




Speech By
Hon. Scott Stewart

MEMBER FOR TOWNSVILLE

Record of Proceedings, 18 April 2024

RESOURCES SAFETY AND HEALTH LEGISLATION AMENDMENT BILL

Introduction

 **Hon. SJ STEWART** (Townsville—ALP) (Minister for Resources and Critical Minerals) (3.23 pm): I present a bill for an act to amend the Coal Mining Safety and Health Act 1999, the Explosives Act 1999, the Mining and Quarrying Safety and Health Act 1999, the Petroleum and Gas (Production and Safety) Act 2004 and the Resources Safety and Health Queensland Act 2020 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Clean Economy Jobs, Resources and Transport Committee to consider the bill.

Tabled paper: Resources Safety and Health Legislation Amendment Bill 2024 [626](#).

Tabled paper: Resources Safety and Health Legislation Amendment Bill 2024, explanatory notes [627](#).

Tabled paper: Resources Safety and Health Legislation Amendment Bill 2024, statement of compatibility with human rights [628](#).

Tragically, death and serious injury in Queensland's resources sector continue to cause the most significant negative impact for workers and their families, their workmates and our communities. The recent death of Luke O'Brien at the Saraji mine in January this year is yet another heartbreaking reminder that we must continuously strive to ensure that the safety and health of our workers in the resources sector remains paramount.

Improving the sector's safety and health performance to reduce the occurrence of fatalities and serious accidents is the utmost priority of the Miles government. We know that the most important thing to come out of a workplace at the end of each shift is the workers. The proposed amendments to the resources safety acts address recommendations from the Brady review of mining fatalities, the Queensland Coal Mining Board of Inquiry into the Grosvenor coal mine explosion and feedback from our industry-wide safety resets. The proposed amendments cover sections of recommendations 6, 12, 13, 19, 25, 29, 32 and 34 from the Coal Mining Board of Inquiry, amounting to 10 recommendations in total. Extensive consultation has occurred through a consultation and decision regulatory impact statement and on draft legislation with key industry and union stakeholders. The package of legislative reforms aims to improve the sector's safety and health performance to reduce the occurrence of fatalities and serious accidents.

The bill facilitates growth in high-reliability organisations'—known as HROs—behaviours within the resources sector. HROs are vigilant to warnings of danger and operate on the basis that, if warnings are identified and addressed, danger can be avoided. This includes in highly hazardous environments by employing central principles such as being preoccupied with failure, deferring to expertise and practising resilience. Key HRO related proposals include the implementation of critical controls and strengthening the competency of those in key safety-critical positions.

Critical controls focus on the presence and effectiveness of controls that are vital to preventing or mitigating the most significant risks of serious injury or death. They ensure there is clear governance and responsibility for implementation and validating effectiveness. They will be incorporated into the

safety and health management systems of all coalmines, metalliferous mines and quarries. This will allow the regulator to conduct audits and inspections on critical controls, as they will be part of the safety and health management systems. The regulator will work with industry to improve the implementation of critical controls across industry.

For both underground and surface coalmines, the introduction of certificates of competency are proposed for the roles of mechanical engineering manager and electrical engineering manager. A new certificate of competency will also be introduced for surface mine managers. Certificates of competencies for these safety-critical roles will ensure these persons have sufficient experience and expertise as determined by the independent board of examiners.

To realise the value of RSHQ's new digital system, industry incident reports to the regulator will be required via an approved form, which will simplify and optimise reporting for facilitating information sharing. Existing oral reporting requirements will continue for serious incidents. These amendments support the recommendations in the Brady review, which identified the importance of the regulator facilitating the collection, analysis, identification and dissemination of information from industry to inform learnings and future direction for safety and health approaches in the industry.

The proposed information-sharing amendments aim to simplify and clarify the existing legislative provisions regarding publishing safety information by the regulator. The purpose of these amendments is to clarify that the publication power is not limited to information concerning enforcement action but extends to statistical and factual information about serious accidents and high-potential incidents to facilitate the sharing of information. The existing legislation allows for the publication of the name of the operator and the mine to which this information relates.

These amendments support the Brady review recommendation that relates to an information-sharing culture being a safety culture. Information must not be publicly released unless it is in the public interest such as providing context for safety information that is shared for learning purposes. The bill aims to modernise regulatory enforcement powers by providing for enforceable undertakings as an option to address contraventions that do not cause death. The bill will also modernise and streamline the existing operation of directives, enabling them to be more specifically tailored to risks.

Other modernising provisions proposed include remote operating centres, where offsite facilities are monitoring operations, providing information to the mine and remotely operating equipment. The bill extends existing safety and health obligations to include remote operating centres so that any risks from interactions with these centres are adequately managed and workers are appropriately inducted and trained so that they are aware of hazards at the mine and are competent to complete their tasks.

The bill provides a definition of 'contractor' that includes all types of employment arrangements, including contractors and labour hire agencies. The site senior executive will have an obligation to report the occurrence of injury, high potential incidents or proposed changes at the mine that may affect the safety and health of these contractors and to the labour hire agency that supplied the workers. Amendments to the Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999 will require that site senior executives and acting site senior executives be located at or near the mine site.

