



Speech by

Hon. T. McGRADY

MEMBER FOR MOUNT ISA

Hansard 24 March 1999

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

Hon. T. McGRADY (Mount Isa—ALP) (Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development) (11.47 a.m.): I move—

"That the Bills be now read a second time."

The Coal Mining Safety and Health Bill 1999 and the Mining and Quarrying Safety and Health Bill 1999 will provide a modern legislative framework for the safety and health of those involved with Queensland's most important industry. They repeal the Coal Mining Act 1925 and Mines Regulation Act 1964 and replace them with legislation based on modern safety and health principles. The provisions of these Bills will clearly place responsibility and accountability for safety and health where it belongs: with the people in the best position to ensure that this is achieved—the mining industry itself.

While the legislation firmly places responsibility for safety and health with the mining industry, it also provides a clear role for Government through a strengthened mining inspectorate. A mining inspectorate will be established with appropriate powers to monitor and audit industry performance, to detect and prevent unsafe practices and to hold accountable those who fail to fulfil their safety and health obligations.

Major objectives of this legislation include—

protecting the safety and health of persons at mines and quarries and persons who may be affected by mining and quarrying operations;

requiring the risk of injury to any person from mining and quarrying operations to be as low as possibly achievable.

A lot of time, effort and thought has gone into ensuring these objectives could be met. Tripartite groups involving the major stakeholders—Government, unions and representatives of the mining industry—have deliberated over a considerable period of time to develop the proposed legislation.

In order to achieve the best legislation, we have consulted as widely as possible with other jurisdictions faced with similar tasks. These consultations have included overseas jurisdictions, as well as those in the major mining States within Australia. The objectives of the legislation will be achieved by—

imposing safety and health obligations on the mining industry;

requiring operations to have safety and health management systems;

establishing tripartite safety and health advisory councils to allow industry to take part in the continuous improvement of safety and health in the industry;

providing mine worker representation in safety and health issues which may affect mine workers;

providing a qualified and experienced and adequately resourced inspectorate with appropriate powers to overview the industry's management of safety and health and enforce the provisions of this legislation;

providing a means to ensure persons carrying out tasks at mines with safety and health implications, particularly to the safety and health of others, are competent to undertake those tasks;

providing a means for the mining industry to meet its obligations to have a satisfactory level of emergency preparedness and, for underground coalmines, mine rescue capability; and

providing a system for the health assessment of coalmine workers.

Included in the legislation are provisions to require a thorough investigation into mining accidents. All fatal accidents will be examined by the coroner, therefore allowing an external review of safety and health failures by a body independent of all agencies associated with the mining industry. Inquiry by the coroner will also allow more focus on the possibility of bringing criminal charges in cases of gross neglect of duty.

In circumstances where a major incident has occurred, the legislation also provides for a board of inquiry to be established. The board could also be established to investigate a disturbing series of events which may signpost a potentially significant deterioration of safety and health standards within the industry. This board does not supplant the coroner's inquiry.

In the mining industry, as elsewhere, structural and technological changes continue at an increasing rate. The current Acts concentrate on telling industry how things must be done rather than the standards of safety which must be achieved while doing the task.

It has been found throughout the world that change quickly makes the methods dictated by legislation outdated. Therefore, the new legislation focuses on the standards of safety and health that must be met and allows the mine operator to use the most appropriate methods and technology to achieve these standards. This is not to say that industry will be left to its own devices. As I have mentioned previously, in this legislation Government has a clearly defined role to monitor, audit and, where appropriate, correct the activities and systems established by industry and enforce the provisions of the legislation.

This is extremely important legislation for Queensland's major industry. It involves a major effort by all major stakeholders and I would like to thank them for the sustained efforts they have put into the development of the legislation over a considerable period of time. More than 95% of this legislation—probably closer to 99%—is the result of prolonged consultation with industry and unions and does have their wide support.

Two parts of the legislation have caused some comment, but I had very clear and compelling reasons for including them. Increased penalties, including provision for imprisonment, have been introduced for those who fail to meet their safety obligations resulting in an accident leading to death or serious injury. I inserted this part of the legislation to bring it in line with the Workplace Health and Safety Act. In fact, it mirrors that Act. I cannot believe there would be anybody in this House who thinks workers in the mining industry are worth less than workers in any other industry. We simply cannot justify an industry such as mining, with a high potential for accidents, having legislation which is weaker than that which covers all other workers in Queensland.

The inescapable fact is that the safety record of the mining industry is not good. There have been four major coalmine disasters in 23 years. Over the past 20 years there have been 56 deaths in the mining and quarrying industry and 49 deaths in the coal industry. I for one will not accept that situation.

I know that the validity of retaining statutory positions as part of this new legislation has also been questioned. In regard to the decision to retain statutory positions, I have to ask members of the House to cast their minds back to that terrible day in August 1994 when 11 men lost their lives in the Moura mine. The report that came from the inquiry into that tragedy contained a number of recommendations which I have insisted be contained in this legislation.

Statutory positions formed part of those recommendations and I am committed to seeing them implemented. They must form part of this package if we are to adhere to the spirit as well as the letter of those recommendations because, as the Moura report said, the statutory hierarchy should be directed to securing and maintaining safe working places and practices in the mine.

Those who question the need for retention of statutory positions are discounting the valuable role these positions can play in ensuring safety. I firmly believe statutory positions can be incorporated into modern safety management practices to achieve the total aim of providing a safe workplace. To do otherwise would be to indicate that we have learned nothing from the Moura tragedy, and I will not let that happen.

I am convinced that this legislation will represent a milestone in the improvement of safety and health standards in the Queensland mining industry. It is modern legislation and it is entirely appropriate for a modern industry. We can never become complacent about safety in mining.

Deaths and injuries occurring in the mining industry are simply not acceptable. I am pleased to see that all recent Governments, all unions and mining companies have resolved to change this. We have arrived at this stage after a massive effort by all involved. The result is world-first legislation which will contribute dramatically to improving health and safety in our mining industry. I commend it to the House.