Speech By

Shane King

MEMBER FOR KURWONGBAH

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COAL MINING SAFETY AND HEALTH AND OTHER LEGISLATION AMENDMENT BILL

Mr KING (Kurwongbah—ALP) (4.57 pm): I rise to speak to the Coal Mining Safety and Health and Other Legislation Amendment Bill 2022. If passed, this bill will provide exceptions to direct employment requirements already passed under the Coal Mining Safety and Health Act for coalmining statutory positions. I will just give a bit of history on this. On 25 May 2020, changes were made to the mining safety legislation so that only persons who were employees of a coalmine operator would be appointed to certain statutory positions that are responsible for safety. They are known as direct employment requirements, and they come into full effect on 25 November this year when the transitional period ends. Just so we are all aware, if the amendments in the bill relating to the direct employment requirements do not commence by this date, some coalmining operations may be in breach of the existing direct employment requirements.

I want to say a few words in relation to the contribution by the member for Condamine, and I am not knocking his contribution. He mentioned that there seems to be a lack of these positions. The coalmines all have these positions currently. There was mention of a lack of training but the industry has had 2½ years to be training these people up. We asked that in the inquiry—that is, why haven't they been training these people up into these roles? I think there has been plenty of time to do that.

There has also been a lot of talk about the length of time for consultation on this bill. During the committee process, some stakeholders raised concerns about the consultation period. Just to be clear, these amendments have been developed following an ongoing yearlong consultation process with stakeholders. The direct employment requirements were passed, as I said earlier, on 25 May 2020 with an 18-month transitional period which would have ended on 25 November 2021.

It appears to me the industry has dragged its feet on these amendments and, as such, unfortunately towards the end of the transitional period, the challenges raised by industries were made clear. In response, further amendments were made by government to extend the duration of the transitional period to 25 November this year to allow time for industry to articulate the challenges to implementation and, with unions and government, seek to identify solutions to these challenges. They were trying to achieve that through the tripartite working group which has been mentioned.

The working group met periodically and received written submissions from impacted companies and other stakeholders. In February this year, the working group presented a report that identified issues but also had a number of issues raised without agreement amongst the group itself. Following consideration of the working group's advice and the possible solutions it identified, Resources Safety & Health Queensland spent the following months working with industry to formulate refined recommendations which were tested with the Queensland Resources Council and the Mining and Energy Union. Further consultation with industry stakeholders and the union occurred on a draft consultation bill. The direct employment requirements will commence on 25 November this year, which has meant industry, as I said, has had 2½ years to ready itself for these amendments.

The impacted statutory positions required to be directly employed by the coalmine operator are: for all coalmines sites—site senior executive, SSE; for surface mines only—open-cut examiner, OCE; for underground mines only—underground mine manager, UMM, ventilation officer, VO, explosion risk zone or ERZ controller, and electrical engineering manager and mechanical engineering manager. It is like being back where I used to work with all these acronyms—incredible!

This bill is about making sure the organisation operating the mine owns the risk of its operations. We have heard from many submitters on this and in other inquiries we have done in mining that there is always a fear—I would go so far to say almost an implied threat—in some cases that safety issues that stop production or get in the road of bonuses are to be minimised. It is sad to hear that this is still the case nearly two decades after I left the mining industry that a feeling of insecurity of employment still exists around reporting safety. For this reason, I highly support these senior safety positions being permanent employees.

The amendments being debated today will not unreasonably disrupt current corporate structures and employment arrangements and they will still uphold the intent of the original legislation. These amendments will, however, ensure the coalmine operator, the entity ultimately responsible for the coalmine and the safety of its workers, remains the central point of responsibility. It will ensure responsibility for safety is not fragmented across multiple employers with their own structures, systems and cultures. In effect, this is a relaxation of sorts from the original legislation which is, I guess, why the parties in the tripartite agreement could not agree. The QRC wanted to soften it more and the unions—the workers—wanted it stronger. It is our government's expectation that those who undertake coalmining operations must have their ultimate priority to be the safety and health of coalmine workers who are exposed to the hazards of operations. You are not exposed to the hazards sitting in an office making these decisions; it is the people, excuse the pun, on the coalface. I do not think any of us disagree with that.

Some of the amendments are as follows: there is an amendment to allow coalmine operators whose only activities are exploration activities to appoint a senior site executive through another employer. Industry advocated strongly for this amendment, the minister listened, and as these activities involved much less risk, it made sense.

Another amendment will allow contract companies who are responsible for substantially whole-of-mine operations to employ all statutory position holders for that whole-of-mine operation. Specifically, this exception would allow a person to be appointed to a statutory position such as an SSE by a company, such as a contractor company, if the coal company employs or engages at least 80 per cent of coalmine workers at the entire coalmine. This was one of the issues where the groups were far apart. The union wanted no exemption and the Resources Council wanted a much lower threshold than 80 per cent. In fact, in our hearing, Mr Bertram from the QRC stated—

> There is not a mining contracting company operating in Queensland who is not the coalmine operator who can meet this 80 per cent threshold—not one, not even the largest.

I understand, from hearing the minister's speech, there are over 11 mines throughout Queensland operating above the 80 per cent threshold. The minister said—

> I am advised by RSHQ that according to information provided by the resource industry itself, there are currently 11 open-cut mines and one underground mine where a contracting company employs or engages over 80 per cent of the workers at the mine in a full service-contract.

The minister named the mines. I do not think that argument from the QRC really washes in that case.

Another amendment allows operators to engage statutory position holders from external sources for temporary absences of not more than 12 weeks. This provides flexibility for covering unplanned, long-term absences for such things as long service leave, long-term sickness or recruitments due to vacancies. We have a recommendation around that which the minister clarified during the second reading speech.

The fourth amendment was around associated entities: to allow the direct employment of the SSE, underground mine manager and ventilation officer statutory position holders from a company's associated companies and joint ventures. It provides joint coal operators with greater flexibility from the broader pool they have when they have several properties. There was another amendment for relief during startup in certain circumstances for critical minerals.

We held public hearings, we took submissions on this bill and we made six recommendations. The first was that this bill be passed. Number two was that the minister clarify which body will enforce compliance with the exceptions to direct employment provisions, and the minister clarified it was Resources Safety & Health Queensland.

The other one I want to briefly touch on—and I have already gone through it—was the 80 per cent figure which was questioned by both of the bodies who could not agree. One wanted 100 per cent; the other one wanted much less than 80 per cent. I appreciate the minister addressed that in the second reading speech as well.

I would like to thank all the submitters and the members of the Transport and Resources Committee for their work on this report, in particular our stellar deputy chair, the member for Gregory. I also have to say a special thank you to Jodhi, our new committee secretary, who has really had to hit the ground running with a whole lot of inquiries to catch up on—it has been quite the welcome to this place for her and we really appreciate her work—along with Zac and Amanda who helped steer the ship to make this report happen. I commend the bill to the House.