



## ***EDUCATION, EMPLOYMENT AND SMALL BUSINESS COMMITTEE***

### **Members present:**

Mrs LM Linard MP (Chair)  
Mr MP Healy MP (via teleconference)  
Mr BM Saunders MP (via teleconference)  
Mrs JA Stuckey MP (via teleconference)  
Mrs SM Wilson MP (via teleconference)

### **Staff present:**

Ms K McGuckin (Committee Secretary)  
Ms M Telford (Assistant Committee Secretary)

## **PUBLIC BRIEFING—INQUIRY INTO THE MINES LEGISLATION (RESOURCES SAFETY) AMENDMENT BILL 2018**

### **TRANSCRIPT OF PROCEEDINGS**

**THURSDAY, 12 APRIL 2018**

**Brisbane**

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### **The committee met at 2.01 pm.**

**CHAIR:** Good afternoon. I now declare open this public briefing for the Education, Employment and Small Business Committee's inquiry into the Mines Legislation (Resources Safety) Amendment Bill 2018. I would like to acknowledge the traditional owners of the land on which we are meeting today and pay my respects to elders past, present and emerging.

I am Leanne Linard, member for Nudgee and chair of the committee. Other members present via teleconference are: Mrs Jann Stuckey, member for Currumbin and deputy chair; Mr Michael Healy, member for Cairns; Mr Bruce Saunders, member for Maryborough; and Mrs Simone Wilson, member for Pumicestone. Mr Nick Dametto, member for Hinchinbrook is unable to attend today. The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament.

The proceedings are being recorded by Hansard and broadcast live on the parliament's website. All those present should note that it is possible you may be filmed or photographed during the proceedings. I ask that everyone please ensure their mobile phones are switched off or turned to silent mode.

The purpose of today's briefing is to assist the committee with its examination of the Mines Legislation (Resources Safety) Amendment Bill 2018. The bill was referred to the committee for consideration on 22 March 2018, with a reporting date of 8 May 2018. I remind committee members to ensure their questions are relevant to the committee's inquiry and focus on any factual or technical information departmental officers can provide to support the committee's examination of the bill. The program for today has been published on the committee's webpage, and there are hard copies available from committee staff.

**ALBURY, Mr Russell, Chief Inspector, Coal, Department of Natural Resources, Mines and Energy**

**DJUKIC, Mr Robert, Acting Chief Operating Officer, Resources Safety and Health, Department of Natural Resources, Mines and Energy**

**ROCCHI, Mr Luca, Chief Inspector, Mineral Mines and Quarries, Department of Natural Resources, Mines and Energy**

**CHAIR:** I now welcome representatives from the Department of Natural Resources, Mines and Energy. We have invited you to provide a verbal briefing this morning—you have also kindly provided a written briefing, and we thank you for that—to assist the committee in getting across the bill. We will then open it up for questions.

**Mr Djukic:** Thank you, Chair and committee members, for this opportunity to provide a briefing to you on the Mines Legislation (Resources Safety) Amendment Bill 2018. The bill proposes changes to the Coal Mining Safety and Health Act and the Mining and Quarrying Safety and Health Act, both of 1999, and their respective regulations. These acts establish Queensland's legislative framework to provide for the safety and health of the state's mining sector workers.

Details of the amendments contained in the bill, as you mentioned, are outlined in the written briefing that we provided to the committee. However, we will attempt to expand on those as we can. The proposals in the bill were first presented to the House on 7 September last year but lapsed when the parliament was dissolved prior to the election.

The bill in its current form includes some minor amendments to the bill as it was introduced in 2017, following the 2017 parliamentary committee process and recent targeted consultation through the Coal Mining Safety and Health Advisory Committee. These minor amendments I mention do not in any way seek to change the substance or the policy intent of the 2017 bill. They just clarify some matters in the bill by finetuning the drafting in some instances. The written briefing provides details of the minor amendments. I will now provide a brief outline of the initiatives contained within the bill.

The bill addresses 15 reform initiatives which will provide for greater transparency and accountability, improved safety and health systems and stronger enforcement and compliance powers within the mining safety and health framework. Seven of the reforms will improve transparency and accountability within the mining industry. The first of these reforms relates to the role of ventilation officers in underground mines. The role of ventilation officers in underground mines is crucial to the safety and health of workers in those mines. The bill includes provisions to ensure a framework that requires that people with sufficient experience, expertise, status and understanding of their statutory obligations are employed in those roles.

