




Speech By  
**Patrick Weir**

**MEMBER FOR CONDAMINE**

---

Record of Proceedings, 19 May 2020

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

 **Mr WEIR** (Condamine—LNP) (5.11 pm): I rise to make a contribution to the Mineral and Energy Resources and Other Legislation Amendment Bill 2020 as a member of the State Development, Natural Resources and Agricultural Industry Development Committee. The Mineral and Energy Resources and Other Legislation Amendment Bill 2020 was introduced into the parliament and referred to the committee on 4 February 2020. The committee was required to report to the Legislative Assembly by 27 March 2020. Eighty submissions were received—a significant number for a very important bill. The committee received a public briefing from the Department of Natural Resources, Mines and Energy on 17 February and public hearings were held in Brisbane and Moranbah on 3 March 2020.

The explanatory notes state that the main objective of the bill is to strengthen the safety culture in the resource sector through the introduction of industrial manslaughter offence provisions and require that persons appointed to critical safety statutory roles for coalmining operations must be an employee of the coalmine operator. This legislation is in response to eight fatalities in mines and quarries in this state since 29 July 2018—almost one fatality every three months. These were eight truly tragic events, and I am sure that all our hearts go out to the families and work colleagues who were impacted by these accidents. My son has worked in coalmines in New South Wales and Queensland. My brother-in-law is an open-cut examiner in a coalmine. I have other relatives and friends who work in coalmines in Central Queensland. Their safety is vitally important to me.

This parliament has a role to play in the safety of all those working in the mining industry by implementing legislation that will address where the failings lie. We need to do this by working with all sectors of the mining industry. Unfortunately, during the committee hearings into this bill we were told that that has not been the case. In 2019 Minister Lynham commissioned three separate reviews into mine safety. Two were from the University of Queensland's Minerals Industry Safety and Health Centre—one published in November 2019 and the other in December 2019. The third report prepared by Dr Sean Brady on all fatal accidents in Queensland mines and quarries that occurred from 2000 to 2019 made 11 recommendations and was published in December 2019. The industry was also directed to participate in an industry safety reset in July and August 2019.

Not one of these reviews recommended the introduction of industrial manslaughter or that all statutory holders be under the direct employment of the mine operator. There were many submitters to the committee who expressed concern as to who would be targeted under the industrial manslaughter legislation and be deemed senior management. The bill states that industrial manslaughter will be an indictable offence where criminal negligence by senior management leads to a worker's death on a resource site.

Given the unique nature of the resource safety act which creates strategic roles such as senior site executives, site safety managers, underground mine managers, open-cut examiners and ventilation officers, it was argued that the amendments will capture people in operational roles on site beyond

senior officers of the corporation. This raised concerns regarding the possible reluctance of people to undertake these roles. The Queensland Law Society questioned the need for the change stating—

The Queensland Law Society 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 Australian Institute of Health and Safety commented that there were other issues at fault. It stated—

The absence of prosecutions in Queensland under the existing legislation ... prior to the introduction of Industrial Manslaughter, do not suggest that the penalties were too low—they just were not being applied.

At the public hearing in Moranbah CFMMEU District President, Mr Stephen Smyth, stated a somewhat different view—

In relation to senior officers, we think that industrial manslaughter should apply—and excuse me—from the ... house cleaner to the boardroom. It should be consistently applied.

...

It may surprise a few people that we have taken that view, but we have taken that view because you have to be consistent—we are fair dinkum about this: it must apply to everybody ...

During the consultation process for this bill, proposed amendments requiring statutory office holders to be employees of the coalmine operators were not disclosed. This is by far the most provocative part of this bill. The amendment is supported by the unions. However, there has been no consultation concerning the amendment with the industry whatsoever. For industry this came out of the clear blue sky.

The amendment is opposed by industry and the department did not provide any evidence that would support the change. QRC noted that the requirement for all statutory position holders at a coalmine to be employed by the coalmine operators represents an unreasonable and unjustified regulatory burden which was not subject to consultation with industry or a regulatory impact assessment. The department stated that this amendment was warranted due to concerns raised during the safety resets by 22 workers regarding fear of reprisal if they reported safety concerns. Given the fact that 52,000 workers took part in 1,197 safety resets and only 22 raised this as an issue, it is simply staggering to use that as a justification for this amendment.

The Chief Executive of the QRC, Ian Macfarlane, raised concerns as to whether this change would offend FLPs that the legislation should adhere to. In the report at page 39 it states that this issue is discussed in detail in the FLP section of the report. It is not. It is not even mentioned in that section of the report. This is a serious omission given the implication of this amendment. It is not addressed in the human rights section of the report either.

I have a number of issues with this report and indeed the committee process as a whole. Recommendation No. 1 is the same as it is for every committee report this term. It states that the committee recommends that the bill be passed. This is a given from the time the relevant bill is introduced into the House as the committee chair has the casting vote. Essentially three Labor members have four votes and the opposition three. Not only is it recommended that the bill be passed, but any amendments are very seldom included. If members have a copy of the report and look at the chair's foreword they will see an interesting comment that states—

Of crucial importance in drafting this report were the informal representations to committee members outside of the formal hearing at Moranbah, which have been as informative as—and contradictory to—the written representations received by the committee.

This informal evidence was at the bar of the Moranbah Community Workers Club, where a number of members of the public attended the hearing and stayed to have a drink. A number of issues were raised outside the scope of this bill in those discussions—about reporting, enforcement, the inspectorate, resourcing, amongst other things—with individual members of the committee. As incredible as it may sound, rather than testing the validity of these concerns in an open manner in a formal committee forum, recommendation 5 has found its way into this report based on these yarns around the bar rail.

I am not disputing this recommendation, but this is not the way a committee report is conducted. The Brady review made 11 recommendations, many of which have still not been implemented by this government. We are still waiting to see many recommendations implemented by this government regarding mine dust disease. This minister has constantly failed this industry and is looking for an easy headline with this legislation to show that he is doing something.

In the aftermath of the latest mine incident at Grosvenor mine near Moranbah, the minister has called for a board of inquiry. The minister did not see the need for this after the three deaths in 2018, nor after the four deaths in 2019, nor after the death in January 2020. Since the member for Stafford

has been the minister, we have seen eight deaths in the mining industry and now an underground mine explosion with severe injuries to five more workers—the worst single incident in the last 25 years in this state.

There is nowhere for this minister to hide. His incompetence is on the public record. We have seen more deaths under this minister's watch than we have had in this state from coronavirus. This minister should be sacked. The cloud of uncertainty for the safety of these men and women who work in the resources sector will hang over this industry while ever this minister is in charge. The only way safety will improve in mining in this state is without this minister.