



Speech By  
**Jann Stuckey**

**MEMBER FOR CURRUMBIN**

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## **MINES LEGISLATION (RESOURCES SAFETY) AMENDMENT BILL**

 **Mrs STUCKEY** (Currumbin—LNP) (12.22 pm): The Mines Legislation (Resources Safety) Amendment Bill 2018 was introduced into the Queensland parliament on 20 March 2018 by the Minister for Natural Resources, Mines and Energy and subsequently referred to the Education, Employment and Small Business Committee, of which I am the deputy chair. This omnibus bill is essentially a reintroduction of the same bill from 2017 which lapsed when the 55th Parliament was dissolved for the November state election, with some new amendments.

The 2017 bill was originally referred to the Infrastructure, Planning and Natural Resources Committee, which reported on it on 23 October of that year. I thank them for their work and consultation on the bill. Questions were raised as to why our committee was chosen and not the expected natural resources, mines and energy committee, which would have been the obvious choice. It appears, in Labor's usual haphazard, disorganised matter, that the head of government business allowed too many bills to come before the House for the one committee and they had to farm this one out.

In addition, the reporting date of 8 May meant that the time for investigation and consideration was tight and was to occur during a particularly busy time in April, with Easter, the Commonwealth Games, school holidays and Anzac Day. We are not even debating the bill until the last day of October, due to this Labor government's incapacity to manage the business of parliament. There was all that flurry of activity in order to meet the reporting deadline. Why the urgency to travel to mines and call for submissions? Perhaps the tight time line was behind the fact that only nine submissions were received for this bill. I am not for a moment suggesting that mine safety is not important. It is important, and the LNP fully recognises this. However, the delay in bringing this bill forward for debate would indicate it is not very high on Labor's agenda. Only allowing three hours for the debate time says it all.

Whilst I am a complete novice when it comes to knowledge about the mining industry, unlike many of my learned colleagues in this House on both sides, I am well aware of the very nature of the job, especially the fact that the miners who work underground have elements of risk that can result in fatal consequences, as we have witnessed at Beaconsfield and other sites over the years. The parliamentary committee report titled *Black lung white lies* into black lung disease found catastrophic failings in public administration in Queensland and, alarmingly, we are seeing new cases diagnosed. Since the rediscovery of this deadly disease in 2015, more than 20 miners have been confirmed to have it and no doubt there will be more. Understandably, this rediscovery sent shockwaves through the mining industry, as the disease was thought to be gone.

The consultation regulatory impact statement, or RIS, titled Queensland's Mine Safety Framework 2013 outlined policy options for addressing the identified issues in the Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999. Stakeholder meetings were conducted in late 2016 into 2017, and tripartite working groups were formed in February 2017.

As recorded in the explanatory notes, the final proposals were broadly supported by industry and unions, although the CFMEU complained it was not included in any consultation since the 2017 bill lapsed. In fact, this union called for the resignation of Minister Lynham over his 'insensitive and inadequate response to the Queensland Inquiry into black lung disease, including questioning the scientific evidence for lower dust levels'.

As the chair of the committee just said, the bill proposes to address some 15 matters identified for improvement in the resources safety and health regulatory framework to increase worker safety and health. The explanatory notes advise that the bill's purpose is to provide for greater transparency and accountability, improvements to safety and health management systems, and stronger enforcement compliance powers by implementing amendments to the Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999 in relation to: ventilation officer competencies; inspector powers, including inspector workplace entry; contractor and service provider management; advisory committees and Board of Examiners membership; notification of diseases; release of information; penalties; officer obligations; suspension or cancellation of certificates of competency and site senior executive notices; and civil penalties.

As the House has heard, our committee travelled to Mount Isa and Moranbah. Some members went underground, which I did not participate in but I was told it was an enlightening experience. For my colleague the honourable member for Pumicestone there was a personal aspect as her husband works in the mines and she was grateful for the opportunity to see the conditions he works in. Now she has a true understanding of his workplace, and all of the committee members have a greater awareness of this industry that is so vital to Queensland's jobs and our economy.

The 2018 committee recommended that this bill be passed and put forward the following two recommendations, which were outlined by the minister and also the shadow minister. Recommendation No. 2 was that the bill be amended to include a definition of 'contractor'. The government responded by saying that it proposes to address this complex issue through further consultation with industry and stakeholders. I concur with the shadow minister, the honourable member for Burdekin, that 'contractor' be defined sooner rather than later.

Recommendation No. 3 of the committee was that the minister consider amending the bill to require that site senior executives be notified, on a confidential basis, of relevant cases of reportable diseases to allow them to ensure that the risks to the health and safety of the employee are at an acceptable level. The government's response advised of further consultation to determine if tripartite support can be developed, stating worker privacy issues will need to be considered. Again, the shadow minister encouraged the minister to support this recommendation.

Just how long does this government need to make a decision? If they had consulted properly in the first place they would not be dithering and mine safety would not play second fiddle to the apathy, arrogance and laziness that have become the hallmark of the Palaszczuk government.

The committee sought further advice from the minister about the accurate capturing of reportable diseases and whether non-disclosure agreements impact on the obligation to report them. I thank the minister for his response. On page 35 of the report the committee noted concerns regarding the possibility of a person or corporation being issued a civil penalty and still being prosecuted for the same offence. The minister says that, although it is unlikely, he would not rule it out.

The committee also raised the issue of confidential information being provided to the Workers' Compensation Regulator or WorkCover, and the minister made mention of this. I note there are some 14 other items not contained in this bill that were in the RIS and that a number of more complex requests had arisen from the more targeted consultation, which is why during the Brisbane hearing I asked departmental officers to outline them. I was also keen to find out more about the requirement for ventilation officers to have a certificate of competency as mine ventilation was a significant safety aspect of this bill.

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 **Mrs STUCKEY** (Currumbin—LNP) (12.53 pm), continuing: Previously I was talking about the requirements for ventilation officers. I was concerned at the high failure rate of 47 per cent for oral exams and 51 per cent for written exams and the notion that it is assumed that applicants will resit the exam. Apparently, people can resit three times and have to show cause why they should be allowed to sit again after that. The department commented that it was a concern to the industry and that the Board of Examiners had started a consultation process with the industry to try to improve the training of these people before they sit the exam. I cannot see the minister in the House, but I would ask him to inform the House in his reply how this consultation specifically is proceeding.

This failure rate also raises the issue of chief inspectors and others having the corresponding certificate of competency and, of course, the qualifications of members of the Board of Examiners themselves. After all, provisions in this bill are aimed at creating greater transparency and accountability through an improvement in compliance and also enforcement of safety and health standards and systems. There are a number of proposals outstanding that the tripartite working group has discussed and put forward. Given the length of time since the first bill was introduced, surely in the interests of mine safety some of these proposals could have been included.

Finally, I thank fellow committee members, secretariat staff, Hansard reporters, the department, submitters and our hosts at Glencore's Mount Isa Mines and Anglo American's Moranbah North mine.