



EDUCATION, EMPLOYMENT AND SMALL BUSINESS COMMITTEE

Members present:

Mrs LM Linard MP (Chair)
Mr N Dametto MP
Mr MP Healy MP
Mr BM Saunders MP
Mrs JA Stuckey MP
Mrs SM Wilson MP

Staff present:

Ms K McGuckin (Committee Secretary)

PUBLIC HEARING—INQUIRY INTO THE MINES LEGISLATION (RESOURCES SAFETY) AMENDMENT BILL 2018

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 18 APRIL 2018

Mount Isa

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The committee met at 2.29 pm.

CHAIR: Good afternoon. I now declare open the public hearing 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 and pay my respects to elders past, present and emerging. My name is Leanne Linard, the chair of the committee and the member for Nudgee. The other members present here today are Mrs Jann Stuckey, deputy chair and the member for Currumbin; Mr Michael Healy, the member for Cairns; Mrs Simone Wilson, the member for Pumicestone; Mr Bruce Saunders, the member for Maryborough; and Mr Nick Dametto, the member for Hinchinbrook.

On 20 March 2018 the Hon. Dr Anthony Lynham, Minister for Natural Resources, Mines and Energy, introduced the Mines Legislation (Resources Safety) Amendment Bill 2018 into the Queensland parliament. The bill was referred to the Education, Employment and Small Business Committee for detailed consideration. The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. The committee will not require evidence to be given under oath but I mention that, as a witness, intentionally misleading the committee is a serious offence. The witnesses will have previously been provided with a copy of instructions to witnesses, so we will take those as read. Thank you, Kate, for doing that.

The proceedings are being recorded by Hansard and witnesses will be provided with a transcript that will be sent to them after the hearing. I request that everyone turn off their mobile phones or switch them to silent mode. The purpose of today's hearing is to assist the committee with its examination of the bill.

LAWRENCE, Mr Gavin, Organiser, Mount Isa, Australian Workers' Union

CHAIR: I warmly welcome Gavin Lawrence. Thank you for coming today, particularly as we have just discovered that you came back early from holidays to attend our hearing in Mount Isa. We really appreciate you coming before us today to share your expertise. Would you like to give us a brief background about your position and role in this particular industry and then speak to the bill itself? Then we will move to questions.

Mr Lawrence: My name is Gavin Lawrence and I am from the Australian Workers' Union. In February 2015 I took on that role. Prior to that I was engaged in the mine. I worked underground, as an underground drill fitter. I worked in town, at the copper mine, and also out at the lead and zinc mine. Since coming on to the union in February 2015, obviously we deal with a lot of people's issues and safety and health concerns. I am also part of the Mining Safety and Health Advisory Committee, MSHAC, which I attend once a month usually. That is the avenue or the voice for our members to address any safety and health concerns that they do not feel are being resolved. It is usually a last resort. We try to deal with it in-house where possible. Sometimes we come to an impasse and the only way to try to get some sort of resolution is to take it further to the commission and ask them to consider it or to look at other options that we can implement that might help address the safety and health concerns of the workers.

One of the frustrations I have found is that it takes a long time to deal with any issues. One of the matters I dealt with since December 2015 regarded periodic health assessments. One of them was based on weight only. That was resolved only last month. That is how long it has taken to get any sort of resolution on that. I have not dropped the ball with that one; I have just kept going away at it. It is one of those things where you have a set reason for taking stuff forward that the employees feel strongly about. There is a form of accountability to the point where they will follow up with you on a regular basis to see how you are going with it. We let them know the process. We let them know where we are in the process and keep everyone informed, where possible. We also try to find a resolution that suits both parties. For me, it is not about a one-sided affair. There is no point in us trying to drive something or implement something that is not sustainable for the employer either. There has to be a bit of juggling, to and fro, to try to find a suitable outcome. I have to say, in this respect it has been a favourable one. It has been good. We have a good result there.

The main reason I wanted to speak today is that MSHAC has been addressing some of these key proposals, which has been really good. One of the ones that has stuck in my mind, and I really wanted to see if we could do something with it, is the expanded notification requirements for reportable diseases, particularly prescribed diseases like silicosis. As you know, CWP has re-emerged and it is quite a big concern for the coal workers' side of things. Okay, in hindsight, there were some serious misgivings there, but for me personally silicosis is just as serious an issue, especially for the metalliferous side of the industry.

The thing that does frustrate me the most is that when I go to MSHAC hearings in Brisbane and we look at the figures on the board, there are no reportable silicosis incidents. That frustrates me, because I know personally, in my experience, I am dealing with four and there are possibly another nine. The other nine are unconfirmed. However, that is serious for me. I understand that some of those people, on advice, have signed nondisclosure agreements. To my frustration, that is why it does not get out. As of September last year, as I understand it, that is now reportable. It is mandatory for the mines to report prescribed diseases. I am not sure why they have gone under the radar. At the time the people thought they were doing the right thing for their families and for their personal circumstance. I do know that there is no coming back from silicosis. Those guys have that now and they have to live with whatever quality of life they have, until such time as they pass on or deteriorate. The frustrating thing for me is that they are not recorded in the statistics.

I am all about protecting the workers' health and safety. I am all about going to MSHAC, where we deal with important issues along the way, but if we are going to put figures or numbers on a board then they need to be accurate. For me, the biggest frustration is knowing in my heart that there are people in Mount Isa who are affected by silicosis issues but it is not recorded in the system. I do not understand how that occurs. Do not get me wrong: I am not a solicitor or a lawyer. I know they signed disclosure agreements. I have had people come to me and say they thought they were doing the right thing, but it is not recorded in the system. I have addressed that with the department. The only side of it I would like to say is if we can somehow look at maybe expanding on the notification requirements for reportable diseases. Whether or not they sign a disclosure, it still must be reported.

When I look at the wording of the legislation, I see some words that are not an obligation; they are optional. With regard to chest X-rays, I spoke to them last year when we had the CWP issues that we were dealing with and said that I think it should be mandatory for all underground workers who are exposed or have high exposure to silica to be regularly screened on a three- or five-year basis. That was prior to the recommendations being brought in. It was one of the things that they all dug their heels in about and said, 'We won't do that because of the cost.' That frustrated me beyond belief because, as I said, currently it says 'they shall' do a chest X-ray, but the senior site executive, the SSE, sees that as up to their discretion. For me, that should be mandatory if you are going to have a worker exposed to airborne particles and they could be captured, say, at a three-year interval when they do a chest X-ray and then in another three years they do another screen, so if there is a lump or a blip on the radar they can monitor it and keep an eye on it.

I have worked alongside guys for 20 years who have not had one X-ray. I have a good friend I have worked with for many years—I have been over here for 19 years—and he has silicosis. I will be talking to him and every now and again he has to say, 'Mate, I'll just stop you there; I have to stop to catch my breath.' That is just sitting down and talking. It is not doing any strenuous activity. It is not walking. We are just sitting down and having a discussion. I look at that and think that it can be avoided. When you look at the overall scheme of things and you have that many workers there, why it is not made mandatory is beyond me.

