I assured them that it would not and that this Bill was just bringing everything together. From my reading of the Bill, I do not think it will create more paperwork. That was their main concern in relation to the products that they sell. They also hoped that no more licensing fees would be introduced in this Bill. I believe that that is not the intent of this Bill; its aim is to bring everything together. I gave those retailers a commitment in that regard and explained that they were covered by the firearms and weapons legislation. They seemed pretty happy with that, although they did not get a chance to read a lot of the material. They were happy with the consultation. Most of the retailers received information and were involved in the consultation process in relation to most aspects of explosives, which was very well received.

I am pleased with the current situation in relation to carrying explosives. I have had a couple of people say to me that they hope that there is no change to the controls on the transporting of petrol. I do not believe that is the case. Those are the only queries that I have received in relation to transporting explosives. I have not had much to do with the transport of heavy explosives.

The Scrutiny of Legislation Committee has raised some concerns in relation to the drafting of the legislation. I believe the Minister has answered most of the queries and is willing to undertake certain amendments to the Bill to conform with certain requests of the committee. It is good that we can work it out between us so we get it right as we go along. I agree with the Minister in relation to clause 135. To maintain an incentive for compliance and to provide a fair deterrent factor, we should not consider watering down the penalty points. People have to understand that we are dealing with very dangerous material in this legislation. We need to have legislation that will cover all aspects. I believe the Minister has answered those issues in his response to the Scrutiny of Legislation Committee.

I have had a few inquiries in relation to clause 135. Is it generally the case that the Governor in Council can make regulations without the matter coming back to the Parliament? Some retailers were somewhat concerned about that matter. Some people are concerned that if a misdemeanour occurs in one situation it might reflect on people maintaining the regulations without consultation with regard to any changes. People have asked whether clause 135(2)(f) covers all explosives.

Time expired.

Mr MITCHELL (Charters Towers—NPA) (3.38 p.m.), continuing: Prior to the adjournment of this debate some weeks ago, I was discussing the regulation-making powers of the Governor in Council and the need for more consultation with all stakeholders if any changes were to be made to this legislation. However, upon further investigation, I have found that apparently it is normal with most legislation that notification of changes is distributed to all stakeholders before implementation, or certain sections have to be brought back to Parliament. So I am quite happy with the wording of clause 135, which I was discussing prior to the adjournment of the debate on this Bill.

I have no concerns about the proposed amendments to the existing legislation. The establishment of uniform requirements across Queensland is a very positive move in the right direction. Also, Part 7 of the new Bill, which relates to the review of decisions and appeals, provides another mechanism, that being the Magistrates Court, for external review outside the chief inspector and the Minister, as contained in the original Bill. As well, doctors and psychologists who have provided information on whether a person is suitable to hold any authority for the use of explosives are protected within this Bill. That further positive move is contained in Part 8, which relates to general provisions.

I welcome the increase in penalties as a deterrent for the abusive use of explosives causing injury and death anywhere in Queensland or in other parts of Australia. The sooner we get national uniformity on this sort of legislation, the better it will be for all Australians.

The amendments that the Minister has circulated address the concerns of the Scrutiny of Legislation Committee and a couple of my queries about the wording of the Bill. Those issues have been well and truly covered, and those amendments will be moved at the Committee stage. As a result of the findings of the review committee, some amendments were implemented well before the Bill was

even introduced. This Bill was a long time in the drafting—some six years—and some amendments were included in the legislation well before the review period.

As noted earlier in this debate, there has been wide-ranging consultation over a long period in the drafting of the Bill. I thank all those involved in formulating this legislation. This Bill was nearing completion when we were in Government, and the Opposition will not be opposing it. I would like to see its passage through this Parliament as soon as possible.