The bill also proposes amendments to strengthen the accountability of mine operators by imposing a proactive obligation on mining companies' executive officers to ensure that safety and health standards are upheld in mines. Under the existing framework, if the regulator prosecutes executive officers as a result of an offence committed by the corporation, those executive officers bear the onus of proving that they were reasonably diligent in ensuring the corporation complied with the legislation or that the executive officer was not in a position to influence the corporation in relation to the offence.

The bill will reframe that current reverse onus of proof that applies to executive officers as a proactive obligation. This means an executive officer will have an obligation to take positive steps at all times to ensure compliance with safety and health obligations. The introduction of this positive obligation for executive officers will bring the Coal Mining Safety and Health Act and the Mining and Quarrying Safety and Health Act into line with relevant provisions of the Work Health and Safety Act 2011.

The bill also provides for the expansion of the category of persons responsible for notifying reportable diseases under the acts. These changes will mean that persons prescribed in a regulation will be required to notify the department when a worker is diagnosed with a reportable disease such as coalmine dust lung diseases.

Further initiatives will provide for improved transparency and accountability by requiring manufacturers and suppliers to mine sites to notify of hazardous or defective equipment or substances supplied to a mining operation, by improving Mines Inspectorate representation on statutory advisory committees and by providing for a public register of certificate holders. The bill also contains amendments to strengthen the regulator's powers to release relevant safety information about incidents where this information can provide valuable learnings to industry.

Three of the reforms will enhance requirements about safety and health management systems. These three reforms will improve the safety of contractors at mine sites by clarifying that a single safety and health management system is to apply to mine sites. What this means is that all workers at a site, whether they are employees of the mine itself or contractors, will be subject to the same safety and health management system.

The bill will include health surveillance of current and former miners as an express objective of the legislation and it will update safety and health standards for small mines by introducing a requirement to have a safety and health management system for small mines with five or more workers. Currently, that requirement only applies to mines with 11 or more workers.

The remaining five of the 15 reforms will provide improved enforcement and compliance powers for the regulator. The bill proposes a high level of competency for statutory provisions and creates a head of power to require holders of statutory certificates of competency to maintain high standards of professional competence throughout their careers. The bill will provide the chief executive with new powers to suspend or cancel statutory certificates of competency and other qualifications held by individuals at mines including site senior executives at a mine site if they fail to meet their regulatory obligations or they do not meet safety and health requirements or continuing professional development requirements.

The bill also proposes to increase maximum penalties under the acts and clarifies the entry powers of inspectors to sites that could reasonably be considered to be a workplace associated with mining operations. Lastly, the bill proposes that the chief executive may impose civil penalties of up to a thousand penalty units—that equates to about \$126,000—against corporations who are mine operators or contract companies that fail to comply with certain prescribed obligations or requirements under the acts.

Many of the initiatives in this bill were the subject of a consultation regulatory impact statement titled *Queensland's Mine Safety Framework*, which was released in 2013. Given the passage of time since the extensive consultation undertaken around that time, the department formed tripartite working groups consisting of union, industry and Mines Inspectorate representatives in February last

year. Consultation was undertaken with those tripartite groups in February and March 2017, and tripartite in-principle support was provided for the majority of the proposals to be delivered through the legislative amendments proposed by the bill.

Further targeted consultation was undertaken with stakeholders on proposals in August last year with particular focus on the proposed new powers to suspend or cancel statutory certificates and to impose civil penalties, as these had not been previously consulted upon. Overall, stakeholders were broadly supportive of the amendments contained in the bill. However, industry did indicate some reservations about the proposals to increase penalties and for administrative civil penalties. My colleagues and I are pleased to assist with any questions that the committee may now have in relation to the bill.

