



Speech by

**Mr JIM PEARCE**

**MEMBER FOR FITZROY**

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Hansard 19 June 2002

**NATURAL RESOURCES AND MINES LEGISLATION AMENDMENT BILL**

**Mr PEARCE** (Fitzroy—ALP) (12.32 a.m.): I rise to speak to the Natural Resources and Mines Legislation Amendment Bill, in particular, amendments to the Coal Mining Safety and Health Act 1989. As stated in the explanatory notes, the amendments do not represent changes in the policy or the intent of the original act. I understand that the amendments have the support of the coal companies and the mining unions. The amendments address a number of issues that have arisen since the commencement of the act. Mining is one of the most important industries in Queensland and has always been the key to the prosperity of regional Queensland and to the prosperity of the state. One of the most enlightened concepts that has been accepted throughout the Queensland mining industry in recent years is that a safe mine is a well-run mine and a well-run mine is a safe mine. Being a good corporate citizen and ensuring that one's operations are not adversely affecting the safety or health of one's employees and the public is not only the right thing to do; it is good business sense. Many of our international customers operate on the just-in-time principle. The reliability of delivery and dependability of quality is fundamental to their economic success or even survival.

We in Queensland have a coal industry that is high in productivity and one that operates efficiently. Australia, and Queensland in particular, has established itself as just the type of supplier our just-in-time customers want to deal with. Queensland's serious and effective approach to safety and health in the industry has contributed markedly to this reputation. Our record in health and safety far exceeds that of other countries like South Africa, but more needs to be done. I intend to speak about that later. Australia, largely through the efforts of Queensland, is influencing the world and supplying technical advice to provide adequate safety and health standards in the mining industry. Members would be pleased to hear that SIMTARS, the Safety In Mines Testing and Research Station has just completed a training project under the auspices of Austrade with the Indian government. SIMTARS is a business unit of the Department of Natural Resources and Mines. The project provided technical advice on mine monitoring and risk management techniques that are the basis of modern Queensland mine safety and health legislation to the Indian coal industry and the Indian mining inspectorate. The project involved visits to India by technical experts from SIMTARS as well as by Queensland mines inspectors. Reciprocal visits by Indian experts and mining inspectors also took place to see at first-hand how safety and health standards are being established and maintained in Queensland.

Australia, largely through the efforts of Queensland, is forging a reputation for being professional in all aspects of mining, including technical and managerial activities, and for a positive approach to sustaining high safety and health standards in its mining industry. It was representatives of the Queensland mining safety inspectorate who played a key role in the development of ILO Convention 176, safety and health in mines, which has now been signed by over 18 countries including the United States and South Africa. This important convention outlines the fundamental requirement for establishing satisfactory mining industry safety and health standards. I am pleased to state that Queensland's legislation, the Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999 fully conform with the requirement of ILO Convention 176. The mining safety and health legislation came into force on 16 March 2001 and has now been law for some 15 months. This legislation heralded the most significant change since the introduction of the Coal Mining Act 1925 not only to the legislation governing safety in the mining industry but also to the way mines work to ensure safety. This legislation is a critical component of the cultural change that is under way to improve safety and health management in the Queensland mining industry.

Prior to the introduction of the legislation, the corporate management of some mining companies were content to leave safety and health concerns to middle management, particularly statutory managers. I reflect on the recent history and background that has now led to the development and introduction of this legislation. It is important that we remember the recent history that was the impetus for the major reforms we are now implementing. We must not forget the level of inherent risk in the mining industry. During the past 30 years there were four major mining disasters: Box Flat in 1972; September 1975—13 miners died in an explosion which was found to have been initiated by spontaneous combustion at Kianga; July 1986 at Moura No. 4 where 12 miners died—it was thought that that explosion was initiated by one of two possible sources, namely, frictional ignition or a flame safety lamp; and on 7 August 1994, in my time as a member of parliament, Moura No. 2 exploded, killing 11 miners. I remind members that those bodies are still entombed in that mine.

