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Extract from NSW Legislative Council Hansard and Papers Wednesday, 30 October 2013 (Proof).

COAL MINE HEALTH AND SAFETY AMENDMENT (VALIDATION) BILL 2013

Second Reading

The Hon. DUNCAN GAY (Minister for Roads and Ports) [3.56 p.m.]: I move:

That this bill be now read a second time.

The Coal Mine Health and Safety Amendment (Validation) Bill 2013 confirms that certain appointments made under the Coal Mine Health and Safety Act 2002 are valid. In doing so it will ensure that the very clear intent of the Act is given effect. The Coal Mine Health and Safety Act is an important part of the work health and safety laws that regulate health, safety and the welfare of people working at coal operations and related workplaces. It provides for a significant compliance and enforcement regime for safety, and the appointment of government officials to undertake this role. These officials include inspectors, mine safety officers, the chief inspector and investigators.

Despite all the talk of the mining boom being over, New South Wales has a very substantial coalmining industry. It employs thousands of people regionally, contributes well over a billion dollars each year in royalties to the State and contributes to local infrastructure in many different ways. Coalmining is also an industry where injury and death still occur. Even though these confronting events still occur we can be thankful that there are now not as many such events as there used to be. While this change is due to industry changing its approach to safety management it is due also to the tireless work of the inspectorate and mine safety officers.

I emphasise that the bill does not change any of the legislative provisions regarding these officials. The intent of the bill is to remove any uncertainty over the appointment of certain government officials under the Act. Such an uncertainty happened in 2006 when the then Deputy Director-General of Mineral Resources appointed, under delegation, the chief inspector and a number of other inspectors and investigators under the Act. As there may be some irregularity with the instrument of delegation, the appointments are now being retrospectively validated. This is to provide certainty that, to the extent that any approvals, orders, directions or any other actions were taken by the chief inspector and the other statutory positions in reliance on this appointment, such approvals, orders, directions or any other actions are valid. Importantly, it also means that any compliance and enforcement actions can continue without question. The bill also addresses the instrument of appointment of 2012.

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The 2012 instrument was to ensure certainty for the appointments made in 2006. However, it appears that in addition to reappointing the 2006 government officials, the instrument inadvertently revoked all other previous appointments. This bill will make certain that the unintended effect of the 2012 instrument is given its correct effect, that is, to confirm the appointment of all the government officials under the Act. This Government is firmly committed to the elimination of deaths and injuries in coalmining and related workplaces. The bill gives certainty to key players in reaching this goal. It does this by making certain that there are no technical hindrances to their appointments. It gives certainty to government, to those working in the coalmining industry and, importantly, to their families. We owe them this much. I commend the bill to the House.