



Legislative Assembly

Coal Mine Health And Safety Bill

13/11/2002

Hansard

Extract

Second Reading

Mr AQUILINA (Riverstone—Minister for Land and Water Conservation, and Minister for Fair Trading), on behalf of Mr Woods [9.28 p.m.]: I move:

That this bill be now read a second time.

The Carr Labor Government remains strongly committed to protecting the health and safety of the State's 9,500 coalmine workers. Coal is one of the State's largest exports with total production last financial year of \$5 billion. However, the success that this industry has had in the past has come at a terrible cost. Tragically, more than 1,500 coalmine workers have been killed in New South Wales since 1900. This year is the centenary of the Mount Kembla disaster, in which 96 men and boys lost their lives. This tragedy remains Australia's worst industrial disaster.

Sadly, there have been other disasters which have taken coalminers from their families: catastrophes such as the fire and explosion at Bellbird colliery in 1923 with the loss of 21 lives, the fire at Bulli colliery in 1965 with the loss of four lives, and the explosion at Appin colliery in 1979 with the loss of 14 lives. In more recent times three miners were killed in the 1991 roof fall at Western Main colliery. The same year an outburst also occurred at the South Bulli colliery, where three more lives were lost. In 1996 there was the tragic loss of four lives in an inrush at the Gretley mine.

In late 1996, against the backdrop of tragic deaths and near misses, this Government commissioned a wide-ranging review of mine safety in New South Wales and implemented a number of key reforms. These changes have included a new specialist investigation unit to thoroughly investigate and report on serious mine safety incidents, the adoption of a prosecution policy and a \$1 million Mine Safety Prosecution Fund, a Mine Safety Advisory Council to bring together government, employers and unions to work on mine safety issues, and the reform of mine safety laws.

This Government has overseen significant improvement in mine safety. However, there is no room for complacency when the lives and safety of New South Wales coalmine workers are at stake. The safety performance of the mining industry still needs to further improve. One death, one injury, is one too many. The Coal Mine Health and Safety Bill is the result of an extensive review of the laws covering health and safety in coalmines and, in particular, the Coal Mine Regulation Act 1982. The bill will modernise the current 20-year-old coal safety legislation. The Coal Mine Health and Safety Bill has been prepared following a detailed consultation process with mining industry operators and employees.

The Minister for Mineral Resources, the Hon. Eddie Obeid, announced the start of this process in July 2000. This saw the release of a comprehensive discussion paper entitled "Transforming Health and Safety Regulation in New South Wales Coal Mines". The paper called for comments and submissions from those with an interest in improving safety in the New South Wales coal industry. Based on the outcomes of the first round of detailed consultation, a further paper entitled "Safety Works" was released by the Minister for Mineral Resources for community comment in February. The Coal Mine Health and Safety Bill reflects the outcomes of this extensive consultation process.

On behalf of the Minister for Mineral Resources I take this opportunity to thank all those who, through submissions or comments, have contributed to the development of the bill. In particular, the Minister has advised me that the representatives of mining companies and mining workers have been constructive throughout the consultative process. As members of the House would be aware, the Occupational Health and Safety Act 2000 applies to every industry in New South Wales, including the coalmining industry. However, the potential danger inherent in any coal operation is too high to be dealt with solely by the Occupational Health and Safety Act. That is why there has always been specific coalmine health and safety laws in this State.

The bill replaces the 20-year-old Coal Mines Regulation Act with new, modern legislation that better protects the health, safety and welfare of people who work in the New South Wales coal industry. The Coal Mine Health and Safety Bill is complementary to the more general Occupational Health and Safety Act. The Government must have a strong role in the regulation and enforcement of mine safety standards. If coalmines are not appropriately regulated there can be catastrophic loss of life. This bill provides a framework to manage the particular risks arising from coalmining, such as underground fires, explosions or roof collapses. The bill lays the foundation for an integrated approach to mine safety through the development of health and safety management systems, major hazard management plans and emergency systems. This bill does not reduce the importance of government inspectors, investigators and mine safety officers in providing independent and effective safety regulation for the industry.

I will now describe some of the central features of the Coal Mine Health and Safety Bill. The bill will apply to all places of work within a colliery holding under the Mining Act 1992. The bill requires a colliery holder to nominate an operator for any coal operation. The operator must be the employer with day-to-day control of a coal operation. A coal operation may be an underground mine, an open-cut mine or a coal preparation plant. A central element of the bill is the requirement that an operator develop and implement a comprehensive health and safety management system as a condition for mining to be undertaken.

