




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

 **Mr WATTS** (Toowoomba North—LNP) (11.51 am): I rise to make a contribution to the Mineral and Energy Resources and Other Legislation Amendment Bill. This bill received over 80 submissions officially and also a submission at the bar. It is important to note that submissions should be recorded and should go through a proper process when the committee is weighing up people's conversations and evidence to them. If there is some hearsay input then maybe there should be an opportunity to afford those people to come forward and give formal evidence to the committee. Whilst I am not saying it should be discounted, I think it should go through a formal process.

It is a very important bill. Why is it important? It is important because the life of every single mineworker is absolutely important to everybody in this House. I think all sides can agree that what we want is an outcome where Queensland has the safest mines on planet Earth. I do not think anybody would disagree that that is something that we should strive for.

It is also very important because this industry contributes much to Queensland's history and people's livelihoods and the future of Queensland. It sits on our coat of arms because it is a key industry for us. The parliament has a role to play in making sure that mines are safe. There is absolutely no doubting that. We should have legislation that supports safety at our mines. It is also important that all sectors of the mining industry are consulted when legislation is put forward. We know that the minister conducted three separate reviews into mine safety. Not one of these safety reviews recommended the introduction of industrial manslaughter legislation or that statutory office holders be under direct employment of the mine operator—not one of the reviews. You would think that if you conduct a review into mine safety and you engage experts to do that you would take seriously their recommendations and, if they do not put a recommendation forward, you would have to ask yourself why.

The bill states that 'industrial manslaughter be an indictable offence, available where criminal negligence by senior management leads to a worker's death on a resource site'. The interesting part of that is 'senior management'. What exactly and who exactly are we talking about? Why is that not clearly defined? We all want to know, if something goes wrong on a mine site and there is an accident and someone has lost their life, who is responsible. Whose job was it to make sure that that life was not lost? To have this catch-all phrase of 'senior management' that could be interpreted widely and in many ways, does not put the key responsibility on the shoulders of anybody at the mine site.

I would urge the minister to give some guidelines as to who is a senior officer, to give some clear guidance as to who the enforcement officer is at the mine site who will be held responsible if something tragically goes wrong so that everybody can know—the company can know, the employees can know, the public can know and the families of the miners can know—who is responsible. It may be more than one person, and that is fine, but we need a clear definition so that it is beyond dispute as to who is in the box seat if something tragically goes wrong.

The other part of legislation that is always important is implementation. You can bring legislation into this place and the legislation can say and do lots of things, but it needs to be implemented. In order for this legislation to be implemented, one of the matters that concerns me is the change that was made in relation to 'direct employee'. In Queensland, the owner of the mine may not be the extractor of the resource. It may well be that a contractor has that responsibility. It becomes very difficult if there is not someone in that contractor's hierarchy who is responsible for mine safety.

We also have a situation where many of our mines are in partnerships, meaning the people who are doing the extraction may well be a contractor, servicing several people who are in partnership in the mine. To exclude a contractor from being able to hold one of these positions creates great difficulty in implementing what is required by this legislation. It will require great restructuring for no real safety outcome. Defining who we are talking about would aid in ensuring that the right person is responsible for the safety of the mine site.

Further to that, if we have this catch-all where we do not know who it is—and it could be many people on one mine site—the question then becomes: how many people are there in the industry who have the experience, the knowledge and the training to act in this role? Are those people employed by contractors at the moment or are they employed directly by mine owners and operators? The question is: what is the pipeline of those people coming through? What does a mine site do if their full-time employee decides to take long service leave and they are not allowed to bring a contractor in to cover the role? They may well not have somebody in their organisation who has the experience, knowledge and training to be able to take on the role. If they are precluded from bringing in a contractor to do that role while the person is on long service leave, that will become a practical difficulty for management of the mine site.

The objective here is safety at the mine site. To exclude a class of person who already is in short supply—many because of the experience required to do the role are aged, and many who will feel the additional burden fall on their shoulders may in fact walk away from the industry—will mean that a great deal of experience in safety and other areas will be lost.

We can all agree that the objective is to make sure that we do not have deaths on mine sites. One death is too many; eight is absolutely tragic and something needs to be done. The question remains: is what we are doing going to solve the problem? Will it lead to the safest mine sites in the world being in Queensland or will it lead to a bureaucratic model that is difficult to manage, that increases the costs associated with the resource industry and does not really achieve any outcome in terms of safety?

I ask the minister in his closing remarks, to give some clear guidance as to who these officers will be. That is the first question. Secondly, can we seriously consider some allowance when people take sick leave or long service leave so that their positions are covered by people who are suitably qualified and not necessarily employed directly on a full-time basis by the mine operator at that time? Without that, we may find people without the experience, we may find people without the training and we may find people without the knowledge being promoted to this position. Whilst that would mean we have someone filling that position and we have someone who we may be able to identify as responsible, it does not necessarily lead to a safer outcome for the mines.

They are my concerns, along with a couple of others in relation to the FLPs. I do not have much more to add. Others have said many things, but I think it is important that this category of 'contractor' is clearly understood, that we need to have some allowances for joint ventures and other mines to operate effectively and that there is a clear definition of who we are talking about.

(Time expired)