



Speech by

Andrew Cripps

MEMBER FOR HINCHINBROOK

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MINING AND OTHER LEGISLATION AMENDMENT BILL

Mr CRIPPS (Hinchinbrook—NPA) (2.38 pm): I rise to make a contribution to the Mining and Other Legislation Amendment Bill 2007. This is an omnibus bill which proposes amendments to nine pieces of legislation including the Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999. It is the proposed amendments with respect to these two acts that I would like to confine my remarks to.

The proposed amendments will provide for penalties for failure to meet obligations relating to safety and health to be increased to realign with those in the Workplace Health and Safety Act 1995. The amendments will also provide for the abolition of the requirement for the minister to appoint a mines inspector as chairperson of the safety and health advisory councils established by each act. Instead, the chief executive or his delegate will be the chairperson of their councils.

The proposed amendments will also provide for the appointment of different levels of inspectors by limiting their powers and functions in their letters of appointment, because the powers and functions to be given to any new inspectors at any time will depend on their qualifications and competencies to exercise those powers. The bill also provides for the appointment of authorised officers such as occupational hygienists and investigation officers who will have powers under the act to operate independently of mine inspectors.

The Mines Inspectorate is charged with ensuring that acceptable safety and health standards are established and practised within the mining and quarrying industries. It establishes safety and health standards, undertakes audits and inspections, and promotes and participates in safety and health education programs. The stated aim of the Mines Inspectorate is to create an environment that promotes the safety and health of industry workers and all who are affected by the industry's operations. The Mines Inspectorate provides statewide safety and health monitoring services to the mining and quarrying industries.

The explanatory notes accompanying this bill state that these amendments to the Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999 are based on recommendations arising from a recent review of the Mines Inspectorate. I presume that the explanatory notes are referring to the review that resulted in a report that was completed two years ago—that is, October 2005. This report titled *Reforms to the Queensland Mines Inspectorate* proposes a number of initiatives which include, amongst other things, widening the skills mix of the inspectorate to include streams of expertise in technical issues, management, investigation and enforcement and improving training for inspectors and inspection officers with the development of a specific qualification in mining health and safety. These are certainly proposals that will be implemented through this bill. The 2005 report does stress that the aim of the Mines Inspectorate will be to attract staff with a broader range of skills in occupational health and safety with specific expertise and experience in the mining industry. This effort in and of itself is to be commended, as Queensland certainly wishes to maintain its sound record of workplace health and safety in the mining industry in terms of injuries and incidents being maintained at a low level.

As I mentioned earlier, the bill proposes to abolish the requirement for the minister to appoint a mines inspector as chairperson of the safety and health advisory councils established by the act. Instead, the chief executive or his delegate will be the chairperson of these councils and, as the explanatory notes indicate, will allow the CEO to provide guidance and direction to the meetings. The explanatory notes also indicate that the proposed amendments will allow for the appointment of substitute members to the councils who will be able to participate in meetings in the absence of the original appointed members, and that will help to ensure that there is always a quorum at these meetings.

I wonder whether the minister would like to offer some comment later on in his summing-up about this proposal on the basis that CEOs do not necessarily always have previous employment experience with mine health and safety. Indeed, given the importance of these committees, it is a little concerning that permanent members of the committee need to have substitute members available to ensure the meetings have quorums. Should these meetings not be a priority and should they not be chaired and guided by a mines inspector with real management experience, something which a CEO does not necessarily always have in that role? If the CEO's delegate is attending and there are substitute members attending, can the minister reassure the House, the mining and quarrying industries and the general public that when these safety and health advisory councils meet there is no question that the members of the committee have the necessary expertise to make informed decisions about mine and safety issues in all circumstances?

I have similar concerns about the proposed amendments in this bill to allow for the appointment of different levels of inspectors by limiting their powers and functions in their letters of appointment. The explanatory notes indicate that the powers and functions to be given to any new inspectors at any time will depend on their qualifications and competencies to exercise those powers. The bill states that training needs to be provided to all new inspectors regardless of their qualifications on joining the inspectorate and that as their competency increases so their powers and functions will be extended. It is proposed that this will enable the introduction of a career path into the inspectorate and aligns the appointments made similarly under the requirements of the Workplace Health and Safety Act 1995, the Explosives Act 1999 and the Petroleum and Gas (Production and Safety) Act 2004, and this is a sensible approach. But I would be wary of any movements towards a watering down of the qualifications of fully qualified mine inspectors. I appreciate that that is not what is being proposed in this bill, as the bill clearly states that such inspectors will be confined to particular areas in which they have qualifications or competencies.

The bill also proposes amendments to allow for the appointment of authorised officers such as occupational hygienists and investigation officers who will have powers under the acts to operate independently of mine inspectors. On the issue of safety, if specialist officers are proposed for the areas of hygiene, would specialist skills in other areas such as advanced atmospheric testing in mines or mine strata control not be equally important? Once again, it is acknowledged that these authorised officers will not be full mine inspectors and will not be able to issue directives to mines. It is asserted by the explanatory notes that the appointment of these authorised officers will improve the flexibility of the Mines Inspectorate in dealing with health issues and complete investigations. However, once again I would be wary of any moves towards watering down of the qualifications of a fully qualified mines inspector.

In essence, the creation of different levels of inspectors reflected in the restriction of their powers and functions in their letters of appointment relate to the problem that the Mines Inspectorate is having recruiting and retaining fully qualified mines inspectors. The mining boom in Queensland and in other areas of Australia is offering significant remuneration to suitably qualified persons in the mining industry. Such persons are in very well-remunerated employment, generally as mine managers. As such, there are problems enticing suitably qualified persons to accept positions at the Mines Inspectorate. In reality, this issue may well be what these amendments are tiptoeing around. Perhaps an inability of the Mines Inspectorate to recruit and retain enough fully qualified mines inspectors has led it to pursue a strategy whereby staff with specialist qualifications in particular areas will be able to fill the gaps in the capacity of the Mines Inspectorate to deliver statewide safety and health monitoring services to the mining and quarrying industries.

On top of the remuneration issues, the level of responsibility for mines inspectors who undertake this important role of ensuring that acceptable safety and health standards are established and practised within the mining and quarrying industries is comparable with positions such persons would occupy in the mining industry itself. I cannot help but think that there would be advantages in the minister, his department and the Mines Inspectorate trying to pursue a strategy that would recruit and retain more fully qualified mines inspectors who can operate independently and can assess the full range of inspection criteria rather than putting on a number of staff who cannot do a complete assessment during an individual mine site inspection. However, I am not going to be critical of that strategy because the Mines Inspectorate is obviously going to do whatever it can to maintain monitoring services throughout the state. A strategy that has to pursue this course of action should focus on workplace health and safety issues. This is certainly something that you do not cut corners on or compromise on. If there do have to be some measures taken to fill the gaps in the ability of the Mines Inspectorate to deliver monitoring services in a state that is as vast and as decentralised as Queensland and indeed in view of the fact that the mining industry is largely

located in remote, regional and rural areas, it is only right and proper that the strategy focus on workplace health and safety issues.

Another issue discussed in the 2005 report is the proposed structural changes to the Mines Inspectorate whereby there will be a transition to a flatter organisational structure which is designed to increase the span of management control, shorter lines of reporting with respect to both statutory and administrative matters, and fewer layers of management. I think such a reform will be welcomed by the mining and quarrying industries. With those comments on the record, I am pleased to support the bill.