




Speech By
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MEMBER FOR WARREGO

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MINES LEGISLATION (RESOURCES SAFETY) AMENDMENT BILL

 **Ms LEAHY** (Warrego—LNP) (3.55 pm): I rise to contribute to the debate on the Mines Legislation (Resources Safety) Amendment Bill. As we heard earlier, the LNP will not be opposing the legislation. However, we do have some concerns which we wish to raise. This bill originally came before the Infrastructure, Planning and Natural Resources Committee in the 55th Parliament and was also considered and reported on in the 2017 version of the bill, and there have been some small changes. The parliament was prorogued. The bill was then reintroduced and scrutinised by the Education, Employment and Small Business Committee. I want to thank both committees for their consideration of this legislation. The Infrastructure, Planning and Natural Resources Committee did not have the opportunity to do site visits, and I note the current committee did do site visits to Mount Isa Mines on 18 April 2018 and the Moranbah North mine on 19 April 2018. I think that was a good thing to do because the previous committee did not have the opportunity to do site visits.

I want to bring to the attention of the House—because this is a bit of an omnibus bill—what the bill does in relation to opal miners who are directly affected by this legislation. There are opal mines in my electorate at Quilpie and also Yowah and I know many of those miners and their families personally. They are quite small scale mines. Some are underground—they do not go for a huge length underground—and some are not. They are referred to as digs that are above ground. A lot of these people are semiretired and some of them are young people who have another full-time job somewhere else and they search for opals in their spare time and they have a couple of opal leases that they work. Some are also farmers who just happen to have an opal mine or a dig on their property. There is nothing at all that is large scale about these opal mines. Many of these miners also live interstate and only visit the opal fields during the winter months to operate their lease.

Previously there was a question as to why the exemption for opal and gem mines with fewer than 11 workers was to be removed. The department advised in response to a question on notice that many small mine operators already have used the template to implement safety and health management systems, so the question is: if they are already using that template then why make the legislative changes and remove the exemption? They are doing it voluntarily. Why then do we have to increase the regulation on these very small family operated mines and increase the compliance and the paperwork? There seems to be some significant overreach here.

When we look at this in relation to the number of fatalities in opal and gem mines in the last 10 years, there have only been two. We are going to a lot of regulation to remove that exemption and we are putting a lot more paperwork and compliance in place when there has not been a huge number of fatalities. It begs the question: what is the advice that the government is relying upon to justify this additional regulation on these very small mining operators?

I note that these issues were raised very strongly by submitters to the committee when the bill was first considered. I remember that those submitters appeared via teleconference and I can tell members that they were particularly upset. The safety, health and management requirements in this bill are proposed to be introduced for opal and gemstone miners with five to 10 workers. There will still be

the exemption for those miners who have fewer than five to 10 workers. The government believes that these requirements reduce fatalities. At this stage, in this area there are not many. The government also believes that these requirements will improve the health and safety of these mines.

Sometimes the operation of these mines is a hobby for people. The current exemption remains for opal and gemstone miners with four or fewer workers. The problem is that the bill does not provide a clear definition of 'worker' in those mines. Family members might be working those opal mines. If the son or daughter of someone who has such a lease goes out and does a bit of prospecting for opals, are they considered to be a worker?

We are told that the Mines Inspectorate will continue to provide education and guidance about the risk management for the opal and gemstone miners with four or fewer workers. That is going to be interesting, because it is a four-hour round trip for the Mines Inspectorate to go from Quilpie, where they are based, to Yowah. The Mines Inspectorate is going to find it fairly tedious to continue to provide that education and guidance. Another significant challenge for the Mines Inspectorate is that a lot of these miners do not live in Queensland. They live in the southern states. They are going to be very hard to locate and, because they are not residents of Queensland, they are going to be even more difficult to communicate with.

I note that the bill has recognised that small scale opal and gemstone miners—those who have four or fewer workers—may not have the administrative capability to set up the systems. I can tell the government that they certainly do not because, for some of them, opal and gemstone mining is a hobby. I know some people who might have several leases. They are working a day job, or they are working on their property. We were advised that, to assist these people, the Mines Inspectorate will provide resources. I am not sure how they are going to get those resources to some of those opal and gemstone miners when they live in Melbourne, Adelaide and or other such places down south. We are told that the template to assist them will be simple. Is it going to be one page, or two pages, or 10 pages long? To my mind, 'simple' would be one page but, knowing the government, I think it will probably make sure the template extends a bit longer than that.

The industry associations will be used to implement these new health and safety requirements for those opal and gemstone miners who have five to 10 workers. I have a few of those opal and gemstone miner associations and organisations in my electorate. I am going to be listening very carefully to them about how this legislation progresses. I do not believe that we need to increase that paperwork and administrative burden on those very small opal and gemstone miners.

I now turn to the issue of double jeopardy, which was raised by the Queensland Resources Council. When the bill was considered by the Infrastructure, Planning and Natural Resources Committee, in its submissions the Queensland Resources Council raised concerns about the how the bill was constructed in that it allows for a corporation to be prosecuted for an offence and found not guilty and then have a civil penalty imposed for the same alleged contravention. The committee looked at that issue. The departmental officers provided some advice in relation to it. They gave some assurances but, when I went back to the submission of the Queensland Resources Council, I noted that the Queensland Resources Council was aware of the assurances from the department. One was a public interest test. We know how well some of those public interest tests have gone for local government and how the government had to introduce Ipswich City Council-specific legislation.

The Queensland Resources Council suggested that it would be far better to have a legislative fix to put the matter of double jeopardy well beyond any doubt. If this proposal is to continue—and I have been through the submission of the Queensland Resources Council—we need to remove that prospect of double jeopardy. I would appreciate it if the minister would address those concerns of the Queensland Resources Council in his reply, because this is the second time the Queensland Resources Council has raised concerns about the potential for double jeopardy where a civil penalty has been imposed for a prosecution that has been unsuccessful. It is a particularly important issue for the resources industry in Queensland.