

MINES SAFETY AND INSPECTION AMENDMENT BILL 2014

Second Reading

Resumed from 11 September.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [8.02 pm]: My work will soon be done for the year! I rise on behalf of the opposition to make some comments on the Mines Safety and Inspection Amendment Bill 2014. I should remind members what this bill seeks to do. It is not an outrageously complicated bill. It will amend the Mines Safety and Inspection Act 1994 and the Coal Industry Superannuation Act 1989. It seeks to do three main things. It will remove the requirement for people to hold a first-class mine manager's certificate of competency in order to be eligible for appointment to the position of a district inspector of mines. It will also remove a category of inspectors known as employees' inspectors and assistant inspectors from the Mines Safety and Inspection Act, and employees' inspectors from the Coal Industry Superannuation Act. A range of savings and transitional provisions from the Mines Safety and Inspection Act will be removed, as I understand they are no longer operational.

It is always very interesting when safety legislation is introduced by a Liberal government because it is not usually about improving safety; it is usually about taking something away. That has always been a great concern. I had a think about this bill. I will come back to the components that this bill seeks to change. I want to talk about two things tonight in relation to mines safety. One occurred fairly recently. I am aware that a week ago on the Gorgon project, a site notice was issued after some white asbestos was discovered on site. That came onto Barrow Island as part of a gasket for the pipes that had been imported for the project; so part of the imported modules. I understand from the site notice that government agencies have been notified. I assume that would be the Minister for Mines and Petroleum and the Minister for Environment, given the island is an A-class reserve. White asbestos popping up on an A-class reserve should be a cause for concern.

This week is Asbestos Awareness Week, a significant issue in Western Australia. Tragically, more and more people are succumbing to a range of asbestos-related diseases. Sadly, it is becoming a growing issue. When I became aware of the site notice that had been issued on Gorgon, I thought that it would impact on a number of things. Firstly, it impacts upon miners' safety on the island. The Gorgon project takes some quite extreme environmental precautions in terms of workers coming onto the island. It is a Customs quarantine situation. A family member of mine used to work there, but she now works on another part of the project. She told me about aspirin. They will go through people's bags and haul out aspirin and other medications, and anything that is a potential contaminant to that environment is removed. If they were so proactive in protecting the environmental issues of the island through the workers, one would think that the company responsible for bringing the imported modules onto the island to get the project moving ahead would be just as proactive to make sure that contaminants such as asbestos were not brought onto the island and potentially exposed the workers to a safety hazard. In terms of the atmospheric contaminants—the exposure threshold limits—there are no safe limits for asbestos at all. It is a major concern.

I am not too sure of the country of origin of these imported gaskets, but given the contracts went out to China, Korea and Thailand—any one of those three—those three countries still produce product with asbestos in them. I appreciate the Minister for Agriculture and Food is not actually the minister responsible; he is representing the Attorney General. Maybe the minister can take this on board and provide an answer at a later stage. Given that the government has been notified about this contamination breach, what is the government doing to hold the companies to account? It is a breach of 1956 Customs regulations to import products with asbestos. I would have thought the government would have undertaken absolutely thorough checks when it awarded the tenders. I thought it would have been quite specific that no asbestos should be brought into Australia, and certainly not onto that island, which is an A-class reserve, with a group of workers. I want to know what the government is doing to deal with the safety issues for the workers and the environmental issues for Barrow Island.

If these modules had been produced in Western Australia, or in any other part of Australia, we would not be having a discussion about asbestos going onto Barrow Island and potentially exposing workers to harm because there would not have been any asbestos in those products. That is a reality. If there is another way to encourage companies such as Chevron and all their subsidiaries to buy local and invest in local content, I would say that this is definitely one of those times. Every one of those imported gaskets will have to be examined to see whether that asbestos has been exposed, and whether there are any issues around removal and storage. I would imagine this is a nightmare for the company. I am advised that this is not the first occasion there have been problems with these types of products being brought onto the island. That is an area of concern in mines safety. We have not heard one word from the government acknowledging that this breach has occurred. Everything has been kept under the table. That is sincerely disappointing. At the height of everything, the government should always be focused on the best interests of workers on those sites to make sure they come home the same way they went in.