**CHAIR:** Thank you for your opening statement. I will ask a few initial quick questions and then hand over to my colleagues. If time permits, I have a few extra questions, but I want to make sure that everyone gets an opportunity. The first question is an easy one. It is a point of clarification between the briefing note that the department kindly provided and the explanatory notes. I am not sure whether it is my reading of it. With regard to qualifications for appointment to the Coal Mining Safety and Health Advisory Committee, I note that the original bill was suggesting that a minister may be able to appoint someone without experience. The new bill has amended that, but the explanatory notes still read that he or she would still have that discretion with regard to the Mining and Quarrying Safety and Health Act. Is that correct?

**Mr Djukic:** Yes. The explanatory notes need to be updated. That has been removed. That power for the minister to have that discretion is not in the 2018 bill, so we will certainly ensure that that is amended.

**CHAIR:** Thank you very much. The previous committee's report mentions some criticisms that were raised by previous key stakeholder groups—and three were mentioned, being the Board of Examiners, the Queensland Resources Council and the CFMEU—that they were not specifically consulted on the drafting of the original 2017 bill. Has this been remedied in the intervening period or what has occurred?

**Mr Djukic:** There was consultation but it was truncated. It was across a short period of time. This reflected the fact that many of these amendments had been around since 2013, and some of them were new, as I mentioned, such as the civil penalties and the power to cancel or suspend statutory tickets. Following dissolution of the parliament, some further consultation was undertaken with the Coal Mining Safety and Health Advisory Committee and conversations have been ongoing, but certainly around the introduction of the 2017 bill there was some targeted consultation with all of those stakeholders.

**CHAIR:** Pardon my ignorance, but you talked about that coal advisory group. With regard to the three stakeholder groups that I mentioned, are they represented on that so they would have had more broad consultation since the targeted consultation in 2017?

**Mr Djukic:** Sorry, Chair, but from memory you mentioned the Board of Examiners, the—

**CHAIR:** Queensland Resources Council and the CFMEU.

**Mr Djukic:** The CFMEU and members of the Queensland Resources Council are members of CSMHAC, but there are also members of the Board of Examiners who are members of some of those stakeholder groups as well and Mr Albury, who is to my right, is the chair of the Board of Examiners. There has been some consultation through that process and certainly some of the matters raised by the Board of Examiners were responded to in the committee proceedings last year. There has not been specifically as far as I am aware consultation with the Board of Examiners, but it has been through that process.

**CHAIR:** Okay. Finally before I hand over to the deputy chair and other members, just for my understanding—and I do not have a background in this policy area, so I thank you for the information that you have provided, which of course I voraciously read—I want to understand better the relationship practically between contractors and the mines management structure. What is happening currently that gave rise to the mischief that the bill is meant to address? If a contractor comes on a mine site, what is the nature of that relationship in terms of who is carrying the risk, what risk and the responsibility and how will it work in practice?

**Mr Albury:** That is a big question. One of the main issues we are trying to address by the new bill is to make it clear to both contractors and the mine operators that there is only one safety and health management system on site, so really it is about clarification of that position.

**CHAIR:** What is happening currently?

**Mr Djukic:** Currently the way the acts are drafted—and it will remain—is that various persons have obligations under the act. The operator has an obligation. The leaseholder has an obligation. One of the most important obligation holders is the site senior executive at the mine, so that is the most senior executive position at the mine. That individual is essentially responsible for ensuring that all workers at the mine are kept safe and healthy and that all workers includes contractors, so certainly that individual already bears obligations to ensure the safety of contractors. Contractors' employers—that is, contracting companies—also have obligations of their own.

I suppose, to refer to your phrase, 'the mischief' that this seeks to correct is there is a lack of clarity sometimes about who is primarily responsible where there is a failing. We do have an issue in that, and Russell will correct me if I am wrong, contractors have been observed to be overrepresented in a lot of mining accidents, and again that is probably because of that lack of clarity about how their procedures work in with the mine's procedures.

The new provisions will provide that the SSE, the site senior executive, must effectively have a dialogue with the contractor to ensure that both of them are working together, so the SSE's responsibility is to ensure that the contractor's procedures work in with the safety and health management system and provides them with sufficient information to undertake a risk assessment and properly assess and manage the risk there. Ultimately that safety and health management system will be the one instrument that prevails, but still both the site senior executive and the contractor have joint responsibilities to make sure that happens.