We did have some robust discussion over that. The industry stakeholders were against it, because of the cost. The unions were for it, because of the protection for the worker and for the ability to capture any early conditions and monitor them or remove them from a high-exposure area if need be to a reduced area of exposure. The frustration is that it is all down to the bottom dollar or to the figure. I look at that and think of some of those guys I have worked alongside of.

When I first started, as I was just saying before, we used to work in open-top Toyotas. I was a breakdown fitter. One of the vehicles I used to drive was called a Kowari. It had a fibreglass front on it. It had cap lamps on it. We used to run around in this open-top thing. There was dust in the air and you could see it glistening in the air. I used to be proactive with a respirator because I was working for a contractor at the time. I always made sure I had the filters and I always made sure I had a respirator. Some guys did not even give it a concern—not through their own neglect, if you like; they just were not educated. They were not made aware that there was a serious concern, in the earlier days. I have to say that they have been very good in that sphere since. Now they drum it into the young workers, and there is a good reason for that. However, I think this is one area.

I look at the bill and I am quite happy with the transparency and accountability side of things. I am very happy with that. I am very happy with the strengthening of the penalties and that sort of thing. However, there has to be accuracy in the figures. If we are not getting the correct figures now—and I know it has a lot of good intent in here, but if they are getting around that now, that is something that we need to look at. That is just the frustration I face.

In addition to the key parts of the bill, the AWU support the changes in the legislation but believe further changes are still necessary to bring our safety standards up to that of the Work Health and Safety Act. Previously in MSHAC we have voted on whether or not to harmonise the legislation and that was one of the areas where I was the only person who voted, in particular, for the three: the ability to dispute a decision of the inspectorate in the QIRC, if need be; support industrial manslaughter; and introduce adverse action processes as part 6 in the Work Health and Safety Act for discriminatory, coercive and misleading conduct.

What I am referring to there is that we have had people who have raised concerns through consultation. They will speak to maybe their first line manager or their supervisor underground. They will have a quiet discussion and say, 'Mate, I am really concerned about this and I want to raise it.' At that discussion level there is nothing sinister about it. It is just a conversation between a worker and his supervisor or his leading hand. Sometimes when they go to a superintendent or a manager level, in the background there can be a counterattack on that person. It could be a medical concern that they will raise. It could be an old football injury that the guy might have had 20 years ago that never made a blip on the radar and never was raised when he did his medical, but suddenly it is now a concern and they cannot continue his employment. That is all because that person has elected to stand up and have a say when it comes to safety.

Unfortunately, the reality is—and I have to say that I face this frustration every day—it is all about safety unless it forgoes production. They are all about getting the tonnes out of the ground. I have worked under long terms of stress underground as a breakdown fitter. If a unit is down, it is costing them thousands of dollars per hour that that unit is down, so there is a lot of pressure on the guys not only to fix but also to perform and do their work. However, if there is a safety concern, sometimes they are willing to forgo or overlook that to get the tonnes out of the ground. That is a frustration I face.

The main one I have a problem with is reportable diseases, because I do not believe they are being captured accurately now. I am not sure how we can address it or fix it. It is just something I want to make you aware of, to say that, if there is something that we can change or implement or introduce as part of this, I would welcome it. It could be as little as changing a few words in the bill so that there is a clear obligation to make sure that these are reported, regardless of any nondisclosure agreement signed or deals done with any solicitors outside or whatever. There still should be clear accountability.

CHAIR: Thank you very much for your input and assistance. We are not on a time limit, but you may be on a time limit and need to head off.

Mr Lawrence: No, I am fine.

CHAIR: I will make one statement before I ask a question. I have the minister's introductory speech here. I do not know if you have seen it. You were saying that there were three matters that you think should be addressed in the bill. That triggered my memory that the minister, in his last statement, said that any changes to introduce industrial manslaughter and dispute resolution through the Queensland Industrial Relations Commission—and I know you mentioned that and there is another one, but it was not one of the ones you mentioned—will be the subject of a future bill. I thought I would mention that, because that triggered my memory.

Mr Lawrence: Okay. That is fine.

CHAIR: The other one that was of particular interest was you mentioned the disclosure of reportable diseases. I conferred with the secretariat because there was a regulation change as at 1 January. Obviously we are not experts in the department's processes, but I would have thought that those sorts of matters that you were talking about would have captured it, even if there were an agreement in place. We were just looking at some of the drafting. Certainly I will seek clarification. One of the requirements was that the individual give permission that information be provided. Maybe that was limited by the agreements—I am not sure—but my understanding on a reading of the explanatory notes is that what you are asking for and what you think should be happening would be enacted by the bill. I will certainly go back and clarify if that is the case.

Mr Lawrence: I know of one example of a person with silicosis and the department contacted the person and asked them to provide some form of comment so that they could at least get some background and he was prevented from doing that because of the nondisclosure agreement. It was unfortunate. I did not provide his name—I did not provide any details or anything like that—but I was hoping that he was able to speak to them and he just could not.

CHAIR: Thank you. That is really helpful for us to be able to ask some more questions about that proposed change. Other submissions have raised some privacy concerns and protections about needing permission. You have given us a different viewpoint.

Mrs STUCKEY: Welcome to your first appearance.

Mr Lawrence: Thank you.

Mrs STUCKEY: You articulated those issues really clearly. I asked some questions of the department about what diseases were reportable and if we could get a list of those. I understand that they are due at four o'clock today. They will be made public on Friday. That may assist you in reading that and furthering your case. You mentioned respirators. We could not agree more that employers have a responsibility for the safety of their workers. I think we all agree that we have come a long way. I think the worker has a responsibility as well to follow what is good for them.

Mr Lawrence: Absolutely.

Mrs STUCKEY: Often these diseases inhabit the body for a long period and then develop, unlike an accident or a trauma that you can see straightaway. What role do you see your union playing in educating your member mineworkers to wear respirators?

Mr Lawrence: One of the biggest things is if I have a person who comes to me and I know that they are not following their obligations. One of their obligations is to be clean shaven and the other one is to wear their respirator, especially in places where there is a high prevalence of dust and that sort of thing. There is an obligation on the mine to provide, in most areas, dust suppression. They will either water the drives or they will use some form of dust suppression in those areas to reduce that. I was a drill fitter, so I was always exposed to dust in those areas. As soon as you get out of the vehicle and you see a high prevalence of dust in the air, or fine particles, the respirator goes straight on. If you need to go back to the Toyota or go back to your work and take a break from that—to have a limited break, recoup and go back out—absolutely.

If I get a guy coming to me and saying, 'The respirators are shit. We're not using them,' and all of this sort of rot—and I have spoken to Sundstrom, the manufacturer, and they have informed me that some of those respirators that are provided are only for walk-through areas; they are not to work in. That is the lower form of protection. There are higher forms. There are positive air wash masks, battery operated masks—that sort of thing. If a guy is working in that environment every time he is on shift, we would seek for that guy to have a battery operated respirator or similar for a higher exposure. If it is a basic exposure, then as long as the guys clean their mask at the start of the shift and change the filters, if necessary, and inspect it—do what they call a mask fit test. Sometimes they are asked to go up to the security gate to perform those tests. We always say to our guys, 'You make sure you go and do your fit test when you are required. You make sure you keep yourself clean shaven or wear the mask when needed when you are in those areas.'