I will be interested in the minister's comments about how the government will deal with that issue. There are ongoing issues about asbestos in the workplace. That will be a growing issue in mines safety in the iron ore sector—as the grade of ore decreases, the asbestos content increases. It is not something that we have had a proper discussion about. I hope that the government at some point has a good look at that issue. It is a growth area. There is potential for miners working in the iron ore industry to be exposed to asbestos.

Hon Robin Chapple: Hon Mark Lewis raised the point in this place that this airborne asbestos in Tom Price and Paraburdoo is higher than it is in Wittenoom.

Hon KATE DOUST: I thank the member for that interjection. I do not want to canvass that because we are talking about mine safety. It is a matter that I have become aware of. It is a matter of concern for those workers at Gorgon. What will the government do about that? How will it ensure that this does not happen again? It is a significant issue.

When we deal with this bill, we will see what changes will be made. The qualifications of people who take on senior roles in the mine safety area will be downgraded and we will see the removal of employees' inspectors. If we had enough of these people on site with those qualifications, we might be in a much better position to investigate and inquire into these situations as they come up. I note that a significant number of occupational health and safety representatives are employed throughout the mining sector. I applaud that. Having trained more than 2 000 safety reps over a period of about 10 years, I am disappointed that there are not more. They play an absolutely vital role in workplaces identifying and reporting hazards, negotiating with employers, assisting in workplace education and changing the mindset of how we engage with these things. They play an important role. They are also in difficult positions sometimes when they raise matters regarding their employment. These employees' inspectors, who are that next rung up, work under a different set of arrangements and have a different set of responsibilities. They probably do not have the same concerns about their employment. I will come back and talk about those a bit more.

The Labor Party has always had the view that one agency should be responsible for health and safety; there should be one agency of expertise, whether it is mine safety, general safety, construction safety or any other type of workplace. It should be housed in one area and we should build that expertise, knowledge and skill set in the area of occupational health and safety so that we have a good array of workplace inspectors, appropriate training for occupational health and safety representatives, good research and a good team of ergonomists, engineers or any other specialists. I am trying to think of the other types of people I used to deal with at WorkSafe. We need to build up that skill set rather than split it and have people operating in silos and not talking to each other. When Labor is in government, we try to bring things back together and when there is a change of government and a conservative government is in place, it pulls it all apart. We are concerned that the processes, the legislation and the regulations surrounding occupational health and safety get watered down. That is why we are worried about some of the changes being proposed in this legislation.

Quite an appropriate comment appeared in the *Kalgoorlie Miner* from Gary Wood, the secretary of the mining and energy division of the Construction, Forestry, Mining and Energy Union. He said that district inspector roles had evolved into desk jobs. One of the reasons the government wants to get rid of those employees' inspectors is because of difficulty recruiting people to take on those roles in certain places. Mr Wood thought the government should invest in more hands-on inspectors for workplace monitoring. He said —

“What we really want is inspectors on the ground, assisting workers in the workplace,” ...

If the minister were to go to any type of industry, he would get the same sort of comment.

No matter where we go, people want to see inspectors; they want to see people on the ground assisting in the process, particularly in the mining sector.

I have not mentioned Hon Norman Moore's name for a while; he is a bit like Voldemort really. I say that with affection now that he has gone. Let us face it, towards the end of his time in this place, he made a lot of comments about deaths in mining. Based on his life experience, he placed value on that. I know that this is a very important issue for a number of members here, particularly those from regional areas or those who have had family working in mining, like me and Hon Adele Farina. We want to ensure that people are protected when they go to work. It is extremely dangerous work.

