

**COAL MINE HEALTH AND SAFETY AMENDMENT (VALIDATION) BILL 2013**

**Mr CHRIS HARTCHER** (Terrigal—Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast) [12.43 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 clear intent of the Act is implemented. The Coal Mine Health and Safety Act 2002 is an important part of the work health and safety laws that regulate health, safety and the welfare of employees at coal operations and related workplaces. The bill provides for a significant safety compliance and enforcement regime and for the appointment of government officials to undertake certain roles. These officials include inspectors, mine safety officers, the chief inspector and investigators.

For all the talk of the mining boom being over, New South Wales still has a substantial coalmining industry. The industry employs thousands of people regionally, contributes well over \$1 billion each year in royalties to the State, and contributes to local infrastructure in many different ways. Tragically, is also an industry in which injury and death still occur. We can be thankful that there are not as many such events as there were in the past. While this change is due in part to industry changing its approach to safety management, it is also due to the tireless work of the inspectorate and mine safety officers. I emphasise that the bill does not change any of the legislative provisions relating to these officials. Its intent is simply to remove any uncertainty about the appointment of certain government officials under the Act.

In 2006, the then deputy director general of Mineral Resources appointed the chief inspector and a number of other inspectors and investigators under the Act, under delegation. As there may be some irregularity with the instrument of delegation, those appointments are now being retrospectively validated. This is to provide certainty that, to the extent any approvals, orders or directions were issued or other actions were initiated by the chief inspector and the other statutory positions in reliance on this appointment, those 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 2012 instrument of appointment. That instrument was designed to ensure certainty for the appointments made in 2006. However, it appears that, in addition to reappointing the 2006 government officials, this instrument inadvertently revoked all 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.

The 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. I commend the Coal Mine Health and Safety Amendment (Validation) Bill 2013 to the House.

**Mr PAUL LYNCH** (Liverpool) [12.47 p.m.]: I lead for the Opposition on the Coal Mine Health and Safety Amendment (Validation) Bill 2013 in this place. The shadow Minister with the carriage of the bill is the Hon. Steve Whan in the other place. He will have some substantive comments to make about the bill. The objects of the bill are to validate previous

appointments of the chief inspector, inspectors, mine safety officers and investigators under the Coalmine Health and Safety Act 2002, to save appointments of officers under that Act that were inadvertently revoked, and to validate things done or admitted by those officers and things done in reliance on or as a consequence of such things.

The Opposition has accepted the legitimacy of the Government's claim to have the matter dealt with with a degree of urgency and therefore did not oppose the suspension of standing orders. However, we would like to examine the bill in more detail before we express substantive views on it. Those substantive views will be expressed by the shadow Minister in the other place. We do not oppose the bill here but reserve our right to think about it a bit longer.

**Mr ANDREW CORNWELL** (Charlestown) [12.49 p.m.]: I support the Coal Mine Health and Safety Amendment (Validation) Bill 2013. Government officials are not often thanked on the public record and it is time that was corrected. It is important that we acknowledge the work of safety inspectors in coalmining—an industry that has risks and hazards. An inspector of coal mines must have a nationally recognised mining engineering qualification from a university or a registered training organisation. Inspectors must also have demonstrated competence and experience in coalmining operations before they can be appointed.

Most inspectors have spent many years in the industry and bring their invaluable experience and technical understanding to their important role. Other electrical, mechanical and mine subsidence engineering specialists make a significant contribution to the promotion and enforcement of coalmine safety. All of these inspectors have a very wide brief of powers and functions intended to protect workers and other persons from harm to their health, safety and welfare. This is to be achieved by ensuring that work and workplace risks are eliminated or, at the very least, minimised. But inspectors also must investigate contraventions of the Act, and must assist in the prosecution of offences.

Among the more demanding aspects of their work, they may take witness statements and give evidence at coronial inquests when, tragically, there has been a work-related death. Inspectors also respond to and investigate any catastrophic, serious or notifiable incidents. In 2011-12, inspectors received a total of 2,922 incident notifications from across all industry sectors, of which 2,615 were from the coal sector. In contrast, their functions are intended also to provide for fair and effective workplace representation, consultation, cooperation, and health and safety issue resolution. Further, inspectors work proactively to encourage unions and employer organisations to take a constructive role in promoting improvements in work health and safety practices. Another proactive role is to promote mine health and safety advice, and information, education and training. For instance, each year, hundreds of the industry's electrical and mechanical engineers attend safety seminars run by the inspectors.

Yet another proactive aspect of their work is a planned annual program of safety assessments for mines which targets areas that need improvement and which is intended to systematically assess and improve compliance. However, the emphasis is to educate and improve rather than to take enforcement action. Electrical inspectors are in the middle of implementing a major program to improve electrical safety on mine sites, and 230 sites have been audited and provided with feedback on potential improvement areas. Follow-up reviews, assistance and guidance are being provided where necessary. This year the Electrical Hazard Awareness training program is being rolled out across the State and will contribute directly to improved electrical safety—just one more example of safety initiatives being implemented by our

proactive mine safety inspectors. I commend the bill to the House.