We are making major advances in raising safety and health standards in Queensland. However, there is no room for complacency. More has to be done, and there is strong evidence to support the need for us to be more vigilant and to respond to the failings that still exist. We need to be relentless in our efforts to improve. We owe this to the people who work in our mines. We owe it to their families and we owe it to ourselves.

In the past, legislative changes in the mining industry were not incremental and were usually precipitated by some crisis. This was often a mining disaster or an accident resulting in a fatal injury or a number of fatal injuries. There has been a shift to the positive, but there are still issues that have to be addressed before we can claim to have got it right. However, these amendments signal to me that legislation is being critically assessed by stakeholders, and the proposed appropriate amendments were necessary to make the legislation a more perfect fit to the activities being regulated. But all is not well. The problem we have in the coal industry is that from the boardroom to the coalface, through all levels of management, there are still some people who because of self-interest and oversized egos are responsible for driving workers to such a level of fear for their jobs that they take risks. When something goes wrong it is a case of blame the worker. One would think that since the introduction of general duty of care legislation, which we are amending today, employers would have moved from that culture of blame the worker. From talking with coal industry employees—and I do it all the time—it would seem that bosses and company officials are still advocating the same old line that it is careless workers who are to blame for their own injuries and illnesses. Not one of these brainwashed puppets will admit that demanding workplace management practices contribute to accidents or that production demands and the pressure on the work force are responsible for failing health and accidents. What about the impact of 12-hour shifts on the long-term health of workers, the risk factors or fatigue on the job? Workers are rising to meet the demands of the industry, but what workers do not understand until it is too late is that the boss will do nothing to ensure that a sick or injured worker is able to enjoy an ongoing quality of life after the event.

Management will, in collusion with insurance companies, delay and frustrate compensation processes. They will do everything in their power to cut losses for compensation. Members might ask why. So as to keep recorded lost time injuries to a minimum, to minimise payouts and to reduce insurance premiums! When it comes to the test, employers and their insurers will list one by one a range of factors that the worker has failed to consider—factors that will make the worker a liability, putting his job security at risk while a blind eye is turned to the failures of management. From what I hear in the coalfields, the corporate culture of blaming the worker remains ingrained in company management. There are still claims that the mining inspectorate remains too close to management. In the eyes of the worker, the inspectorate has lost credibility as the independent supervisor for coalmine workplace health and safety.

Let me say that nobody in this place is more concerned about safety in the mining industry than I am. Unlike the inspectorate, I am not prepared to sit back and do nothing and hope that every day when I wake up there has not been another serious accident in a coalmine that takes lives. There are plenty of workers out there saying that the time is near. I am not going to sit in this place with my head lowered because I have not had the guts to stand up and pursue mine safety issues in this place.

I am becoming increasingly frustrated with the delay in dealing with issues through what is considered to be proper process. I come from the mining industry. I am well aware of the tremendous difficulties faced by accident victims, their families, their friends and the coal industry community when there are fatalities. As I move around the coalfields I hear of ongoing instances of near misses. I hear of the high number of workers being allowed to work consecutive 12-hour shifts. The mining companies will talk about rosters and time allowed for rest and recreation, but they do not tell us about those workers who are working 10, 12, 30 days straight. They did not tell us that they are putting fatigued drivers out on the roads who are potentially a risk to other innocent people.

They do not make public the near misses or those incidents that, with the right conditions, could have led to a major disaster. For example, there are issues that the mining inspectorate should be alert to and acting upon. Over the past four weeks, high-potential incidents have occurred in Queensland

coalmines, including the outburst or inrush of large quantities of methane into the working face; the failure of high voltage electrical cable, which produced a potential ignition source; two frictional ignitions of gas; the rollover of an excavator; two fires on underground diesel vehicles; a defective exhaust system on an underground diesel vehicle; the failure and service of self-contained breathing devices used for emergency escape; the near miss of a dozer operating cabin by a dragline bucket—imagine the consequences of that; the development and secondary extraction of an underground mine panel with less than adequate safety precautions, and the subsequent sealing of that panel not in accordance with legislative requirements.

