




Speech By
Hon. Scott Stewart

MEMBER FOR TOWNSVILLE

Record of Proceedings, 12 October 2022

COAL MINING SAFETY AND HEALTH AND OTHER LEGISLATION BILL

Message from Governor

 **Hon. SJ STEWART** (Townsville—ALP) (Minister for Resources) (11.41 am): I present a message from Her Excellency the Governor.

Mr DEPUTY SPEAKER (Mr Hart): The message from Her Excellency recommends the Coal Mining Safety and Health and Other Legislation Amendment Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

COAL MINING SAFETY AND HEALTH AND OTHER LEGISLATION AMENDMENT BILL 2022

Constitution of Queensland 2001, section 68

I, DR JEANNETTE ROSITA YOUNG AC PSM, Governor, recommend to the Legislative Assembly a Bill intituled—


A Bill for an Act to amend the Coal Mining Safety and Health Act 1999, the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Mineral and Energy Resources (Common Provisions) Act 2014, the Mineral Resources Act 1989, the Mineral Resources Regulation 2013 and the Petroleum and Gas (Production and Safety) Act 2004 for particular purposes

GOVERNOR

Date: 12 October 2022

Tabled paper: Message, dated 12 October 2022, from Her Excellency the Governor recommending the Coal Mining Safety and Health and Other Legislation Amendment Bill 2022 [1626](#).

Introduction

 **Hon. SJ STEWART** (Townsville—ALP) (Minister for Resources) (11.41 am): I present a bill for an act to amend the Coal Mining Safety and Health Act 1999, the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Mineral and Energy Resources (Common Provisions) Act 2014, the Mineral Resources Act 1989, the Mineral Resources Regulation 2013 and the Petroleum and Gas (Production and Safety) Act 2004 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Transport and Resources Committee to consider the bill.

Tabled paper: Coal Mining Safety and Health and Other Legislation Amendment Bill 2022 [1627](#).

Tabled paper: Coal Mining Safety and Health and Other Legislation Amendment Bill 2022, explanatory notes [1628](#).

Tabled paper: Coal Mining Safety and Health and Other Legislation Amendment Bill 2022, statement of compatibility with human rights [1629](#).

Today I introduce to the House the Coal Mining Safety and Health and Other Legislation Amendment Bill 2022, which delivers on two Queensland government priorities. First, the bill strengthens the safety and health culture in the resources sector through the facilitation of direct

employment requirements for coalmining statutory positions. Second, the bill progresses amendments to enable implementation of a key action in the Queensland Resources Industry Development Plan as well as make amendments to resources acts to address an operational issue and correct clerical errors.

In relation to resources, safety and health, the bill primarily addresses several issues raised by industry in relation to implementing the direct employment requirements first introduced into legislation in May 2020. On 25 May 2020, the Mineral and Energy Resources and Other Legislation Amendment Act 2020 amended the Coal Mining Safety and Health Act 1999 to require a person to be an employee of the coalmine operator to be appointed to a safety-critical statutory role at the time. The objective of the direct employment requirements is to ensure that holders of statutory roles at coalmines can make safety complaints, raise safety issues or give help to an official in relation to a safety issue without fear of reprisal or impact on their employment. The requirements also ensure that the coalmine operator, the entity ultimately responsible for the coalmine and safety of its workers, remains the central point of responsibility. By directly employing critical safety roles, the coalmine operator's responsibility for safety is not fragmented across multiple employers. The direct employment requirements come into full effect on 25 November 2022, when the 2½-year transition period ends.

Representatives of the coalmining industry raised with me challenges to implementing the direct employment requirements. Industry stated that requirements would have the potential to impact their ability to consistently supply coal and, as a result, would affect the financial viability and sustainability of their businesses.

I directed that a tripartite working group be established representing industry, workers and the regulator to find solutions to the identified issues. As a result of this process, the bill will amend the Coal Mining Safety and Health Act to address these implementation issues. The amendments will allow limited exceptions to the direct employment requirements while still achieving their intent. They will allow coalmine operators whose only activities are exploration activities to appoint a senior site executive through another employer. They will also allow contract companies who are responsible for substantially whole-of-mine operations to employ statutory position holders. Through this change, the one entity, such as a contract company responsible for whole-of-mine operations, will remain substantially responsible for safety at the coalmine. The amendments will allow operators to engage statutory position holders from external sources for temporary absences of not more than 12 weeks and will allow companies associated with the coalmine operator, such as a wholly owned subsidiary or other company within the same group or family of companies as the operator, to employ persons in statutory positions.

Another matter raised with me is the need to clarify the safety focus for persons appointed to open-cut examiner, ventilation officer or explosion risk zone controller positions at a coalmine so that the safety focus of these roles is not diluted by undertaking production activities. I intend to ask stakeholders from industry and unions to consider this in more detail and to provide further advice to me on this matter.

I now turn to the second area of the amendments in the bill, which amends the Mineral Resources Act 1989 to provide a rent deferral framework for specific critical mineral mining leases. This change will implement action 10 of the Queensland Resources Industry Development Plan. The bill also includes several minor amendments to the Geothermal Energy Act 2010, the Greenhouse Storage Act 2009, the Mineral and Energy Resources (Common Provisions) Act 2014, the Mineral Resources Act 1989 and the Petroleum and Gas (Production and Safety Act) 2004. These minor housekeeping type amendments will address operational issues and correct clerical errors in the resources act. I commend the bill to the House.

First Reading

Hon. SJ STEWART (Townsville—ALP) (Minister for Resources) (11.47 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Transport and Resources Committee

Mr DEPUTY SPEAKER (Mr Hart): In accordance with standing order 131, the bill is now referred to the Transport and Resources Committee.