




Speech By
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MEMBER FOR GREGORY

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COAL MINING SAFETY AND HEALTH AND OTHER LEGISLATION AMENDMENT BILL

 **Mr MILLAR** (Gregory—LNP) (5.06 pm): As the member for Gregory, I take the devastating record of mining deaths and injury very seriously. Throughout world history, mining has always been a dangerous undertaking, so it is pleasing to see that, over decades, the recorded fatalities in Queensland have been consistently falling. This is the result of constant efforts by legislators, administrators, mining operators and mine workers.

However, in recent years we have experienced a steady stream of serious incidents and deaths in Queensland mines. I accept that workplace safety is a constant effort and always challenging but, given the central importance of mining to the Queensland economy, to our communities and to working families, as legislators we must do our very best despite the challenges. It requires more than just good intentions. It requires a thorough understanding of the processes required in the operation of mines. It requires wide consultation and attention to detail.

Given the shocking recent record of serious incidents and, sadly, fatalities, the response of the government has been surprisingly muted and strangely sluggish. The LNP initially raised these concerns with the detail of this legislation when it was first introduced by the previous resources minister in 2020. Given that was nearly two years ago, it is deeply disappointing that this bill preserves some of those concerns. To then have this legislation finally introduced as urgent was either contrived or incompetent. For members of the resources industry, it was just another insult.

One of the consequences has been that the committee review process was conducted over a short time period. This has not only limited the number of public hearings conducted in the regions where mining is an essential pillar of people's working realities but also, no doubt, had an impact on a number of public submissions received. None of this has been ideal, and it is doubly surprising coming from a government which is increasingly relying on revenue from coal and royalties and which purports to have the welfare of resource workers as a central concern. Nevertheless, we do have a committee submission from both the Queensland Resources Council and the Mining and Energy Union and both of those submissions continue to express serious concerns about the detail of this legislation.

The Mining and Energy Union, representing many workers in Gregory's resource towns, clearly does not believe the current format of the bill will improve the health and safety outcomes of resource workers. To quote, the MEU says, 'The bill only seeks to undermine the original intent of legislation change and places coalminers at risk.' This is a scathing comment. Far from improving health and safety outcomes in Queensland mines in the judgement of the MEU, this bill, as it stands, will undermine safety and place coalminers at risk.

The Queensland Resources Council also has serious concerns with the detail in key parts of this legislation. One of their biggest concerns relates to the new requirement for statutory officers. This is a key role in the safe operation of mines. I have sat with constituents who work in this area and have a

deep understanding of what the role entails. Many work across a number of mine sites, which ensures that mine operators have the ability to access their knowledge and their expertise in real time and on site. Under this legislation, that model will no longer be allowed.

The draft legislation states the entity who employs or engages greater than 80 per cent of the workers on site must employ a statutory officer holder in its own right. This is a fundamental change to the model used in Queensland. Not only will it shut down successful consulting operators in the field, but also mining entities may struggle to find properly qualified people to fulfil this requirement. It is simple maths if suddenly, rather than being able to work across multiple mine sites, each statutory officer can only work in the field as a full-time employee of a single mining operator. It is hard to find any evidence that this change of model will improve health and safety outcomes. Indeed, it may worsen those outcomes by making the knowledge provided by statutory officers harder for mines to access.

There seems to be no appreciation of the severe shortages of highly qualified personnel across Queensland's mining workforce. In the Central Highlands there are thousands and thousands of jobs vacant in the mining industry. It is harder and harder for these mining operators to find these people, and they are struggling like agriculture is struggling. The bill will make a real-world shortage even worse, yet the legislation fails to detail the process to be followed when appropriate statutory position roles cannot be filled due to the new requirements. What will happen if, despite their best efforts, mines cannot recruit into these roles?

Many submitters also raised concerns about the ambiguity surrounding this new requirement. Under this bill, if a contractor employs or otherwise engages less than 80 per cent of the workers on site, the statutory position holders must be employed by the coalmine operator or an associated entity. The Queensland Resources Council in their submission said—

It is unclear where this requirement came from as it was not discussed in the working group established by the Hon Scott Stewart MP, Minister for Resources ...

This is more evidence of poor communication and a failure to understand the process the bill seeks to reform. If you do not fully grasp these details then it is no wonder that the MEU believes the bill undermines its own goal of improving outcomes.

In its submission, the QRC tried to tackle the concern head-on. It said—

While it has been suggested that the increasing use of contractors is leading to a dilution or fragmentation of safety responsibility at mine sites, this is not supported by evidence and is offensive to contractors that they cannot employ their own statutory position holders.

Concerningly, there is a demonstrated ambiguity around how the provision will be applied. This is made into an urgent concern given the nominated commencement date, but I will return to that issue. If this new requirement kicks in at 80 per cent workforce milestones, how does the contractor or mine operator calculate that? There is no detail about how the 80 per cent of the mine's workforce is to be calculated or enforced. Will it only count workers at the actual coalface, or will it apply to all contractors on the mine site? Will contractors undertaking security, cleaning, gardening, bus transport and administrative duties also be captured by this? Many such contractors are small regional businesses that have evolved alongside Queensland's mining industry. In the context of this bill, including them as a part of the mining workforce may make 80 per cent an impossible milestone for companies to reach.

I turn now to the issue around the commencement. After being slow to take much action with regard to mine safety outcomes, the government now seems to be galloping to the finish heedless of the consequences. Part 2 of the bill is scheduled to commence on 25 November this year. This is the part that will impose employment restrictions for statutory roles. This is only about a fortnight away. This time frame is extremely short for an industry to adjust systems and processes to ensure compliance with the new requirements. This is especially the case when they will still be trying to clarify the workforce calculations required of them and to recruit into the statutory officer role if it is not currently in-house. It also means that all those professionals who are currently self-employed providing these services to more than one mine site will have to close their business in two weeks and seek an employer.

This side of the House believes this commencement date must be extended for at least 12 months. This will provide the time needed to address the serious concerns raised during the brief committee process and to give industry stakeholders, both small and large, the time needed to comply with the new requirements. Given the importance of the mining industry to Queensland, it is simply not good enough to do otherwise.

The issues this legislation is trying to address are of extreme importance, as shown clearly by the devastating Grosvenor mine explosion on 6 May 2020. The committee was lucky last week; we were able to have a look at Grosvenor mine. I would like to thank Anglo American and all the mine staff, especially the mine manager, Paul Stephan, whom I have known all my life. We played junior Rugby

League footy with the Emerald Tigers when we were young fellows. He was quite a good footy player and now he is a mine manager. There is an example of a local bloke growing up with a company and becoming a part of their leadership group. I remember when Paul Stephan started in the mining industry. He went underground in the Central Highlands as a young fellow and worked his way up, from the tools right up to management. It is a credit to him and all his staff at the mine at Grosvenor. They are doing their best to make sure they keep that mine safe.

Everyone in the Bowen Basin was left shocked by the Grosvenor mine explosion. I accept that this legislation is a sincere attempt to prevent such events and ensure coalminers come home safely at the end of their shifts. For this reason the LNP will not be voting against the bill. However, I ask the minister in the strongest possible way to please extend the commencement date to allow the serious issues raised to be addressed, as with the amendment from the shadow minister for resources. He was spot on that we do need 12 months; we need time to implement this. I will be supporting his amendment and I thank him for putting it forward. It would allow mining operators and contractors time to adjust.

This is an important piece of legislation. There are some other things that need to be done. I ask for an extension to allow everybody to feel comfortable and to make sure this legislation works.