In addition, over the past 12 months the industry has had one mine with three inrushes or outbursts of five per cent to 10 per cent methane—which is at explosive levels—onto the longwall face; the failure of electrical devices which could have provided gas ignition sources; in another underground mine, three failures of an electrical belt starter; gas out of a panel of a mine from poor standard operating procedures to control methane drainage holes; and two frictional ignitions on a longwall face within one week. I have been told of an unacceptable level of failures of procedures or near misses associated with dragline ropes in the past 12 months at various mines and a large number of heavy machinery incidents recorded across the state. These are all things that are happening in the coal industry today.

There is another matter that has been brought to my attention that needs to be addressed. I intend to write to the minister and would ask that the minister take note and initiate action on this matter as soon as possible. The matter relates to the application of the new Coal Mining Safety and Health Act and the Coal Mining Safety and Health Regulations 2001. I am told that there is no power for either industry safety and health representatives or departmental inspectors to issue a directive for obvious non-compliance with the act or regulation. That is serious. This matter has to be addressed as a matter of urgency. There are also concerns regarding the recording of accidents and high-potential incident information, including the number of mineworkers disabled in the industry each year. These are all very serious issues. As a member and former coalminer, I just cannot accept that they are still happening and that nothing is being done about them.

Honourable members have heard me speak in this place about the Moura disaster of 7 August 1994 when 11 miners lost their lives in an underground explosion at Moura No. 2 mine. At the time leading up to the explosion, the mine was experiencing a heating. A section of the mine had been sealed and was going through what is called the explosive range. According to the report, management seemed most concerned that the men may seek to keep themselves out of the mine if they were aware of what was happening. No real effort was made to brief them on the prevailing conditions. There was an assumption that workers would fully understand the situation, that they would hear it on the grapevine.

I keep a copy of the Moura No. 2 report on my desk at home. I have a copy in this place, because I want to be reminded and I want to be thinking positively about what we have to do to keep mineworkers safe in Queensland. In the report, the mining warden stated—

In addition to this assumption, there was no discernible action on the part of management to, in any way, test the knowledge of the work force nor to ensure that they were fully informed for what was to become the life and death decision they were tacitly expected to make. There was in fact no clear signal to the workforce that would tell them that it was left in their hands to make such a decision. They, quite reasonably, appear to have expected management with, generally, better access to information and knowledge to make such decisions with regard to the safety of the mine.

The mining warden went on to state—

It is the opinion of the Inquiry that events at Moura surrounding assumptions as to the state of knowledge of the night shift on 7 August, and the safety of those at the mine, represent a passage of management neglect and non-decision which must never be repeated in the coal mining industry. Mineworkers place their trust in management and have the right to expect management to take responsible decisions in respect to their safety. They also have the right to expect management to keep them informed on any matter likely to affect their safety and welfare.

The reason that I raise this matter today is that, in my opinion, that type of arrogance is in existence at this time in the Queensland coalmining industry. As the mining warden said, mineworkers place their trust in management and have the right to expect management to make responsible decisions in respect to their safety.

I put it to honourable members that mineworkers also place their trust in legislators. They have a right to expect legislators to make responsible decisions in respect to their safety. As legislators, we expect those appointed to oversee the laws to do their job, to be vigilant, to move with precision in addressing concerns where the industry fails to fulfil its obligations to the provision of a safe working environment and also where management practices are putting at risk the safety and wellbeing of those who are in the workplace. The industry needs to understand that mining companies should not consider themselves to be a protected species, just as those who are responsible for the administration and enforcement of the laws made in this place should not think that they are a protected species.

The amendments before the House are necessary. They are supported by all stakeholders and they have my support. The mining industry is very valuable to Queensland. The lives of those people

who go down into those mines or to the open-cut mines on a daily basis are valuable to their families, to their friends, to their communities and they should be to us as legislators. I do not apologise because I become emotional or because I am committed to my job in this place to represent coalminers and raise the issues that I feel are not being adequately addressed. I will continue to do so. I congratulate the minister and I thank him for his commitment to the mining industry and for bringing these amendments to the House. As I said, they are necessary. I commend the amendments to the House, and I thank members for listening.

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