




Speech By
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MEMBER FOR BUDERIM

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**MINERAL AND ENERGY RESOURCES AND OTHER LEGISLATION
AMENDMENT BILL**

 **Mr MICKELBERG** (Buderim—LNP) (4.23 pm): I rise to contribute to the debate on the Mineral and Energy Resources and Other Legislation Amendment Bill 2020. This bill is a response to the deterioration in mine safety, particularly over the 12 months to July 2019. I note that the LNP will not oppose this bill, because the safety of our resources workers is the highest priority. However, there are a number of aspects of this bill where justifiable concerns were raised during the committee process. Principally, these concerns relate to the requirement for statutory position holders to be direct employees of mines as opposed to contractors; limitations on who can be charged with industrial manslaughter; and the changes to the defences available to individuals charged with industrial manslaughter.

The current state of affairs which has resulted in the deaths of eight Queensland workers over the last 21 months is clearly and completely unacceptable. While more Queensland mineworkers are killed or maimed, all we have seen from the weak natural resources, mines and energy minister is political gamesmanship. Just like his insipid performance on the vegetation management issue in 2018, Minister Lynham has gone missing in action. When concerned graziers and farmers were lining up with questions and concerns in 2018, he was nowhere to be heard. Now, like then, all we have seen is more pathetic manoeuvring via media releases. What we should have seen from the man who supposedly cares about mineworkers is genuine engagement with all stakeholders, not just his CFMMEU masters. Perhaps if Minister Lynham did his job properly, he would not have had to come in here today to bring in hastily drafted amendments which apply a sunset clause to the requirement for statutory position holders, specifically SSEs, to be direct employees of mine operators.

The minister would have people believe that this bill has widespread support, citing the joint communique issued in 2019, but, as was very evident during the committee process, the reality is not quite so united. When questioned during the committee process in relation to the issue of statutory position holders and SSEs being direct employees of mine operators, chair of the Queensland Resources Council, Ian Macfarlane, said, 'We cannot support the bill in its entirety with the current provisions on SSEs.' The QRC also said that those specific proposals 'run the risk of diminishing safety by undermining the culture necessary to prioritise safety'. All we have seen today are amendments that apply an 18-month time frame in relation to this issue. Apparently this superficial change will remove the risk articulated by the QRC as we have heard nothing from the QRC or the CFMMEU today. I contend that the minister's amendment does nothing to remediate the concerns expressed by many during the committee process. All it does is push the issue out 18 months down the road.

On the issue of the consultation, the committee heard the same refrain that we hear so often in relation to an inadequate consultation process. As coalmine worker Karl Barnsdale stated—

I am disappointed in the consultation process, it appears to be non-existent. The first I heard about the proposed amendments were through social media.

In particular, industry representatives expressed concern in relation to the provisions included in division 2. A representative from Peabody Mines stated—

The industry has been surprised by the addition of Division 2 amendments which were not previously included in the consultation draft released in 2019.

QRC chair Ian Macfarlane stated—

For some of the issues in this bill, industry has had extensive engagement, and we thank the government for that. However, the bill includes a late addition for which there has been no consultation or evidence provided, other than the apparent preference from the unions. This issue is the proposal that all statutory officials in the coalmining industry must be employed by the coalmining operator. There is no evidence to suggest that this requirement would have any impact on improving safety outcomes.

Given the round table, the joint communique and the engagement on some aspects of this bill, why did Minister Lynham try to slide through the provisions for which there is no evidence to support that it will improve mine safety—provisions which fly in the face of industrial relations law and will unnecessarily restrict the rights and freedoms of small business operators and contractors who are just trying to earn a living and provide for their families? The only supportable conclusion is that it is because that is what the CFMMEU wanted. We all know how this government is owned by the unions. It is what the CFMMEU wanted to boost its own membership so that it can exert even more job-destroying influence on the workforce.

If only the government had a minister for natural resources, mines and energy who had some courage, a minister who had the wherewithal to stand up for what is right rather than what his mates want, who could work for the greater good of mineworkers and the mining industry rather than just one who resorts to bartering away the rights of workers to resolve a political problem. I suppose we should be thankful that the minister has humiliatingly been forced to move the feeble amendments we see here today, all of which could have been avoided had the minister consulted openly and in good faith on all of these issues. In his contribution the minister invoked his oath to do no harm as a doctor but, unfortunately, it is clear that the minister's oath does not extend to doing no harm to contract SSEs and other statutory position holders who will be out of a job in 18 months.

To be clear, I do not have a problem with mining companies, boards and CEOs being held to account when their actions or inactions result in the avoidable death of a mineworker. Were the provisions contained in this bill restricted to such individuals, many of my concerns would have been ameliorated. Unfortunately, as I and my LNP colleagues noted in our statement of reservation, this bill is more about being seen to do something rather than working and consulting with an entire industry to address underlying problems and failures. I question the need for an industrial manslaughter provision in relation to mineworkers given that all workers are already subject to manslaughter provisions contained within the Criminal Code. Despite this fact, no worker has ever been convicted under such provisions which begs the question why these new provisions are needed. Had we seen many failed prosecutions then the case may have been made, but that is not the situation. My view is supported by the Queensland Law Society which submitted that it—

... does not support the introduction of the industrial manslaughter offences into the resources safety acts. There are existing criminal offences in these acts which capture conduct, both acts and omissions that causes a fatality, as well as offences in the Criminal Code which do the same.

The CFMMEU has stated that these provisions will only come into effect in the event of a mining fatality. However, I believe that ignores the point that these types of punitive laws create a culture of non reporting and will actually increase the risk of serious injury or death. The mining industry already has considerable obligations, particularly those contained within the Coal Mining Safety and Health Act where statutory office holders have a positive obligation to report incidents and near misses. By introducing provisions which will attract a custodial sentence, the natural consequence will be that workers act to protect themselves. That will mean that near misses that currently get reported will go unreported and unfortunately in years to come more Queensland mineworkers will be injured and more will die. This bill is an inadequate response to an issue that is of concern to all Queenslanders. It appears that the minister is more interested in getting media headlines than actually addressing the issues that are getting mineworkers killed. Mineworkers deserve better.