In an Address-in-Reply speech on 21 May 2013—that is the day he left—Hon Norman Moore said that one of the most significant achievements in the mining industry during his term as minister, and probably ever, was the realisation that 2012 was the first year in our state's recorded history that there were no fatalities in the mines. That is something to be proud of. That is a significant achievement. Sadly, since he has left, that has not been the case. Things have taken a significant downturn for the worse and there have been a number of fatalities. There were fatalities on 14 August 2013, 4 December 2013, 29 December 2013, 15 February 2014 and 26 May 2014. I am just trying to think if there was one after that. Although we had that good year in which no-one died on the job in the mining sector, since that time, sadly, for some reason we have had a number of fatalities. I think the

government needs to consider what it is going to do about that. We will not change that with legislation, sadly. There is no silver bullet to fix that. I think we can change it in industry with behaviour and attitude. Some work has been done over a period of time.

The Mines Occupational Safety and Health Advisory Board is a tripartite board made up of unions, industry and government. I understand that it used to conduct a survey about attitudes in the workplace towards health and safety on a fairly regular basis. This survey would be conducted with the people working in the mining sector. The board would use the data collated from that survey to come up with a plan to try to identify the key issues, try to find solutions to the problems identified in that survey and try to put those solutions in place. The last survey was done in 2002, I understand. It is quite a substantial document. I am happy to provide a copy to the minister. I do not believe any more surveys have been done since that time.

When we are talking about mine safety and changes to the legislation or to the regime, the system or whatever we want to call it, at some time we have to dip our toe back in and say to people working in the industry, “Why is this happening? Why did we have a good year in 2012 and no-one died? Why have we had a number of deaths since that time? What has caused the change?” We will not necessarily get that answer from the boardrooms or middle management but we will get answers from the people working on the job. I will give a little example. When my daughter, who now lives overseas, was training to be a geologist, she spent two summers—three to four months each time—working for a gold mining company out in the bush in Lawlers. The first time she did it, it was fantastic. She would come home every six or seven days and talk to me about what they did on the job. The one thing that stood out every week was the talk about safety. The emphasis on safety was very high. Very strict rules were in place, and people adhered to them. That summer, there were no accidents on that site. I was very relieved about that, because when she used to tell me about going 850 metres underground, I always used to worry. So, that summer was fine, we ticked that box, and I was really pleased. She used to get right into the meetings and the activities that they had, and the staff were quite engaged. I thought that was fantastic, and I actually commended that company when I caught up with them at a meeting and told them that story and said how pleased I was with it.

She went back the following year to the same site. However, there was different management on site and a different approach, and there were a number of accidents. She used to come home during her time off and feel quite stressed, and even though she enjoys fieldwork and being underground—God knows why—she said to me that she would not go back to that company and do that work again, because it was just too dangerous. Part of it came down to a change in approach, a change in attitude and a change in behaviour from the management to the workers on the floor about how they did the job. There was increasing time pressure to get things done, a cutback in areas of support, problems with rosters, and a whole raft of things. But, basically, they had taken their eye off the ball when it came to safety, and there were some significant incidents at that site and a couple of people were badly hurt. I use that as an example to illustrate how a company can do everything by the book, and keep its workers safe, but can become, in a period of less than 12 months, a company in which people are not as focused on safety. I do not know why that change occurred. I do not know whether there were different people, or whether there were problems in the company. That company is no longer operating in Western Australia, as it turns out. That is a very good example of what can go wrong.

If the government wants to know what is happening in the industry and ensure that we do not have fatalities in the workplace, I would call on the government and the minister to do this survey again. The government should get the Mines Occupational Safety and Health Advisory Board to repackage the survey in some way, and it should then get the companies to get their workers to complete the survey, and collate the data and see what changes need to be made. We need to change people’s attitudes and behaviour. This legislation is only the framework. There is no silver bullet. But there are ways of doing it. A lot of hard work still needs to be done in the area of mine safety. Although we have had one good year, since that time we have had two bad years, and a number of homes are missing a loved one.

Hon Michael Mischin: Do you support the mandatory testing of employees before they go on mine sites for drugs and alcohol and the like?

Hon KATE DOUST: I do not have a problem with that, personally.

Hon Michael Mischin: One of the unions I think contested that and said it is interference.