**CHAIR:** Presumably that would involve training?

**Mr Djukic:** The site senior executive will, for example, be responsible for ensuring that contractors coming on to the site are inducted into the safety and health management system. How extensive that is of course depends upon the activity that the contractor is at site to do.

**CHAIR:** Thank you very much. I will hand over now to the deputy chair, Mrs Jann Stuckey, the member for Currumbin, for an opportunity to ask questions.

**Mrs STUCKEY:** Thanks so much and good afternoon, gentlemen. I also want to say thanks for the brief, as many of us—although I cannot speak for all of us—are not familiar with mining, so it has been a wonderful journey. In the previous bill the committee made a couple of recommendations and recommendation 3 was that the 2017 bill be amended to ensure that a chief inspector under both the coalmining and the quarrying acts hold at a minimum a first-class certificate of competency. The 2018 bill has been amended to require at least one inspector member to hold that first-class certificate of competency. Would you be able to explain why the decision was made not to require this of the chief inspectors under both acts?

**Mr Djukic:** I think I can answer that. There are two issues here in that the provisions in the bill are concerned with membership of the Board of Examiners. They are not concerned with the qualifications of the chief inspectors. Matters relating to the qualifications of the chief inspectors of each act are outside the scope of this bill. As it happens, the chief inspector of both coal and mineral mines and quarries both hold first-class certificates in coalmining. I guess the short answer is that the qualifications of the chief inspectors were never the subject of this bill. It is simply the qualification of the membership of the Board of Examiners that is dealt with in this bill.

**Mrs STUCKEY:** Is it not the chief inspectors though who actually write the examinations?

**Mr Djukic:** It is the board itself collectively.

**Mrs STUCKEY:** But in some of the notes I thought it talked about the time it took to write those questions, so I thought that was a responsibility of the chief inspector. Are you saying that perhaps that is not the case?

**Mr Djukic:** Russell is the chair of the Board of Examiners. He might clarify if I miss anything but, as I said, the board itself develops and determines the process for assessing against the competencies that are required that the Board of Examiners deals with. The chief inspector in each case would not have sole responsibility for that. No, it is the board collectively and there are requirements that the board have adequate membership or adequate representation of first-class ticket holders.

**Mrs STUCKEY:** I see. Thank you. Again thank you for the brief, but you did mention that the bill contains minor amendments to the 2017 bill and that a number of more complex requests have arisen from the more recent targeted consultation. Can you outline what those complex issues are? I also note on page 3 point 26 that in-principle support was provided for a majority of the proposals. Would you mind saying which proposals were not supported as well please?

**Mr Djukic:** In relation to the first question, just to give a bit of context, amendments to the legislation generally will be consulted upon with a tripartite group, that being the Coal Mining Safety and Health Advisory Committee or the Mining Safety and Health Advisory Committee in the case of mining and quarrying. Those groups have tripartite representation from unions, industry and government through the inspectorate and I suppose naturally, as you would expect, there is not necessarily always a coincidence of views in those tripartite arrangements.

I apologise; I am not answering your question directly but in fact there would be a long shopping list of amendments that are probably discussed in those committees that have been debated for some time where consensus has not been reached. One that I can think of off the top of my head is powers of entry for industry safety and health representatives and obligations of officers. Those are matters that may not have made this bill because they were too controversial or no consensus could be reached, but there would be, I suppose, many. I could take that question on notice to give you some more specific examples.

**Mrs STUCKEY:** Yes, I would really appreciate that. I think it might be helpful for the committee because often we do get—and I know we are talking proposals versus recommendations—a list of recommendations and it actually says whether they have been supported in principle, not supported or fully supported. It would just be interesting to see. Obviously when you answer the second part of the question too about the complex requests I imagine that some of those may be what you have listed as being considered in the other 14 items that are not contained in this bill from the regulatory impact. Is that correct?

**Mr Djukic:** Yes, that is correct.

**Mrs STUCKEY:** All right. Are you able to answer that other part of my question?

**Mr Djukic:** Just to clarify, the matters that were not progressed from the RIS to this bill?

**Mrs STUCKEY:** Yes.

**Mr Djukic:** There is quite a long list of amendments. Perhaps if I could, on notice, provide a concise list to the committee?