I know that some people did not help themselves in earlier days. There was not the education that there is now. That is one thing that I have to say they are very proactive on now, which is great—the education. In the earlier days, even in my experience when I saw that, that was not pushed. It was not to the same extent that it is now.

Mrs STUCKEY: You are saying that it is more proactive from the mine's perspective to push the respirator?

Mr Lawrence: Absolutely.

Mrs STUCKEY: Or from the union?

Mr Lawrence: No, absolutely from the mines. We do as well. I came from a training and assessing background before I came out of the mines. I was one of drivers for training in safety and health. I always say to people, 'Toe the line when it comes to safety and health. It is there to protect you.' Some people might see it as a hindrance, but in 15 years time silicosis is going to be more than a hindrance if you did not wear that respirator.

Mrs STUCKEY: And probably asbestos, too.

Mr Lawrence: Absolutely. There is a lot of stuff there.

Mrs STUCKEY: How would it be brought to your attention that a member has not been wearing a respirator? Is it the mine that tells you, or do some other union members tell you? That proactivity between the employer and the union could be enhanced.

Mr Lawrence: I have had some experiences where we had some guys working at a lead smelter. There is a requirement there for those guys to wear that respirator at all times whilst they are on the plant. Obviously, there are a lot of airborne particles that you cannot even see. They are nanoparticles. They are tiny. There is a requirement for those guys. It is part of their condition of employment to wear that mask.

We had a guy who put it on his head while he was having a discussion with the supervisor. Nothing was said at the time. The supervisor also did the same over a period of time. People witnessed this. The supervisor was doing the same thing—moving the respirator either to the throat or to the head to have a discussion and then putting it back on. That was witnessed by one of the safety advisers. He copped a disciplinary meeting, which I was called to. I said, ‘Show me your induction,’ because that is pretty much what I will go back to to ask, ‘Were you trained to wear your respirator whilst working in the plant?’ The first thing said at the opening of the induction was, ‘You must wear your respirator at all times.’ I said, ‘I can defend you to a point, but you haven’t helped yourself.’ At the end of the day, I will be the first to tell a person if they have not done the right thing. I am not going to sit there with a set of blinkers on and say, ‘No, he’s right no matter what.’ That is not the case. If they have not helped themselves, they cannot expect us to represent them and bail them out, if you like, when they have not done the right thing.

Mrs STUCKEY: Thank you very much.

Mr HEALY: Gavin, thank you for your time, bearing in mind that you have come back early from your holiday. I note that you have said that you have looked at the amendments that have been made to the act and you are happy with those.

Mr Lawrence: Yes, we are.

Mr HEALY: So you agree with everything in principle?

Mr Lawrence: Absolutely.

Mr HEALY: You said that you have had some dialogue. From listening to your answer to a question asked by my colleague, there appears to be strong dialogue between you as a union representative and the organisation running the mine. Could you talk to me a little bit about how frequently that is? Obviously it is working well.

Mr Lawrence: Yes. Initially it never occurred. The previous person in the role probably did not have that dialogue or have that frequent catch-up. Last year I went to Matt O’Neill and said, ‘I would like to have a frequent catch-up with you to address the issues where I feel there are problems.’ I do not pretend that he has a crystal ball and he is not always aware of it, so I was making him aware of it as a courtesy and asking him if there was some way that we could address this to get a result for both parties. We have a regular catch-up on a monthly basis and I have to say that it is quite good. We do not always agree, but sometimes I make him aware of stuff that he is not even aware of. It has never come across his desk. I look at that and I think, ‘Well, that’s a bonus.’

The other side of it is if there is a potential where I can get a particular issue resolved. It might be a small issue but to the employees underground it is a big thing. If we can get one issue resolved and get the guys back to work and not have that in the back of their minds and let them concentrate on the job, I am all for it. Where we can, I try to have a regular catch-up with him. If there is something that is not working, that is causing a bit of angst in the workplace or is a bone of contention I will say to him, ‘Look, I don’t believe that you have a crystal ball or a magic wand, but can you have a look at this and see where we can go with it?’ At the end of the day, unless you make someone aware of it you cannot pretend that they are going to understand that it is happening. They are also not going to understand the background to it. One thing I will say about Matt is that if I ask him to go away to look at something he does, and he will always get back to you. There is none of this, ‘Oh, mate, I forgot all about that. I’m too busy.’ He has a lot on his plate. I do not pretend that he has not, but I will say that he always gets back to you with an answer, which is good. I find that a great thing, yes.

For me, it is one way of addressing problems. It is also one way of keeping those lines of communication open. I have to say that it is not the junior management that we have any issues with and it is not senior management; it is the middle management. That is where our main problem is. I think there is a clear disconnect in some respects. The junior management or middle management are concerned about that information getting to the senior management and that does not get relayed through. I have seen that on many occasions. That is a frustration. Sometimes it can be an informal

chat and a 30-minute conversation that might resolve a lot of heartache down the road, but because they have always done it that way or they have been in that role for 30 years, they dig in their heels and say, 'No, we're not going to look at that.' I find it a very proactive thing. It is a great thing to do.

Mr HEALY: Terrific. You were talking about silicosis. You went to the department about that and raised your concerns?

Mr Lawrence: Yes. With our MSHAC, one of the things I will do is try to exhaust where possible the avenues through the mines. The first point of call is to try to talk to the people involved on the ground to get their feedback and also to get our members' feedback. If the members come to us with a concern or an issue, I do not just take their word for it; I will get the background first. If I do not get any sort of resolution in a timely manner—it may be six months—I will then escalate that to the MSHAC. I have been told that some of those are not relevant for MSHAC, but I will still raise it as a health and safety concern from the members' perspective.

One of the things that I find really important about that is that it gives them a voice to address concerns that they do not feel are getting resolved. It might not have been three months; it might be six months or 12 months, but they are still given a voice to try to address those concerns at a higher level where we can make a difference. Sometimes those issues are relevant and they are there for a valid reason. I will not discourage people from ever coming forward and reporting safety concerns.

I also look at both sides of it and think, 'Okay. Why is it happening? What are we doing to address the problem? How can we prevent it from reoccurring? What can we do moving forward so that both parties are happy?' There is no point in us implementing something for the worker and him not being happy. He goes back to work and he says, 'I'm not following that.' It is counterproductive. It does not work. Not only that, there is a follow-on effect from that.

Mr HEALY: It is hard for the mine to enforce it if everybody is not singing from the same hymnbook.

Mr Lawrence: Behaviour is the mother of all evils. The last point in all of those safety triangles that the mines use is: behaviour is your least effective method, but sometimes that is one of the hardest to get through. When you have a workforce, you need to drive that. If there are people there who are not following their obligations, you need to be very quick. You also need to be making them aware that there is a reason these come into place. A lot of our policies and procedures and a lot of our safety and health legislation is written for a reason; for example, where there has been a fatality or mishap in the past it is put in place to protect the health and safety of workers. I look at that and try to make people aware of the background of why it came into place and why we are asking them to do it. I always say to people that they are in a prime position. 'They are not asking much of you, but wear your safety gear and do this. You are paid well'—

Mr HEALY: It is the responsibility of not just the employers but also the union to make their members aware of those things.

