




Speech By  
**Patrick Weir**

**MEMBER FOR CONDAMINE**

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## **RESOURCES SAFETY AND HEALTH QUEENSLAND BILL**

 **Mr WEIR** (Condamine—LNP) (12.38 pm): I rise to speak in the debate on the Resources Safety and Health Queensland Bill 2019 as a member of the State Development, Natural Resources and Agricultural Industry Development Committee. At the outset, I thank the secretariat for all their hard work in putting this report together.

The Resources Safety and Health Queensland Bill 2019 was introduced into the Legislative Assembly and referred to the committee on 4 September 2019. The committee was required to report to the Legislative Assembly by 18 October 2019. According to the explanatory notes, this bill is in response to the finding of the Coal Workers' Pneumoconiosis Select Committee which was established in 2016 by the 55th Parliament after a number of cases of coal workers' pneumoconiosis had re-emerged. The CWPSC's report made 68 recommendations.

At the time the Palaszczuk government said that they supported or supported in principle all 68 recommendations, but they have been painfully slow to accept and implement those recommendations. One of those findings was that the Department of Natural Resources, Mines and Energy did not administer the Coal Mining Safety and Health Act 1999 and the Coal Mining Safety and Health Regulation 2001 to protect the safety and health of persons at mines with respect to respirable coalmine dust. The purpose of this bill is to address that finding.

The explanatory notes state that the bill establishes an independent statutory body responsible for regulating safety and health in the state's resource industries. RSHQ will comprise the coalmines, mineral mines and quarries, explosives and petroleum and gas inspectorates. RSHQ will also include Simtars and the Coal Mine Workers' Health Scheme. RSHQ's main function will be to administer the resource safety acts: the Coal Mining and Safety Act 1999; the Mining and Quarrying Safety and Health Act 1999; the Explosives Act 1999; and the Petroleum and Gas (Production and Safety) Act 2004. The bill removes the resources safety and health function under DNRME and places it into a standalone entity.

Whilst most submitters were generally supportive, the Queensland Resources Council questioned if this would deliver the desired outcome. It stated:

The factors leading to those systemic failures would still have existed under the legislative framework proposed by the Bill. It is unreasonable to attribute what is fundamentally a failure in the risk management process to the structure of the regulator model, and there is no reason to think that a statutory regulatory body would have led to a different outcome.

The Project Management Office, which was established to examine and develop key recommendations of the CWP Select Committee, likewise stated—

Structural changes do not, in themselves, protect workers from risks to their safety and health. The management and control of workplace risks involves, amongst other things, targeted intervention coupled with robust monitoring and review, directed at continuous improvement.

Some industry bodies such as the Australian Petroleum Production and Exploration Association did question how they would fit under the new legislation as their industry is vastly different to the mining and quarrying industries. APPEA stated that the petroleum and gas industry is not as labour intensive

as mining and has a very good safety record. The explosives industry also questioned why they have been included as they already operate under the work health and safety legislation as well as the Explosives Act 1999. In response to these concerns the department stated—

To begin with, the co-location, if you like, of the explosives regulator with the mining and petroleum regulator is not new. That has existed for some time within the current division of the department. In a sense it is a continuation of the status quo ... the mining industry is one of the biggest consumers of explosives products and ... when explosives are used on a mining lease, they come under the jurisdiction of the mining legislation.

The appointment of the CEO to this new regulator was also the subject of much debate. There was a very strong view put to the committee that the CEO needs to have real life experience in the resource and not just be an appointed bureaucrat. Likewise, the same applies to the qualifications of the commissioner. A number of submitters emphasised the importance of relevant professional qualifications for the commissioner. They said that they definitely believe that the commissioner needs to have relevant industry experience and typically Queensland based experience on how the coalmining industry or the resource sector works in Queensland. For the coalmining industry, they definitely believe that the chief inspector needs to hold a first-class ticket of competency and a lot of inspectors need to hold the mine manager's certificate of competency as well.

Similarly, Mr Sleight from the Mine Managers Association highlighted the need for industry specific experience. He stated—

We think from a coalmining point of view it is important that the person in the position of commissioner has an understanding of (a) the Queensland mining industry and (b) the highest risk aspect of the resources industry, the coalmining industry.

Several submitters raised concerns that a funding model for RSHQ had not been finalised and provided to stakeholders for consultation prior to the bill being considered. Ms Bertram from QRC noted—

There presently is a levy ... Normally if there are additional costs there is a reason for that in that improvements are going to be delivered. We have been calling for a RIS so that we can see where those improvements are needed and are to be delivered and what the costs associated with that are.

Given that the safety and health fee is calculated on the number of workers in the industry, some submitters raised concerns with regard to the use of the safety and health fee based on full-time equivalents to provide a stable funding source for the RSHQ. The committee made a recommendation along those lines. The committee recommended that the Department of Natural Resources, Mines and Energy or Resources Safety and Health Queensland, if established, provide a briefing to the committee in mid-2020 on the finalised funding model for Resources Safety and Health Queensland.

As the shadow minister said, we will not be opposing this legislation. On the back of the eight tragic deaths in the mining industry recently, this needs to be addressed. We heard concerns, as I outlined, that this legislation does not automatically fix the flaws that have led to those deaths. If the laws are introduced they need to be enforced. We need mine managers and open-cut examiners on the ground who understand the industry working on the safety of miners. It was raised by a number of submitters, particularly the CFMMEU, that there is a chronic shortage of skilled people to fill those positions. That is something the industry needs to address.

I could not finish without mentioning that it is not just deaths and pneumoconiosis that affect the mining industry. We also need to look at the issue of mental health. I think that needs to be addressed. In my area of Condamine I have a coalmine where that is a significant issue because people's jobs are on the line every day. They do not know whether they will have a job in the next couple of months. The minister has the power to take that issue out of their lives. The minister has the power to address that. The community of Oakey is screaming out for that. New Acland is looking for the approval for stage 3 to guarantee the employment of these workers. I would ask that the minister address that issue and ease the mental health issues that those people have.