At the present time a variety of rules, schemes, systems and plans are required under the Coal Mines Regulation Act to be prepared by a mine manager. The bill consolidates that mixture of requirements within a single, integrated and comprehensive health and safety management system. The various rules, schemes, systems and plans will become important elements of the integrated system. Health and safety management systems will be required to cover such matters as major hazard management plans, the management structure for a coal operation and a contractor management plan. The systems will be comprehensive and cover all those at a coal operation, including employees, visitors and contractors.

To maintain existing arrangements, training requirements for the systems will need to be compatible with training schemes required under the Coal Industry Act 2002. An important part of an operator's health and safety management system will be a management structure. The management structure must include competent persons to perform key health and safety related functions. The ongoing operation of health and safety management systems will be monitored by the Department of Mineral Resources inspectorate. These officials will have available prohibition and improvement notice powers to ensure that identified safety deficiencies are remedied.

The bill will ensure that effective emergency provisions are also developed and maintained at coal operations. The bill requires an emergency management system to be developed. This system would operate separately from the health and safety management systems for two important reasons. First, it reinforces the importance of adequate emergency preparedness. Second, it recognises that in an emergency different means of management, such as the formation of incident control teams and the close engagement of external emergency services, may be necessary. As with the health and safety management system, an emergency system will cover employees, visitors and contractors at a coal operation.

The bill retains important provisions of the Coal Mines Regulation Act which are intended to protect the community from potential health and safety impacts of coalmining or to protect the safety of people in adjoining mines. These include an ability for the Minister to require the leaving of barriers or protective pillars in mines, the closing of shafts or outlets in abandoned mines, the control of emplacement areas, and a requirement for permits for former mines to be used for tourist or educational activities. To ensure appropriate compliance and enforcement of the new laws, a range of offences, in addition to those contained in the Occupational Health and Safety Act, are included in the bill.

Penalties for offences in the bill are at a level commensurate with similar offences under the Occupational Health and Safety Act. When enacted the legislation will be enforced in mines by inspectors and others with powers under the Occupational Health and Safety Act. Another important feature of the bill is the proposed new Coal Competence Board, which will replace the Coal Mining Qualifications Board. The Coal Competence Board will oversee the development of competence standards and assessment of people performing particular functions in coal operations. Importantly, the board will be able to continue to arrange for the examination of candidates and the issue of certificates of competence. Standards of competence for those performing critical health and safety functions in coal operations are essential if risks are to be appropriately identified and managed.

Those who work in coalmines need to have the recognised competencies to ensure that they are able to perform their duties without placing themselves and others at risk. A person will not be able to be employed in connection with a coal operation as a manager, deputy manager, under manager in charge, under manager or deputy if they do not hold the relevant qualification for that position. The new Act will not commence without regulations being made that recognise these positions and the corresponding competency standards and functions. Those currently in statutory positions will be taken as having the necessary capability to perform the corresponding functions under the Coal Mine Health and Safety Act.

An important part of safety management is to ensure that employees, who often work in challenging underground conditions, are fit for work and not fatigued. Section 168 of the Coal Mines Regulation Act contains important safety provisions regarding powers of work. As part of the modern legislative framework, these provisions are not expressed in the bill but, rather, will be retained in the regulations. It is important to note that the regulations will be a key component of the safety framework that gives operational effect to important provisions of the bill. To ensure a smooth transition to the new legislation, the regulations will be developed in close consultation with mining company representatives and mineworker representatives.

When necessary, the regulations will be able to make provision for existing arrangements under the Coal Mines Regulation Act to be acceptable as fulfilling requirements under the Coal Mine Health and Safety Act for a limited period. This will allow existing safety measures to satisfy the relevant requirements of the new legislation while the required work is undertaken to implement new safety standards. The Coal Mine Health and Safety Bill provides a basis for a safer coal industry in New South Wales. We must learn from the lessons of the past by ensuring that effective measures are in place to prevent disasters and that the general safety, health and welfare of our coalmine workers are protected. The Carr Government remains committed to putting in place the best possible arrangements to protect the lives, health and safety of our coalmine workers. We trust that those who share a similar

commitment will support the timely passage of this bill. I commend the bill to the House.