Mr Lawrence: Absolutely.

Mrs WILSON: How many members here within Mount Isa do you represent?

Mr Lawrence: Probably directly I would say 1,200 to 1,500. It is a large area. I cover out to Cannington. I travel out to a lot of remote mine sites. I get calls from all over. Pretty much the area we cover is from Charters Towers to Darwin to the Jemena pipeline. I go to Cannington and across to Hughenden at times. We do cover quite a few and we get regional calls as well. We service phone calls from people from remote mine sites.

Mrs WILSON: What about just here in Mount Isa?

Mr Lawrence: I would have to say at a guess around 1,200.

Mrs WILSON: Returning to health and disease, I am going to use specifically the Coal Board Medical. Is that roughly every five years now?

Mr Lawrence: I am not sure about coal, but with our guys it is every four years. Usually at an election those guys will get what they call a periodic medical announcement that will come up two months, say, before it is due. They will be told that they need to book in with a medical centre, which I think is SonicHealth Plus, and they will get a notification of that. There is a requirement that they do that every four years. Sometimes in between they might have what they call a manager's request medical. There might have been something that happened. They might have had a workplace injury, they might have had an issue happen outside or a domestic injury that has affected them at work, so then they will have an interim medical which might be at two years.

Mrs WILSON: Are they still doing chest X-rays during that period of time?

Mr Lawrence: In my experience, no.

Mrs WILSON: I know they did.

Mr Lawrence: I know they used to. In my experience they did. They used to also do it on your exit medical. If you left the mines they would do a chest X-ray. That was one of the requirements. The other thing I found a little bit bizarre was: one of the reasons given to me as to why they did not continue that practice was that they could not store all the X-rays, but now they are all digital. Yes, there is a cost involved obviously in doing that, but what is a life worth or what is a person's health worth? As I said to the mine about protecting yourself down the track, if you have a worker who left in 1985 and you did a chest X-ray and there was nothing on his chest whatsoever, and then five or 10 years later he has gone and worked in other industries and then he hits you with a chest claim, if you have done that exit medical you can protect yourself from liability because you can say that when he left there was no indication that he had any chest diseases or anything like that. I found it bizarre that they did not do that.

Mrs WILSON: Is that across-the-board or are there bigger employers, let us say, who do provide those X-rays like they used to?

Mr Lawrence: I do not know about across-the-board, but I do know that it used to be mandatory here. It used to be a given that you would have a chest X-ray. Even when you started employment, if you were an underground worker you were given a chest X-ray. I have had guys who worked at quarries who would not get chest X-rays because of the cost. I am not sure how long ago that practice stopped. I have even had guys come and see me, just to give me a heads up, who said they have just done an exit medical and they were not given a chest X-ray. I would ring the mines and say, 'This guy is asking for a chest X-ray because he has worked underground all of his life.' I had a guy who worked 30 years as a driller. He obviously has a higher exposure than most. All he asked for is a chest X-ray but he was told, 'No, we don't do that anymore.' I rang and said, 'Look, he wants this chest X-ray for his own peace of mind. He's leaving. He's going to the coast. He would just like that X-ray done.' They said, 'Okay then, we'll do it,' but initially they were not going to do it.

Mr SAUNDERS: It was all *Kumbaya* over at the mines today, going on about the relationship between the workers and the mines, but with my background and from talking to people here my understanding is that that is not how it is. From a union organiser's point of view and in your opinion as a worker at the Glencore mine, has safety improved? You commented that you have seen people breached because they have brought up issues, and listening to mine management today security is their No. 1 priority. They say that men have all the cards and can stop the mines if they feel unsafe. In your experience do they follow through with their rhetoric?

Mr Lawrence: No. Last year a guy who was a qualified rigger and dogger asked them to stop a job to address a safety concern with a lift they were conducting. He was escorted from the site and he was not allowed to return to work for nine months. This is not a one-off; this has happened on numerous occasions. With that guy they dredged up an old football injury, but that was not the exact circumstance. What happened was he first of all stopped the job. He called a stop to the job and said that it was unsafe. He provided me with a photograph of the lift which was absolutely ludicrous. I took that to Matt and said, 'This guy is being targeted for raising a safety concern. As far as I am concerned, that should never be condoned.' That lift should never have been entered into. I am a tradesperson and I have conducted many a lift over my time. I have also been trained in rigging and dogging.

While it is nice to say that they have a right to call a stop to the job at any time, sometimes the reality is very different. If they call a stop to the job and it impedes production, they are targeted. When I say 'targeted', there is a witch-hunt mentality. The witch-hunt mentality sometimes stops people from raising a concern or putting their hand up. We have a pass meeting at the start of each shift and people are asked whether they have any safety concerns or issues to address. Most people will sit there silent. They will not raise a concern or an issue because they have seen what other people have experienced. I raised this with people over there and said that in my opinion it creates an unsafe work culture. When you have people who are afraid to work, afraid to stop work or afraid to call a stop to the job when there is a serious concern, that creates an unsafe work culture to the point where there could be a fatality, someone could be seriously injured or damage to equipment and/or personnel could occur because they are afraid to report.

I am not saying it is senior management—definitely not. I am not saying it is junior management. They are the drivers of safety over there. They generally are very good at what they do. It is the middle management who are the concern—the superintendents and the managers. They are the ones who have pressure put on them to perform and to get the tonnes or the output. It goes against their KPIs. If their KPIs have taken a dent throughout the year they do not get their bonus at

the end of the year, and that bonus is considerable. What they will try and do is prevent the message that 'we have had an issue in our workplace' from coming out because it affects them in the hip pocket at the end of the year. For me, the bonus system is a farce because nobody else gets the bonus, bar the superintendents or managers—not those poor people who are doing all the hard work. Sometimes they do raise valid safety concerns and they need to be addressed, and other times they are not willing to do that. The experienced long-term guys will say to a young bloke, 'Mate, pull your head in and do it right. We're not going to tolerate that.' They just will not do it in front of a group because they know there will be follow-on or repercussions.

Mr SAUNDERS: The buck does stop with the mine manager because it is a culture where they set the KPIs and they set the figures. Today I was informed by mine management that they have great training for their managers. You are telling me, from your experience not only as a worker but also an organiser with 1,200 workers on the site, that middle management is driving the workers and waylaid safety.

Mr Lawrence: My whole problem with some of the people in the middle management stream is that they have no people skills. I come from the Army, so I base everything on my previous experience. If you have a happy workforce you have more productivity and half your battle is won. At the end of the day, some of these guys do not see it that way. They just see that, no matter how good that person is doing, they have to flog them harder to get more out of them. The issue with that is it creates resentment in the workplace, so production is automatically going to be down.

The other thing is that when they raise a concern and they do not see it resolved over a long period of time, when they do take it up the chain of command—because I always tell people to follow the chain of command where possible—then there is retribution, so that is a problem. I have to say that when it was Xstrata you could have a disagreement, shake hands and get back to work, and tomorrow it would be all forgotten about. You would get back to work and everyone would move on. That is not the case with Glencore. You could have an agreement with Glencore today and tomorrow or the next day they will renege on it. That is common practice. It happens all the time.

