

**MINES WORK HEALTH AND SAFETY
(SUPPLEMENTARY REQUIREMENTS) BILL 2011**

SECOND READING SPEECH

Mr Speaker, I move that the Bill now be read the second time.

Mr Speaker, this Bill is another in the package of Bills intended to give effect to national model work health and safety laws in Tasmania and to make the necessary transitional arrangements and consequential amendments.

This Bill specifically deals with the impact of the introduction of new work health and safety laws on Tasmania's mine safety laws.

The mine safety chapter of the Model Work Health and Safety Regulations was released nationally for public comment on 15 July 2011. After a number of deferrals comment on the

Regulations finally closed on 14 October 2011. The national Consultation Regulatory Impact Statement on the mine safety chapter was not released for public comment until 10 October 2011, with a closing date 'to be confirmed'.

It is clear that the national project for the mine safety chapter is running late. It is also apparent that the chances of the chapter being ready to incorporate into the Work Health and Safety Regulations for a 1 January 2012 commencement date are exceptionally slim.

Mine safety is an important issue in Tasmania. When it fails, the results can be tragic. From 2000 to 2006 there were a total of five mining fatalities in four separate mining accidents in Tasmania.

The Government introduced a Bill on mine safety into Parliament about this time last year and the laws came into

effect in February this year. Although nationally harmonised mine safety laws were under development at the time, Tasmania's need was urgent and the Government proceeded ahead of the national processes.

Tasmania's mine safety laws were developed collaboratively with industry and unions. Importantly, it was an agreed package, and addressed many of the recommendations arising from the investigations into the earlier fatalities.

At the national level, progress on mine safety reforms has been much slower, and has produced a two-tiered outcome. 'Core' mine safety requirements, which are to be adopted by all jurisdictions, serve as the basis of the proposed mine safety chapter in the Model Work Health and Safety Regulations. In addition, New South Wales, Western Australia and Queensland agreed to develop and adopt 'non-core' provisions to supplement the 'core' requirements.

As it stands, the draft mine safety chapter does not include the full range of protections provided by Tasmania's existing mine safety laws. I understand that there is perhaps about 70% commonality.

That is not good enough, and the Tasmanian Government will not be letting mine safety in this State go backwards. We have been prepared to consider what the national process has to offer and have indicated an intention to adopt the core material, but if we need to supplement it to bring it up to our existing standards then we will do so.

In any event, the national process has not delivered a finalised chapter that can be compared with our existing mine safety laws, and the proposed Work Health and Safety Regulations are progressing without a mine safety chapter.

It is important that we preserve our existing mine safety laws. The longer term question of how well the model laws meet Tasmania's needs is a matter for a future time when we have a finalised model mine safety chapter to consider.

Given that Tasmania's mine safety laws are part of the *Workplace Health and Safety Act 1995*, which is to be repealed to make way for the proposed Work Health and Safety Act, this Bill repackages the provisions relevant to mine safety into a separate Act, and allows them to operate at a mine alongside, and as if they were part of, the new Work Health and Safety Act.

Although there will be two separate Acts applying to mines – the Work Health and Safety Act and the *Mines Work Health and Safety (Supplementary Requirements) Act*, they are intended to operate seamlessly at a mine, as if they were chapters of a single Act. In this way we will meet our commitments under the *Inter-Governmental Agreement for Regulatory and Operational*

Reform in Occupational Health and Safety, while retaining the protections developed specifically for mine workers.

It is intended that the Mines Work Health and Safety (Supplementary Requirements) Act will be supported by *Mines Work Health and Safety (Supplementary Requirements) Regulations*, which will repackage the mine safety provisions of the *Workplace Health and Safety Regulations 1998*.

Although this Bill largely retains the status quo regarding mine safety requirements, some minor changes have been necessary to enable the provisions to operate under the umbrella of the Work Health and Safety Act. There are also a very small number of minor changes made due to drafting style or to correct an error or to clarify an existing provision.

This Bill does not have a sunset clause. The Government has yet to be satisfied that the finalised mine safety chapter of the

Work Health and Safety Regulations can fully replace the provisions of this Bill. As I said earlier, we will not be going backwards. So while we might, in future, align our provisions to fit in with the harmonised laws, we will not be removing significant requirements that are not delivered by the national processes.

Although the Government is committed to the national harmonisation process, it is also committed to maintaining Tasmania's existing high standards in mine safety. Therefore, once the model mine safety chapter is finalised, it will be considered carefully, in consultation with stakeholders. If it is necessary, the Government will be prepared to enact additional laws to ensure current standards are maintained.

I commend this Bill to the House.