



Speech by

CHRISTINE SCOTT

MEMBER FOR CHARTERS TOWERS

Hansard 19 June 2002

NATURAL RESOURCES AND MINES LEGISLATION AMENDMENT BILL

Mrs CHRISTINE SCOTT (Charters Towers—ALP) (1.08 a.m.): In rising to speak in support of this bill, I place on record my congratulations to a former speaker in this debate, the member for Fitzroy, on his speech in this House in respect of this bill and to say that I support him unreservedly in his sentiments. If every constituent in Queensland were to have a member as an advocate such as the member for Fitzroy they would be fortunate indeed.

The Explosives Act 1999 was passed by this parliament in April 1999 and was subsequently proclaimed in June of that year. It replaced the Explosives Act 1952, which had been the subject of an extensive review, primarily to address changing technology, consistency of application, fundamental legislative principles and current legislative drafting guidelines. As such, a complete rewrite of the legislation resulted not because of any significant change in policy or methodology but to achieve an easy-to-read piece of legislation.

For an inherently dangerous class of material such as explosives which pose a risk to the general community legislative controls are universally considered essential. The purpose of the Explosives Act 1999 is to ensure safety for the community in relation to all activities associated with explosives. The term 'explosives' represents a broad class of materials, ranging from blasting explosives used extensively in Queensland's mining and construction industries to fireworks which provide an ever-growing area of entertainment, through to ammunition and smaller novelty items such as sparklers, Christmas bonbons, caps for toys and the like.

An efficient mining industry, using in the order of 300,000 tonnes of high explosives per annum, must have access to a competitive, efficient, flexible and innovative explosives industry. Safety legislation needs to be mindful of these needs. Despite this extensive use of high explosives in Queensland, records indicate that one fatality has occurred within the mining and construction industries in the past 20 years as a result of an accident involving explosives. It is important in maintaining a good safety record that the potential of explosives not be underestimated, and a review of incidents occurring around the world resulting in devastation and tragic loss of life serves to focus continued attention to this area.

Further, the terrible fireworks tragedy which occurred at Bray Park in Brisbane on 20 May 2000 resulting in the death of a young girl and serious injuries to six other persons has resulted in an extensive investigation and review of relevant regulations. The recent handing down of the coroner's findings on 17 December 2001 has prompted a number of significant changes to the proposed regulations which will reinforce and add to steps already implemented. It is important to acknowledge that, in handing down his findings, the coroner said—

The events of the evening of 20 May 2000 and those leading up to such events have been fully and most thoroughly investigated by the Queensland Police Service and the Department of Natural Resources and Mines ... and reports have been furnished to this inquiry. It would be remiss of me not to place on record the professionalism and thoroughness of the investigations undertaken and the quality of the reports, especially that of the department through its officers, especially Mr Downs. The court is most appreciative of the information it has so easily gleaned from reports of such a high nature.

A significant number of changes to the explosives regulations have been identified as a result of this thorough investigation, and these have been discussed with representatives of the fireworks industry. Such changes will involve, amongst other things, training requirements for fireworks operators; quality requirements for fireworks used in Queensland; a newly developed code of practice for fireworks

displays; obligations and responsibilities on all parties involved, for example, event organisers, contractors, suppliers, operators and spectators; more substantial licensing criteria; both prior and post notification of fireworks displays to enable more thorough assessment; the prohibition of certain types of high potential fireworks from displays; and the implementation of safety management systems for the fireworks industry to facilitate improved community safety at fireworks displays.

It is essential that appropriate legislation is provided and enforced to ensure that there are no recurrent incidents. Proposed explosives regulations are currently being prepared to replace the explosives regulations of 1955, and a draft set of requirements has previously been broadly circulated for comment. The Explosives Act 1999 provides for the existing regulation to remain in force until 30 June 2002. However, it is apparent that this time frame will not be achieved as the replacement regulations will not be finalised by then. Part 3 of the Natural Resources and Mines Legislation Amendment Bill 2002 seeks a minor change to the Explosives Act 1999 to enable the existing regulations to remain in force for a further period of 12 months, that is, until 30 June 2003, or until such time as the new regulations are in place. It is essential, of course, that existing regulatory controls do not expire until such time as alternative regulatory controls are in place.

The new explosives regulations will establish effective safety standards for handling explosives; seek national uniformity of explosives requirements; address legislative issues arising out of the Bray Park fireworks tragedy; take account of current technologies and practices within the explosives industry; maintain the necessary controls on explosives availability; and provide for effective monitoring of obligations on the part of those involved with explosives handling. This amendment will enable the regulatory process to proceed to a successful outcome.

Part 5 of the Natural Resources and Mines Legislation Amendment Bill 2002 contains a proposed amendment to the Vegetation Management Act 1999. This is a minor amendment and corrects a drafting error in the existing legislation which contained an incorrect cross-reference. I commend the bill to the House.