Mr SAUNDERS: It is all about the money.

Mr Lawrence: I got a result for a bloke who was moved from a classification structure. He was in that role for three years at a certain rate of pay. They dropped him down \$18,000 overnight, at the flick of a pen, because they deemed that classification structure was no longer valid. We won that case and got him reinstated to his previous classification, but 12 months later they removed that whole classification structure again. It is almost like, 'We know what you're saying. We had an agreement, but now we're going to change the goalposts again.' The people in the roles who are there now are exactly the same people who were with Xstrata to a point, so I do believe it has to be driven from the top somewhere. I think Glencore are very difficult to deal with. I have had it said to me many a time, 'We are Glencore. We do not negotiate with anyone.' I find that really unfortunate, because to a point it is not the mentality of the people you deal with on a daily basis. It is some of the senior management who are driven that way, and that is how it is. They are rigid in their nature. They are rigid in their dealings. It is not all of them; it is just a portion of them that you deal with.

Mr SAUNDERS: It concerns me that it can take up to 12 months for issues to be sorted out.

Mr Lawrence: It frustrates me.

Mr SAUNDERS: The safety of the workers concerns me. Listening at the mine today, I was about to get the leis out and start doing some happy dances because everything was fixed immediately. You say that it can take anywhere from three to 12 months to resolve an issue. That is incredible.

Mr Lawrence: I have one issue that has been going since May 2015. We still have not been able to get it resolved. In my opinion, it is Third World conditions at the copper smelter over here where the guys are exposed to molten metal explosions. There were 84 occurrences from February 2015 to last year but there were only ever six reported to the inspectorate. They are high-potential incidents. These are serious occurrences. It is almost like the workers are exposed to a volcano-like atmosphere. There was no warning, no sound. A couple of guys have been seriously burned over there. They have called in many experts. I found out that the masks they were wearing were not fit for purpose. They were melting under extreme temperatures. The hats they were wearing were melting. Mine hats are pretty solid hats. For them to be melting or their face masks to be buckling under the heat, there is something seriously wrong. If the fireys can get it right and they can get the correct PPE, why can Mount Isa Mines not get it right?

They have had two manager changes. One manager recently left, and I have to say that he was very good. He would get back to me and say, 'We're trying to do everything we can to fix the problem,' but the problem is still there. We are still dealing with that today, and that has been since May 2015. That is quite severe. We had five out of nine guys on two crews off on stress leave because they feared for their lives. That is extreme, but that is some of the stuff that goes on over there that you are not normally exposed to or you do not normally hear. I have to say that I was oblivious to it, working out of town at George Fisher. Also when I was in town I did not know about what was going on over there. It is only since I have gone into that role that I have now been made aware of it, and that is because some of the guys came to me as a last resort to try and get help with a safety concern. They feel they have been butting their heads against a brick wall and not getting any result. The whole time I have to be very mindful of how I go about it, because if you go in there straight to the management the first thing that happens to that guy is he gets removed from his position or he gets sent for a manager's request medical and managed out of the system, effectively, through medical reasons. That is the sad fact of it. Fortunately, there is a good side of it and the guys are rewarded well for what they do, but there is also a nasty side of it which I do not enjoy.

Mr SAUNDERS: They have form too.

Mr Lawrence: Sorry to go off track a little bit.

CHAIR: That is all right; you answered the question.

Mr DAMETTO: Once again, on behalf of myself, Hinchinbrook and the committee I thank you very much for coming here today. As a mechanical fitter and someone who spent 10 years in the mining industry, I share a lot of the views you have and probably a lot of the experiences you have had. I commend you for being in Mount Isa for 19 years and working with this group in these couple of mines in particular. You said that you are in essence quite happy with the bill as proposed and that there are things that need to be changed. One thing that did stick out for me was your support for the introduction of industrial manslaughter in the bill. Could you please explain that a little more—why you believe that it would strengthen the bill?

Mr Lawrence: Unfortunately—I have heard this many a time—there have been no prosecutions or no enforcement, if you like, against mines when they are clearly negligent. One of the drivers for that was that we had a fatality at Cannington. One of the things they did was prevent the inspector getting on-site for a 24-hour period. I was very annoyed by that. That was prior to my time with the union but we were aware of that. They prevented the police and the inspectorate from going on-site for 24 hours. I wondered why that would be. Surely, as a mine operator you would say, 'Come in and please investigate to get to the bottom of what has gone on.' The mines enforced that. The issue I had with that is that there should have been some form of accountability against that operator if there was clear negligence.

To be very clear, I said at a previous MSHAC meeting that I would only entertain the idea of industrial manslaughter if there was clear negligence and it was on a case-by-case basis. It is not about putting the threat over people; it is just when someone has clearly done the wrong thing there is some form of accountability. I believe that is a clear driver in the workplace health and safety act for people under that to check and say, 'You know what? There is some form of serious accountability here if we do the wrong thing.' I do not believe that applies in the mining game. I believe it is weak in some respects. The penalties applied or the accountability is very weak on an operator.

Some of the guys have been around a long time; it is not their first rodeo. They know how to step around that and they know that when you read—I will be honest. I have gone through the mining legislation. There are times when I read it and I perceive it one way, yet they have a clear understanding and they know exactly how they can twist and manipulate that to get around it. I do not believe there is the same accountability applied to those guys who have done the wrong thing. I believe there should be some form of serious accountability.

Yes, the Director of Public Prosecutions would take it forward as well. They would look at it and say, 'We can do something in this regard, through another avenue,' but that is one of the reasons I said. There is obviously a clear reason they have prevented the mines inspectors and the police from coming on. I do not believe that should happen in this day and age. For them to have that sort of power seems crazy to me. There should be a clear, open acceptance of the mining inspectorate inspectors coming on-site when there is a fatality or a serious injury and also the police. They should be welcomed.

Mr DAMETTO: What was their excuse for not letting the police or Mines Inspectorate—

Mr Lawrence: I did not hear an excuse from the mines themselves but I heard from the workers that they were cleaning up the area, I suppose is the correct word. I do not mean to tamper with stuff; I just mean maybe there was stuff in there that may have contributed or may have been seen as unsightly or whatever and they made sure that all their ducks were in a row or the house was in order before they let people on-site. I do not know to what extent. I was never involved at the time so I cannot imply anything. I just know that it should not happen. Personally, if I was a family member of that person I would have been extremely frustrated with that.

Mr DAMETTO: I could agree with you there. In terms of mine ventilation, do you believe that this bill will increase air quality on mine sites—not just here at Glencore, because I know that is what you are mainly focused on in your answers. My experience in mining is that it is the smaller, less profitable mines that I would like to see come up to scratch. Do you think this bill would help that happen?

Mr Lawrence: Absolutely. I know that there is reference in the bill to coal. We have looked at this in MSHAC as well, attaching a certain level of competency to a mine ventilation officer. I believe that should apply. I am not questioning the qualification of the person doing the ventilation, but sometimes it is questionable. You have ask, 'What is their schooling? What is their background? What qualification do they have to obtain that position?'

