



Speech by

**Hon. T. McGRADY**

**MEMBER FOR MOUNT ISA**

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Hansard 13 April 2000

**MINING AND OTHER LEGISLATION AMENDMENT BILL**

**Hon. T. McGRADY** (Mount Isa—ALP) (Minister for Mines and Energy and Minister Assisting the Deputy Premier on Regional Development) (11.54 a.m.): I move—

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

As the name indicates, the Mining and Other Legislation Amendment Bill 2000 amends a number of mining Acts. The Bill provides for essential but minor amendments to the Coal and Oil Shale Mine Workers' Superannuation Act 1989, the new Explosives Act 1999, the new Coal Mining Safety and Health Act 1999 and the new Mining and Quarrying Safety and Health Act 1999.

The primary objectives of the Bill are, firstly, to provide a statutory basis for an existing administrative arrangement whereby the obligation on both coal employers and employees to pay superannuation contributions does not apply in respect of periods when an employee is on unpaid leave. The Bill makes it clear that any obligation to pay contributions in such circumstances was never a requirement; secondly, to correct minor inconsistencies and omissions that had arisen during the passage of the new mining safety and health Acts so that both Acts will then be consistent with each other; and, thirdly, to extend the automatic expiry of the existing explosives regulation to allow time for a new regulation to be drafted and made.

I will now address the first of these objectives relating to the proposed amendments to the Coal and Oil Shale Mine Workers' Superannuation Act 1989. Up to December 1989, the superannuation entitlements of coalmine workers in Queensland were controlled by the Coal Mine Workers Pensions Fund, which was administered by the Department of Mines. During 1989, the then State Government decided it was more appropriate that coalmine workers superannuation entitlements be managed by the coal mining industry. On 25 December 1989, the Act was proclaimed transferring the superannuation entitlements of the Queensland coalmine workers into the Queensland Coal and Oil Shale Mining Industry Superannuation Fund. The trustee of the Queensland Coal and Oil Shale Mining Industry Superannuation Fund comprises representatives from both employers and unions in the Queensland coalmining industry. All employees make the same contributions of presently \$13.82 per week, while employers make a contribution of \$41.46 per week for each employee.

The superannuation fund has a membership of 16,845, of which 7,593 are classified as contributing members. Members have seen the funds under management in the Queensland Coal and Oil Shale Mining Industry Superannuation Fund increase from \$200m to in excess of \$800m in the 10 years since the transfer from Government to industry control in 1989.

The proposed amendment to the Act will provide a statutory basis for a longstanding administrative arrangement of the trustee of the superannuation fund of not requiring contributions from either the employer or employee in respect of periods of unpaid leave of an employee. This arrangement is consistent with provisions of the State Superannuation Fund and other industry funds. The Bill also includes a transitional provision which makes it clear that any obligation to pay superannuation contributions under the existing Act never applied during periods of unpaid leave.

The current primary purpose of the Act is to provide for superannuation contributions by employers and employees in the coal and oil shale mining industries. The current long title of the Act is to be amended to reflect its current intent. Through savings provisions, the existing Act contains a

number of references to the repealed Coal and Oil Shale Mine Workers (Pensions) Act 1941. For ease of reading, the existing Act is to be amended to include these provisions. I am pleased to report the proposed amendments are fully supported by the mining industry and all coal mining unions.

I now turn to the second objective of the Bill, which relates to a number of proposed amendments to the new mining safety and health Acts. The new legislation was passed by Parliament as cognate legislation in August 1999. The proposed minor amendments to both Acts correct anomalies and inconsistencies that had arisen during the passage of the legislation. Once amended, both Acts will be consistent with each other. For example, section 237 entitled "Court may order suspension or cancellation of certificate" of the Mining and Quarrying Safety and Health Act includes a provision that allows a person, dissatisfied with the industrial magistrate's decision to suspend or cancel the person's certificate of competency, to appeal to the Industrial Court. The equivalent section—section 258—in the Coal Mining Safety and Health Act does not include a right of appeal. To correct this anomaly and inconsistency, the Bill amends the Coal Mining Safety and Health Act to provide for an appeal to the Industrial Court.

Finally, I will address the third objective of the Bill relating to a proposed amendment to the new Explosives Act 1999. The new Act, which was proclaimed on 11 June 1999, includes a transitional provision which provides for the existing explosives regulation to expire one year after the commencement of the Act, that is, on 10 June 2000. Owing to other legislative priorities it is unlikely that the new explosives regulation will be drafted and made by that date. Accordingly, to allow time for the making of the new regulation the Bill includes a provision to extend the automatic expiry of the existing regulation to 30 June 2001.

As I indicated at the outset, whilst the Mining and Other Legislation Amendment Bill 2000 provides for essential amendments to a number of mining Acts, the proposed amendments are of a minor and non-controversial nature. I commend the Bill to the House.

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