**CHAIR:** Mr Djukic, in that regard, you are free to answer the questions and to speak generally to the member. Obviously information that the committee might request, as long as it relates to the issues that are actually canvassed in this bill, are the only matters of relevance to the committee. But certainly the deputy chair may ask a general question as to whether there are other things of a particular nature that were not included and why—that is how I understand her question—rather than the general, ongoing many topics that I am sure you discussed, like every department discusses, for future legislation.

**Mrs STUCKEY:** Sorry, Chair, but I actually am asking a question that was written by the secretariat as a suggestion and it talks about the number of more complex requests. In our notes it also says that maybe they could be included in a future bill or suite of bills, so I think it is relevant and I would be very grateful to have it taken as a question on notice as the gentleman so kindly offered.

**CHAIR:** Yes. I think we just said the same thing but differently—that is, that the matters that are directly referred to as being topics that may have been intended for this bill but did not have agreement, but we are not asking for the long list of many things that might be in bills in future years that I am sure are already being discussed.

**Mrs STUCKEY:** They are listed anyway. Is there any time line on another bill that might include those?

**Mr Djukic:** At the moment there is nothing planned at this stage, but certainly I think that is a matter that will be taken back to the tripartite community for consideration.

**Mrs STUCKEY:** Thank you so much.

**CHAIR:** Member for Maryborough, do you have any questions?

**Mr SAUNDERS:** I am right thanks, Chair.

**Mrs WILSON:** I note that there were 246 submissions to the lapsed bill. Of the 148 submissions from the mineworkers, can you clarify how many were made from union workers and how many were made from non-union workers? I am happy to take that on notice.

**Mr Djukic:** Can I just clarify, member for Pumicestone? Are you referring to submissions made to the lapsed bill or to the regulatory impact statement from 2013?

**Mrs WILSON:** To the lapsed bill.

**Mr Djukic:** I am not aware that there were that many submissions made.

**CHAIR:** I think in the explanatory notes—and this is my recollection, member for Pumicestone; I am not sure if that is where you saw it—there was a mention of the submissions to the department. Maybe it was in your brief. Do you have a reference?

**Mrs WILSON:** Page 14, I think.

**CHAIR:** Of the explanatory notes?

**Mrs WILSON:** It is page 14 of the decision about the regulatory impact statement.

**Mr Djukic:** My understanding, member for Pumicestone, is that those would have been submissions received by the department to the regulatory impact statement that was released in 2013.

**Mrs WILSON:** Right.

**Mr Djukic:** We received a significant number of submissions in relation to that regulatory impact statement. Can I clarify your question? It was how many were union members and how many were not? Is that correct?

**Mrs WILSON:** That is correct.

**CHAIR:** Was that right, member for Pumicestone—or was it employers and employees?

**Mrs WILSON:** No, it is mineworkers. I am very interested to find out how many were representative union members and how many were non-union members.

**Mr Djukic:** I can certainly attempt to clarify that. Given the passage of time and that some responses that we received were anonymous—

**Mrs WILSON:** Right.

**Mr Djukic:** We can certainly do our best to see what we can find out and come back to you.

**Mrs WILSON:** Thank you so much for that.

**CHAIR:** Just for clarification, you would be able to provide that only if they identified that in the submission, would you not?

**Mr Djukic:** Yes. I can certainly check if that information is available, but I am not sure to what extent it would be.

**CHAIR:** That is all right. If you could just clarify that in your response to the committee? Do you have more questions?

**Mrs WILSON:** No, that is fine. Thank you.

**CHAIR:** Member for Cairns?

**Mr HEALY:** In the 2017 bill there was a reduction in the penalty for the discharge of obligations to 500 penalty units. However, the 2018 bill proposes to retain the current 750 penalty units. Can I ask somebody to explain why the reduction was proposed in the initial bill and then why this bill is proposing a higher penalty?

**Mr Djukic:** My understanding, member for Cairns, was that in the earlier bill it was simply a drafting error. In fact, the proposal was always to bring them to the level that they are now in the 2018 bill.

**Mr HEALY:** Right. Thank you very much.

**CHAIR:** Did anyone have any supplementary questions in the time that we have?

**Mrs STUCKEY:** I did.

**CHAIR:** I gathered you might. I am interested in the release of information and the amendment to both acts to—

... strengthen provisions enabling the release of information and clarify the type of information that may be released.