Mr DAMETTO: 'Are they here because they are someone's uncle or cousin?'

Mr Lawrence: Sometimes they are actually just a mine engineer. Let's face it: they might have exposure to mine ventilation, but it is such an important scope of the overall scheme of things. That person has a higher level of accountability, so I do believe they should attract a certain level of competency to do that role. Whether they can propose that in documentation or whether they have to demonstrate that, I still believe it should apply to both coal and metalliferous, definitely.

CHAIR: We might let members ask some supplementary questions if they have them. I am interested in a couple of comments you have made about the respirators. I appreciate that there is a differentiation between a product which is doing what it is meant to do but it is not fit for purpose for the environment, but the bill goes to assigning greater transparency and accountability on manufacturers and suppliers should their product fail. Do you feel that will help?

Mr Lawrence: When I spoke to Sundstrom and they mentioned to me that their masks were not fit for purpose because of the temperatures they were working in, I thought, 'Surely, if that was introduced into the bill that would place an obligation on Sundstrom, as soon as they became aware of that, to report that to the mines inspector and say, 'Listen, we got an order for 1,500 of these items and they are not really suitable for the task.' I am not saying they can police that to a point, but I am saying that there should be an obligation on the manufacturer to say, 'Sorry, what you are using them for is not right.'

We have had guys having to modify the equipment with cotton wool in the air lines because they were breathing in rust particles. There is a positive air wash mask these guys use. The mines have a servicing schedule that should be maintained and adhered to to prevent those rust particles getting into their air lines. What the guys were doing as an interim, because the mines were slack in that, was filling cotton wool down the positive air wash masks and only one guy on that floor was supplied a positive air wash mask. The other poor guy had to use a standard respirator.

If there are two guys working on there at any one time, I have said to the mines, 'Why can't you put a second air point in and supply another guy with a positive air wash mask? It is not that hard. You are a federal employer. You have multimillion dollar budget. Why can't you do that?' They tried giving me that it was too hard to implement. I said, 'Hang on a minute. I am from a maintenance background. I know exactly how easy it is to put another air point in.' We asked them to remove that control box that was supplying their air from the environment and put it into a clean control room. There was a lot of conjecture about it. They did not want to do it. They gave us every reason why they could not. The control room over there was held up by acrow props on the roof. It was falling in because of all the metallic explosions on this area. They ended up replacing that control room and putting that control box in the control room as we asked. It took me probably 12 months to get that, but I look at that and think, 'That's just one small win for the worker.' There have been many different occurrences and many different examples.

I was informed by the mines—it was misleading—that there was a trial being put in place for the positive air wash masks for a new mask. Across the crews there were eight to 16 people who would require these masks. There are four crews. They told me that they were going to give a new air wash mask to each guy so they could implement a trial. They got one mask and pushed it across four crews. I got on to that straightaway and said, 'There is a communicable disease risk there. Those

people are sharing that one mask. They are sweating every day in those masks. Not only that, if they have cold sores or whatever they could pass that along to the next worker.’ I told them to refuse to wear it. The reason I was given that directive, that we have gone and put this trial in place, was to get me to back off. The other reason I was told why they did not buy the extra masks was cost. I see things like that and I cannot believe it. It is beyond comprehension.

I do not understand why you would not just get the manufacturer in and say, ‘This is the environment these guys are working in. What do you have that suits this purpose?’ It is just common sense, but it does not apply in some areas. If the fireys can get it right and send people in to house fires without the gear melting, why can these guys not get it right when they are working in the smelter, which is 1,200 to 1,500 degrees Celsius? They are hot temperatures that they are working in. They should have the adequate safety gear to do that.

CHAIR: Gavin, if I can just bring you back to the question, because I have two more, my reading of what is proposed by the bill is that it would relate to the providers, manufacturers and suppliers notifying chief inspectors if there was a defective component. I appreciate that what you are talking about is separate to that and that is, ‘Is it fit for purpose?’, which I think it is fair to say is not necessarily their assessment to make and they may not have all of the information. I am interested, and I am mentioning it to the secretariat to look at. I would imagine that it is contained in legislation elsewhere that part of their overall responsibility to provide for the safe workplace is fit-for-purpose kit. I will ask about that.

I want to ask you about MSHAC itself. From the 2017 bill that came into the House before the election, there is a change in the 2018 bill in what is proposed around ministerial discretion about appointment to MSHAC. There are some differing views about the skill mix which should be on CSMHAC and MSHAC. There are strong views that there should be no ministerial discretion and it should be people with these skills on CSMHAC. There are some slightly differing views from stakeholders about MSHAC. I am interested in your observations or views about the skill mix and what works best and whether the minister should have that discretion. It is not proposed in this bill, but one stakeholder thinks it should be.

Mr Lawrence: I believe there should be a demonstrated experience capability of that person. If they are going to attend MSHAC—we are making different decisions about the safety and health of mineworkers that affect everyone. If you are going to sit on that panel and you have no underground experience or no mining experience and you are making some really important decision and you are asked to give comment on those decisions, how can you base that without that experience? I do not believe you can even do it. I mean, people have the best of intentions. Do not get me wrong: there are people who sit around the table and are part of the department that do not have an input. They are just there as record takers or to organise the meetings and so on. I have no problem with that. I just know that if they are going to have valid input into those meetings they need to be based on experience or it needs to be based on informed decisions—whether that means they go into the workplace and collect that evidence from the workers and say, ‘In your experience’.

One of the things I was asked to comment on was shaft construction. I am a diesel fitter by trade. I am an underground drill fitter. I have no experience in shaft construction. I did go out to Cannington and spoke to the guys who made the shaft out there. I also went out to George Fisher, and they had just recently done a shaft. I spoke to some of the guys out there and I asked them. There were through parts to that. One of the guys has 22 years experience. I said, ‘Do you mind having a look through this and tell me if there is anything there that is going to apply that might affect you guys in doing your day-to-day tasks and if there are any changes you think need to be implemented?’ They came back and said, ‘That’s the most comprehensive package we have seen and we wish we had had some of that when we were doing shaft construction in the early days.’ In that respect, where I did not have the knowledge I went and sought that. I would highly question whether someone sitting around the table with no experience would have a clue about shaft construction and could make an informed decision or provide input. Not being disrespectful to anyone at the table, I do believe you should have mining experience to make those decisions or contribute to that point when that overall outcome is going to affect how many thousand mineworkers in Queensland.

CHAIR: My interpretation is that you prefer the 2018 bill as drafted, then, in that regard—to keep the experience there?

Mr Lawrence: Yes. I think the experience needs to be part of it—I really do—and I do know that with my position I had to demonstrate that. I got nominated, but it was many months before I even got considered because there was toing and froing and they were going and talking with regard to confirming my experience.

CHAIR: I am interested in your view with regard to the proposed imposition of penalties, because we have had a particular viewpoint put by the department. The reason this is proposed is that prosecuting can be quite a lengthy process and this will provide an additional bow essentially to bring quite significant fines well above the Work Health and Safety Act as another means to strengthen accountability of mine operators. The divergent view is that there are a lot of powers in place that mean you can stop operations and therefore they wonder why this additional measure is required. I am interested in your particular views. You have read what is proposed?

