Speech by

Mr TIM MULHERIN

MEMBER FOR MACKAY

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

Mr MULHERIN (Mackay—ALP) (2.38 p.m.): I am pleased to support the Coal Mining Safety and Health Bill 1999 and the Mining and Quarrying Safety and Health Bill 1999. I welcome the opportunity to speak to these Bills, which will go a long way towards improving the health and safety of mine and quarry workers following the repeal of the 1925 Mining Act.

This legislation was developed by the Department of Mines and Energy through tripartite groups involving union and industry representatives. In addition to the involvement of these groups, consultations took place both interstate and overseas as a result of the Moura inquiry. The Moura inquiry has had a profound influence on the Coal Mining Safety and Health Bill. Some of the more controversial provisions included in the legislation are a result of recommendations of that inquiry.

The accident at Moura No. 2 occurred on 7 August 1994, and an inquiry was established to determine the nature and cause of the underground explosion that resulted in 11 deaths. Because of the immediate history of disasters in the Moura area—three similar underground explosions at mines on the Moura lease in 19 years—the inquiry, in its deliberations, also had to look at mine safety in broad terms, as well as examining the specific nature and cause of the explosion at Moura No. 2. The inquiry was assisted by a panel of experts drawn from the most experienced and knowledgeable mining people available in Australia at the time. Panel members were drawn from the ranks of the mining industry's senior executives, the senior personnel of mining faculties at the institutes of higher learning, senior union officials and experts with wide experience examining mining problems.

At the request of the former Queensland Department of Minerals and Energy, the United States Department of Labour made experts in mine explosions available from the Mining Safety and Health Administration. These experts attended the inquiry and gave advice. The inquiry sat for 15 weeks, with 57 sitting days, and delivered findings that the Labor Government publicly committed itself to fully implementing. The findings were also endorsed by the following coalition Government.

The inquiry was the most detailed, well-resourced, well-informed investigation into mine safety in Queensland in memory. In the coal industry in Queensland, and probably Australia, a more thorough review of coalmining safety had not taken place since the 1921 royal commission into the Mount Mulligan disaster, which the member for Fitzroy mentioned earlier.

The Moura inquiry endorsed the concept of duty of care and agreed that all persons should be required, as far as practicable, to ensure their own safety and the safety and health of others. The proposed legislation does this. The Moura inquiry report added the further qualification that those with the greatest authority should have the greatest responsibility. The proposed legislation places the major obligation for the safety of the mine on the site senior executive and the company, with appropriate levels of obligation on other employees. This is central to the structure of the legislation in the placing of obligations for safety and health on all persons at all levels in the mining company.

The inquiry rejected the suggestion that the statutory position of mine manager be abolished and strongly endorsed that the statutory positions in the hierarchy below mine manager be retained. The legislation has adopted this structure. Safety management plans based on detailed risk and

hazard analysis were recommended, together with the provision that they should be regularly audited, both internally and externally. The legislation, with its concept of "acceptable level" of risk and requirements of auditable safety management systems to identify and control risk, clearly follows this recommendation.

While the inquiry stated that there was no inherent objection to introducing self-regulation, this had to be done within a framework. Provisions in the proposed legislation and regulations allowing mines to develop their own principle hazard management plans and standard operating procedures provide scope for the industry to develop its own regulations in a responsible and accountable fashion. Each mine must develop a safety management system to proactively manage mine safety, including the development of principal hazard management plans and associated standard operating procedures.

The proposed legislation is designed to safeguard the safety and health of those in the mining and quarrying industries and those who are affected by the activities of these industries. As I said earlier, the legislation requires the management of risk, which must be controlled to an acceptable level. What is an acceptable level of risk is set by standards such as appropriate Worksafe and Australian standards which would become recognised standards and guidelines under the legislation, and by using modern risk-assessment techniques where suitable standards are not available.

Today's mining projects cost hundreds of millions of dollars, and mining houses are often the main decision makers for these projects and the source of the necessary funds. The structure of the legislation recognises this situation and places the ultimate safety and health obligations on senior managers who set policy rather than, as is currently the case, middle or junior managers. Appropriate obligations for safety and health are allocated to leaseholders, company directors, general managers at the mine site—called site senior executives in the Bills—middle management, mine workers, contractors and designers and suppliers of equipment. This is a first in mining legislation in Queensland where clear obligations for safety and health are placed on companies who design or supply equipment. This approach is fully supported by people in the industry, who are convinced that safe business is good business.

This legislation has been developed in cooperation with industry stakeholders, and one of its primary aims is to develop a safety culture in the mining and quarrying industries. The creation in legislation of a Mining Industry Advisory Council for each industry will encourage the continuation of the cooperation and input evident in the development of these Bills. These bodies will represent stakeholders and have the task of advising the Minister and ensuring continuous improvement in the management of safety and health in the mining and quarrying industries.

Finally, in the preparation of the legislation, where major differences of opinion have occurred, a cautionary approach has been adopted as recommended by the inquiry. This is particularly the case with the statutory position of open cut examiners, where opinions on the need for this position are polarised. This is no more evident than in this Chamber, where members opposite have railed against the Government because of the Government's intention to include the statutory position of open cut examiners. The Opposition, including One Nation, who want to abolish this statutory position, are ideologically driven by their mistrust and hatred of the union movement, who have a legitimate role to play in the interests of mine safety for their members.

These Bills are a milestone on the long road to safer, healthier and more effective mining and quarrying industries. The lessons of the past have not been wasted. The recommendations and advice of the most extensive inquiry into safety in Queensland mines since the 1921 commission of inquiry into the Mount Mulligan disaster and the inquiry into the disaster at Moura No. 2 on 7 August 1994, which resulted in 11 deaths and great personal tragedy to those miners' families, have been given close attention and followed. I would like to congratulate the Minister for Mines and Energy on his commitment to implement the findings of the inquiry in this legislation. I commend the Bills to the House.

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