Could you speak to that—what will be released, why is it changing and why it is not sufficiently open now?

**Mr Djukic:** Certainly. In the current legislation there is a power to release information about serious accidents. 'Serious accidents' are defined in the act—and I am paraphrasing it—as accidents resulting in a fatality or a worker being taken to hospital. This will broaden the categories of incidents about which information can be released to all accidents. Sometimes the most significant near misses, the incidents that might offer the greatest learnings to industry, might not necessarily result in a fatality or a serious injury. Nevertheless, as I said, they may offer significant learnings to the industry.

We are seeking to broaden the scope of incidents about which information can be released. The information that can be released are things like investigation reports, nature and cause reports and information about enforcement action that has happened. It serves to heighten the level of awareness in the industry about the risks and hazards that might be prevalent at the time.

**Mr Albury:** One of the big drivers for the change is that there has been a cultural shift in the industry. They want the information, because they want to be able to prevent the same thing happening at their own operations. We are presently releasing information, but it is not detailed enough because of legal issues. The industry has asked for it and we are trying to deliver what they need.

**CHAIR:** The health surveillance of current and former mining workers will be added to the objectives of the act to reflect the importance of health surveillance. Of course, we all understand where this has come from. How will you achieve that in practice?

**Mr Djukic:** That is the subject of reform work that is currently being undertaken as the department implements the recommendations of the Monash review of the Coal Mine Workers' Health Scheme, which occurred in 2016. A number of administrative changes have happened, but part of that reform work will also involve the development of regulations, which is underway at the moment, that will provide for the detail of how health surveillance may be undertaken.

**CHAIR:** I imagine that will include some ongoing register and monitoring?

**Mr Djukic:** Correct.

**CHAIR:** I am interested in the civil penalties that are suggested. What is the mischief that has given rise to that? Is there a sense that the current penalties are not sufficient to be a deterrent?

**Mr Djukic:** Currently, we have a range of compliance tools available to us, including things like issuing directives to mines to take certain actions and then, at the other end, prosecution. One of the drawbacks with prosecution is that it takes a long time and it is not necessarily always the best way of immediately driving better behaviours around the risks.

Civil penalties offer a mechanism where, in the case of black-and-white offending, they can be quite quickly actioned through a process that will involve giving natural justice to corporations, requiring them to establish why a civil penalty should not be applied to them. If I can use an example, for things such as failing to submit the dust-monitoring results that they are required to do, they can be issued with a notice that says, 'You have 14 days to show cause as to why you should not receive this penalty.' It sends a very strong message that, if do you not comply with these obligations that underpin the system, it will not be tolerated. It is immediate and often the penalties and the prosecutions, aside from taking a long time, are often inadequate.

**Mrs STUCKEY:** My questions are about the requirement of ventilation officers to have a certificate of competency. I touched on this before. I note that in attachment 1.A.10 of the decision on the regulatory impact statement that we have it says—

Inspectors are responsible for developing and testing exam papers.

It states further that, based on the last three years of examination results, for the oral exams there is an average 47 per cent failure rate and a 51 per cent failure rate on the written exams. It further says that it is assumed that these applicants resit the exam once. I see that as a very high failure rate. What happens if they fail twice?

**Mr Albury:** So I understand the question, what happens if a candidate fails a written exam twice?

**Mrs STUCKEY:** It is both. Overall, for the oral and written exams there is a very high failure rate. It is 47 and 51. If there is a three-year transition for companies to implement this, that seems like a pretty high failure rate. What if they fail it again?

**Mr Albury:** The standard process for the board is that you have three chances to sit either oral or written. If you fail a third time, you have to show cause why you sit again. The reason the process is so stringent is the people in the roles who undertake the examinations are critical from a safety point of view for our industry. It is the last chance that we have as an industry to make sure that the people who carry that responsibility are fit to do so.

**Mrs STUCKEY:** I could not agree more with you on that. It was more the high failure rate.

**Mr Albury:** I will add to that. It is a concern to the industry as a whole. The board of examiners has started a consultation process with the industry to try to improve the training of these people before they sit for their examination.