Mr Lawrence: Yes, and I would hope that the whole purpose of that is to make people stop and think, because I know now that the guys do not fob it off but see it as minimal in that they think, 'Yeah, I'll wear that if something happens.' If there was extra accountability or a penalty, that would make them stop and think twice. I have even heard guys who have long-term experience say, 'The mining safety and health act is toothless. I don't believe it's got any accountability on me and I'll do things how I've always done things.' I look at that and cringe to a point because I think that person is in charge of that many people and he has that sort of mentality. They are not all straight-up people. For some of the people in those positions, you have to question why they are there. I know that their company see them as good because they are obviously saving them a dollar and they are doing things really well, but when you have someone with that sort of mentality you have to question them.

If they strengthened the penalties, would it make them stop and think twice? It would have extra accountability on those people. I just think it needs to be strengthened wherever possible. It has been weak for many years. The people who implemented it had the best of intentions and it has been, if you like, a rolling or a growing document for many years, and I have only been involved in MSHAC in the last two. I have to say that in the time I have been involved it has been very good. I have got a lot out of it. I have learned a lot from it. I do not take anything lightly. I go and do my homework. Even if I do not know, I am not afraid to go and ask. I am not afraid to go and talk to those people who are currently in those roles in the mines, but I want to make sure that if I put something forward it is informed. I do not want to just go, 'Yeah, okay. That'll do,' and then find out that because of a decision I have made we have had a fatality or something has gone wrong because we have missed something.

CHAIR: Gavin, in relation to your comments about civil penalties, the other question raised by a particular stakeholder is: given there is some harmonisation occurring between this and the Work Health and Safety Act, the penalties themselves should be equal to that, so that is maybe \$10,000 under the Work Health and Safety Act. The bill is proposing far more significant penalties on top of that—up to \$126,000. Can you comment on the importance or perhaps not of the quantum, or is \$10,000 sufficient? This is significantly more.

Mr Lawrence: The penalty units now have been that for quite some time, and I know they are adjusted with CPI and that sort of thing, but I do not think they are relevant in today's climate and the way things are. I think they need to be, if you like, harmonised with workplace health and safety penalties, or similar to or—

CHAIR: Which is lower than what is proposed here. That is what I am trying to clarify with you.

Mr Lawrence: I think you also have to remember that there is a lot more money at stake with mining, so maybe the penalties should be adjusted relevant to the royalties that they bring in. That would also provide a higher level of accountability and responsibility. It is absolutely a driver. You have to look at that and think there are arguments for and against, but you also have to think to yourself: if they put a serious penalty in place and you are an SSE or you are a mine operator, are you going to deliberately go out there and shirk your obligation because the penalty is so severe? You are going to make sure you do your due diligence and you are going to make sure you have everything done properly, in my belief. For some people it would not matter what penalty you put there, because they are still going to operate the way they do and hope that nothing goes wrong.

CHAIR: Thanks, Gavin. That was very helpful.

Mrs WILSON: Earlier you were talking about Cannington mine. When did that incident occur?

Mr Lawrence: I was still out at George Fisher at the time. I would say it was 2013 or 2014, because I left in December 2015. I would say it was that time frame. I know it was a worker in a mine basket. I just know of the actual incident itself; I do not really know what happened with the investigation or the outcomes or what they found afterwards. It was referenced when we went through MSHAC that they were prevented from coming on-site. The inspectors mentioned that and so did the police. I look at that and think, 'Why does that even occur and how do they have that power?' It made me stop and think, 'Wow, that's pretty severe.'

Mrs WILSON: Have there been any other fatalities that you are aware of since that incident?

Mr Lawrence: I was on shift and there was a fatality out at George Fisher with a loader operator that I worked with. I was on shift that night. As soon as that happened we were all asked to go back to the crib rooms. It was underground, so pretty much we stayed in the crib rooms prior to midnight all the way through to the end of shift. We were not allowed to leave. Obviously they were conducting investigations and so on. When we did come up we all got a debriefing before we went home, so I believe it was handled in good faith, if you like, and they were very forward with the employees and said, because he was a workmate, 'If you need time off or if you need to go and seek counselling, this is who you need to contact.' I just was not happy with the way they dealt with it afterwards. The poor supervisor who was on at the time was put through the wringer. He was the one they used as the scapegoat, and it was no fault of his. Past tense it was not handled well, but prior to that absolutely it was handled well.

Mrs WILSON: So you believe that if those situations, unfortunate as they are, were to occur again these mines would be in a better place to handle them?

Mr Lawrence: I think they have had many a fatality over here, to be honest. There was a point where they had that many that they were going to close the mine. They were told that if they had another fatality that was it and they were going to be shut down. That was in the earlier days, so I do think they have changed their game somewhat. Let us face it: it is probably two or three operators since then. In my time over there there have been a few. Some of those were close people that we worked with. In that respect, when you look at it, they were handled quite well by the mines themselves. It is a difficult position.

Mrs WILSON: Yes, definitely.

Mr Lawrence: The information is the problem. No-one knows what is going on. There is a little bit of confusion. There is silence. We do that to keep the radio clearance to a minimum so that people can talk if need be, particularly to emergency services. Everyone is hush-hush. They are in shock. They are, 'Wow, I wonder what's happened or what's gone on.' It comes out afterwards, but it is a difficult game at the end of the day. Mining is tough and it is dangerous. There has been many a position I have been put in that is dangerous. Everyone wants to go home to their families at the end of the day with all of their fingers and toes, but sometimes things just do not go to plan or something happens—through no fault of the person. They were just in the wrong place at the wrong time.

Mrs WILSON: Thank you for that.

Mr SAUNDERS: Gavin, thanks for being very forthright today. It is actually refreshing to confirm what you have been hearing. With regard to that Cannington incident, is Cannington a unionised site?

Mr Lawrence: Yes. I have been dealing with their EBA or EA, so we are up to meeting 20. Around meeting 10 the mines were very, if you like, arrogant and they were very non-negotiable. They were saying, 'This is how it is. Take it or leave it.' That drove the membership through the roof, which was good for me, but also they could see that I was there every meeting. I was answering their questions. When I first got there the membership was around 50 per cent and now it is a lot higher than that, obviously, and it has been a good thing because, where we can, we provide them with education and information. If they have questions we try to get back to them in a timely manner so that they at least have some form of answer, because sometimes they will ask questions that I do not know the answer to and I will go away and have to seek advice and then get back to them. It has considerably increased since we have gone through that process.

Mr SAUNDERS: Of course with a unionised site it is my belief that you see better outcomes in terms of workplace safety with the companies.

Mr Lawrence: The problem we are now facing—and it is a frustration—is that the mines are all about going to contractors. The problem with that is that it drives the wage down. I always use this analogy: you have a guy who works alongside another guy and one of them is employed by the mines as a permanent worker. He might be paid \$70 to \$80 an hour and you have a contractor that is employed at \$30 an hour. He does not have that same level of accountability attached to him or that same responsibility of safety as the other guy does. They perform identical roles, and many a time we hear that they are not doing the same role because they are a contractor and they are employed for a different purpose. They perform in identical roles; it is just that this guy is not getting paid that high dollar figure. He is blasé about safety. He does not care.