The bill implements several other policy changes relating to modernising regulatory enforcement, making the legislation contemporary and consistent, as well as other operational and minor amendments. These include providing consistent time frames for the commencement of prosecutions across the resources safety acts. The amendments provide a time period to commence a prosecution of within two years of the offence coming to the notice of the workplace health and safety prosecutor.

The bill also implements a recommendation from the Coroners Court of Queensland's inquest into the death of Gareth Leo Dodunski to amend the Petroleum and Gas (Production and Safety) Act 2004 to include provisions like those in the Coal Mining Safety and Health Act 1999 that compel relevant persons to give information or answer questions as directed by investigators. This will allow inspectors who are investigating serious incidents to require a person to give information or answer questions in circumstances where such information or answers might tend to incriminate the person with the assurance in the act that such information could not be used against that person in proceedings for an offence.

Before I finish, I wish to address recommendations that are not proceeding and certain concerns stakeholders raised through the process of consultation. Five recommendations from the coalmine board of inquiry will not be proceeding. Two are based on Resources Safety and Health Queensland advice that legislative amendment is not required as existing provisions are sufficient. Three are based on advice from the tripartite coalmining safety and health committee. Stakeholder feedback has been acknowledged regarding additional certificate of competencies for site senior executives. The

coalmining safety and health legislation already ensures these key safety critical positions have appropriate competency to function effectively. Therefore, the bill does not introduce new certificate requirements for this role.

Concerns related to establishing site safety and health committees for the coalmining industry have also been acknowledged and these changes are not included in the bill. Current arrangements for workers to report concerns and be consulted on changes are considered sufficient. Concerns regarding the definition for remote operating centres that it would capture corporate head offices and enable control and direction of site operations without local approval have been addressed. Similarly, concerns that the definition of 'critical controls' was too broad have been acknowledged, and the bill provides that critical controls focus on the most serious risks to injury or death in line with the guideline issued by the International Council on Mining and Metals.

I understand there has been apprehension among some regarding the publication of information related to serious accidents and high potential incidents that identifies the mine or operator. To be clear, the bill does not introduce new powers for such identification; this authority already exists within the current legislation in relation to enforcement activities. The bill simply clarifies that this also extends to serious accidents and high potential incidents.

There are some reservations about the authorisation of unannounced inspections to mines by union nominated safety and health representatives authorised under the legislation. Unannounced inspections are one of a number of tools that support improved safety outcomes. Under the legislation, they would operate for these officials as they do currently for inspectors—that is, to report to the person in charge of the site to facilitate entry before proceeding. There are safeguards in place for any official who may abuse this authority. The legislation limits their functions to only safety and health purposes. They must not unnecessarily impede production, and the minister can terminate their appointment for failing to perform their functions satisfactorily.

Finally, certain stakeholders do not support the proposed contractor definition to include labour agencies. Some stakeholders have suggested it should differentiate between major service providers and other contractors. One has suggested that it may impact industrial matters and others that it will cause confusion over who holds safety obligations and compromise safety. There was a view that differences between contractors that maintain their own safety and health management systems and other contractors, like labour hire, should be maintained and specific obligations prescribed for labour hire companies.

I have been advised that currently the safety and health obligations for contractors and service providers are almost identical under the legislation. To be clear, the bill implements a key recommendation of the board of inquiry to remove any doubt that obligations apply to labour hire agencies. The bill includes a broad definition of 'contractor' that includes all aspects of contracting, labour hire agencies and service providers. This simply removes any doubt that existing safety and health obligations under the legislation apply for any type of employment of workers and that the mine's site senior executive has an overall obligation to ensure safety and health of workers, regardless of employment type. As a government, we make no apologies for looking after the safety of all workers.

In conclusion, these considerations have been taken into account in the ongoing refinement of the proposed legislation to ensure a balanced and effective framework that prioritises the safety and health of all stakeholders in the resources sector. Overall, this package of preventative and proactive safety reforms aims to reduce the rates of serious accidents and fatalities and support the Queensland resources sector in implementing approaches consistent with high reliability organisations theory. I commend the bill to the House.

First Reading

Hon. SJ STEWART (Townsville—ALP) (Minister for Resources and Critical Minerals) (3.37 pm):
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 Clean Economy Jobs, Resources and Transport Committee

Mr DEPUTY SPEAKER (Mr Krause): Order! In accordance with standing order 131, the bill is now referred to the Clean Economy Jobs, Resources and Transport Committee.

Portfolio Committee, Reporting Date

Hon. SJ STEWART (Townsville—ALP) (Minister for Resources and Critical Minerals) (3.38 pm),
by leave, without notice: I move—

That, under the provisions of standing order 136, the Clean Economy Jobs, Resources and Transport Committee report to the House on the Resources Safety and Health Legislation Amendment Bill by Friday, 31 May 2024.

Question put—That the motion be agreed to.

Motion agreed to.