**Mrs STUCKEY:** That leads to the cost to employers to have one of these people trained. Did some employers disagree with the calculation of the rough costs that you have come out with?

**Mr Albury:** Not that I am aware of.

**Mrs STUCKEY:** Is there any way that we could get the real cost?

**Mr Djukic:** Just to clarify, deputy chair, you are referring to the costs of undertaking the training necessary to sit the exam?

**Mrs STUCKEY:** Yes. It is the issue of having to train and transition to it. There will be those administrative costs as well, but the cost in training an individual undergoing this.

**Mr Djukic:** I apologise. Are you referring to costs associated with the new statutory ventilation officer having the certificate of competency?

**Mrs STUCKEY:** Yes, I am. I am sorry if I was not clear.

**Mr Albury:** The first point is that we have people with qualifications in the industry doing the role now. This added impost is to require those people who are presently doing the job to do a law exam and an oral. It is basically validating the knowledge and experience of those people who are operating in the industry now. It is setting the benchmark for those people who are going to undertake the role in the future as to what is expected. We hope and think that the people presently doing the role in the industry now are more than capable of passing the written and orals that are required of them.

**Mrs STUCKEY:** You would hope so, would you not? Are you going to monitor that?

**Mr Albury:** Absolutely. It is critical to the industry.

**Mrs STUCKEY:** Good.

**Mr Albury:** There will be three years for people to attain the qualification and we believe that that is more than enough time.

**Mrs STUCKEY:** Yes, so do I. I notice earlier when I was asking about the in-principle support for a lot of things I asked if you could give me examples of those that were not. One of you mentioned the powers of entry. Could somebody elaborate a little more about the objections to that?

**Mr Djukic:** I mentioned that example. That was not the power of entry that made it into the bill. The power of entry that is in the bill is a power of entry for inspectors to enter a workplace that is associated with mining activity. The power of entry I was referring to that did not receive support was powers of entry for industry safety and health representatives and I think that just comes down to divisions between industry and unions.

**Mrs STUCKEY:** You mentioned a couple of reportable diseases that were coal dust related. What other diseases are reportable in this industry?

**Mr Djukic:** I can certainly give you a definitive list on notice, but there are other occupational diseases, such as silicosis, which is a mine dust lung disease, and—I know the acronym is COPD but I cannot remember the name.

**Mrs STUCKEY:** Chronic obstructive pulmonary disease. I have a medical background.

**Mr Djukic:** Certain cancers as well. I can certainly give you a precise and definitive list of those if I can take that on notice, Deputy Chair.

**Mrs STUCKEY:** If the chair is happy with that I would like that. I would be interested.

**CHAIR:** Yes, no trouble. Are those your supplementaries?

**Mrs STUCKEY:** Yes. I could keep going. It is a fascinating topic.

**CHAIR:** It is indeed. I am mindful that it is quarter to three. I know we could keep you here all afternoon, thank you, gentlemen, to answer our questions but if there are no other key questions from committee members at this point I will call the hearing to a close. Of course, if there are further supplementaries at a later time once we have received submissions and read those we may call you back or seek further written information. Are members happy if I call the briefing to a close at this point?

**Mrs STUCKEY:** I would like clarification of the questions on notice. I would like that noted and stated.

**CHAIR:** I will get to that. I am just providing that last opportunity for any committee members if they have any burning questions. There being no urgent callouts from the phone, what I have written down is that three questions have been taken on notice. Those questions relate to a list of the

reportable diseases. They also relate to the original submissions received to the RIS, a division of those. I appreciate that may be a difficult one, but thank you for going away and looking at what you can provide. The first question on notice related to the matters that were referred to in either your briefing note or the explanatory notes about matters that did not receive support that may not have made this bill.

If they are correct and there are no other callouts and it is all quiet on the phones then if we could please have your responses by 4 pm Thursday, 19 April. Our committee secretariat, Kate, will also write to you clarifying the nature of those three matters and that date. That would be most appreciated so that we can include them in our deliberations. That concludes our briefing. I thank you very much for coming today and for your assistance in understanding the bill. We very much appreciate it. A transcript of these proceedings will be available on the committee's parliamentary web page in due course.

**The committee adjourned at 2.48 pm.**