Not all contractors are bad, but in my experience it is from within the contractors that the high number of incidents arise on a work site because they come in, they work for a short period of time,

they are out and they might go to another site. Sometimes they are transient and they move around or they are there to get a quick buck and then out again. It is not all of them. It is just that they are not getting paid the same amount. This guy takes his job quite seriously. This guy here is like, 'Yeah, whatever.' For \$30 an hour what do you expect? It is unfortunate, but that is what is happening. The reality is that employers see that as a bonus because they are getting the same amount of work out of a person and paying them half the price. It is a false economy, if you like, and there is also a safety factor contributed to that.

Mr SAUNDERS: That is why I brought it up. Today it is all about the bucks—the dollars—to make sure that those in Zurich have their flash Mercedes and whatever they drive to work every day and their private jets. My worry with the legislation is that I would like to see custodial sentences applied instead of fines, so a jail sentence. If you are responsible and there has been a breakdown of safety and you can pinpoint it back exactly, whether it has been a bad decision by the mine management or something else, there should be a custodial sentence. Do you think that is fair?

Mr Lawrence: I do think it is fair if it is a bad management decision or if it is a deliberate decision. The other thing with that is that it is not an easy fix because, as you know, when we put something forward of that nature—and I am not talking about just a union perspective—as a tripartite agreement around the table every time it gets to industry it gets knocked down because they have the greater say at the table, believe it or not. There is more representation around the table for industry, but industry talks about the bottom line and the dollar figure. That is their driver. We are about safety and protecting the worker. I always say to our guys, 'There's no point me going in there and trying to implement something that's not sustainable because you're not going to have a job tomorrow. Let's be realistic.' You have to find a happy medium, and it is not always an easy time to get to that. Sometimes there are some difficult decisions that have to be made and sometimes it is not going to appease the worker and it is not going to make them happy, but you also have to remember that the mines are paying the employees so you have to have a solution that suits both.

I just find it unfortunate with this that when it gets to industry it gets shot down every time. We get so frustrated. Sometimes it is very clear, like the chest X-ray thing. It is so easy, yet it is such a drama and such a hurdle. Why? It is because of the cost. My mate has silicosis. I know that he would love to have had a chest X-ray at a three-year period and maybe prevented that from progressing to the point where it is now. He was not aware of it until he had pretty much done his exit. I looked at that and thought that was pretty sad, and all because of the bottom dollar. One thing they did say to me—and it frustrated me—once in the meetings is that it is a numbers game. I got really angry with that.

Mr SAUNDERS: I have heard that.

Mr Lawrence: I got angry with that for two reasons: how dare you, and here you are playing the numbers? Let us say, for instance, there are 2,000 employees and you look at how much an X-ray, yet for one employee to go through litigation and go through a legal battle might end up less than that overall cost so they say, 'We'll play that game.' That is the frustration.

Mr SAUNDERS: I have heard that myself.

Mr Lawrence: Yes.

Mr DAMETTO: I worked in the mining industry in the heyday, pre the global financial crisis, in places like Cannington, where it was safety, safety, safety.

Mr Lawrence: Absolutely.

Mr DAMETTO: I remember walking on-site and pretty much anything you ever wanted was there. I returned to that site almost eight years later as a contractor under the management of South32 and I was astounded at the level of equipment available and the cleanliness at the site which had dropped quite significantly. We all understand that it comes down to dollars and cents, and I can understand how hard it is for a mine manager and a mining company to keep the place open because I worked at a smaller mine where they were battling that monthly: 'Are we going to keep it open or are we not?' I guess a lot of decisions that are factored around the cost of PPE and training fall to the wayside when it comes to a question of whether we keep these 400, 300 or 150 people working. I can understand the pressures on a mine manager in having to find a happy medium between safety and the cost of it.

My question is: would it be right to suggest that people could pay for a chest X-ray to be done out of their own pocket because they are looking after their own health at the end of day? Perhaps union members who pay their dues could get that paid for by the union, because I understand that income protection is attached to some of the union fees. Could you comment on that?

Mr Lawrence: In regard to people having to pay for their own X-ray, I believe that is a responsibility of the employer. However, I have said to some people, 'Go and get your X-ray done and then seek reimbursement.' The mines were doing something recently which I got overturned, and that was if a person had to do a return-to-work clearance or attend a medical centre they were being charged for it. They were not bulk-billed; they were being charged an \$84 consultation fee. I said that that is not right. The SSE's obligation if a person has to attend any medical exam is that he must pay and he must provide a copy of the report. These people were being forced to pay for their reports. I paid \$128 for my medical records and the mines clearly had an obligation to provide those free of charge. That is stated in the mining regulations.

I make people aware of that. I give them a copy of the regulations and say, 'Go and inform the medical centre of this.' This has gone on for 12 months or more. I went over to Matt and said, 'It is a clear obligation of the SSE to provide a copy of the report, an explanation by the doctor and a free copy, and they are not to pay for it. You are to pay.' Matt said, 'I will get to the bottom of this. I am not sure what is going on, but it is astounding the money we pay to Sonic Health now. I will see what we can do.' He came back and said, 'If there is a direction from the mines to attend a medical or to get a clearance for work, we will now pay the cost.' I said, 'That has always been the case. It has only been lost in the last two years.' Now that that is back in place I have very few people coming through the door, but previously I was getting people coming through regularly, on a weekly basis.

Mr HEALY: Gavin, that was very informative. I do not expect you to speak for every miner in Queensland or for all of your members but I am intrigued to know how many of your colleagues are aware that there are amendments.

Mr Lawrence: I would say very few. I have regular catch-ups with guys who come through the office. I make them aware that we are dealing with something in the MSHAC and we are trying to get feedback from the guys as to how it may affect them in the workplace, but when it comes to the amendment side of things I would say that very few are aware. I am not saying that they are self-centred, but they are pretty much focused on what they are doing each week with their rosters and they do not really look outside to see what is going on or how this may affect them overall in the scheme of things, so we have to inform them of that. I let them know, where possible, of any amendments that are coming through and ask, 'Is there anything in here that rings an alarm bell?'

Mr HEALY: That is what I was thinking, because amendments to the act are usually to improve the conditions.

Mr Lawrence: Correct.

Mr HEALY: That is interesting.

Mr Lawrence: We do make them aware of it but I would say that if I went out into the workplace and said, 'Are you aware of this?,' I would get, 'No.' They are not informed by the mines whatsoever of that side of it.

Mr HEALY: Thanks very much.

CHAIR: Thank you so much, Gavin, for being so generous with your time and for coming back early. I think I can speak on behalf of all committee members in saying that your time has been very valuable and it has been of great assistance to us in understanding the bill. We will take your comments back. You will be provided with a copy of the transcript, but it will also be very instructive for us in formulating the report and where we head to from here. I declare the public hearing closed.

The committee adjourned at 3.50 pm.