Hon KATE DOUST: That is not what I am talking about tonight.

Hon Michael Mischin: It is relevant to mine safety, isn’t it?

Hon KATE DOUST: The minister has been popping in and out. I am talking directly to the Minister for Agriculture and Food. It is his responsibility.

Hon Michael Mischin: Do you support it or not?

The ACTING PRESIDENT (Hon Simon O'Brien): Order! There has been too much unruly interjection today. I hope that is going to stop. That is the second member who has had to be pulled up this evening. Hon Kate Doust is addressing the Chair, not members opposite, and Hansard needs to be able to hear what she has to say.

Hon KATE DOUST: Thank you, Mr Acting President, for reminding me of that.

I have identified two areas of concern, and I am sure Minister Baston will provide some sort of reply to those concerns. A lot more can be done in this space. I do not think that the bill that we are handling tonight will provide that solution. In fact, from our perspective, this bill will not add anything to mine safety; it will take away from mine safety. It will diminish the role of employees' inspectors, because it will take away the requirement to have a particular competency. In the briefing that I had, there was discussion about how the legislation was outdated and how we could open up these roles to a broader range of skills and experience. However, these people may have only ever worked above ground and may not have the hands-on experience of working underground that people need to understand the nature of that work. That is a serious concern.

I want to get these two matters on the record tonight. The first is the survey through MOSHAB. That is probably timely. I hope that the Minister for Mines and Petroleum will take that comment on board; and, if need be, Minister Baston, I will be happy to write a letter to Minister Marmion to encourage him to do so. I am also disturbed about why asbestos has been found in gaskets on Gorgon Island in the last week or so.

This is a bill that on this occasion we will not be supporting. We are not satisfied that this bill will add any value to improving occupational health and safety in the mining sector. We see it as a watering down of the role and function of employees' inspectors. I understand that one of the arguments is that the department cannot find people to take on this role. That is a matter for government to address in terms of attraction, retention and remuneration. We are certainly concerned about the fact that there will no longer be the requirement for a certificate of competency for mine managers. With those comments, we will not be supporting this bill.

HON ROBIN CHAPPLE (Mining and Pastoral) [8.27 pm]: Likewise, the Greens will not be supporting the Mines Safety and Inspection Amendment Bill. The purpose of the bill is to make amendments to the Mines Safety and Inspection Act to improve the services provided by the Department of Mines and Petroleum, modernise the qualification requirements for inspectors under the Mines Safety and Inspection Act, and remove obsolete provisions.

The proposed amendments cover three areas. The first is to remove the requirement for persons to hold a first-class mine manager's certificate of competency in order to be eligible for appointment to the position of district inspector of mines. The second is to remove the positions of employees' inspectors and assistant inspectors. The third is to remove the savings and transitional provisions of schedule 1 of the MSIA. Those provisions were designed to provide for the transition of inspectors under legislation repealed by the MSIA, and they are now obsolete. I understand what is being done. But it is being done for efficiency and modernisation, and there will be no adverse operational day-to-day effects for tenement holders in cutting red tape.

I want to go back to employees' inspectors. These are people who are elected by the workforce to look after their interests. These are people who have the role that prevention is better than cure. If inspectors are based away from the site, they do not have the day-to-day knowledge of what is going on at the site. That is particularly the case with underground work, because they do not have that sense around them that enables them to advise their colleagues when they might be getting into a dangerous situation. These are people invariably elected out of the industry by the industry. They have a better understanding of the day-to-day requirements of the workers around them. I am mindful of one occasion at an underground mine when an on-site employees' inspector was in a pit that had a decline running off it. The company was advised by one of the workers that there was a problem. The mine manager sent somebody down to have a look and said, "No, there's not a problem." The employees' inspector took it upon himself to call people out of that situation. A leading hand—it was not a senior management person—went down and had a look at the site. The employees' inspector called him out as well, and once they all got out, the pit collapsed. They are the people on-site who can save lives. I am afraid that removing those people from the front line is not a good way to go.

Touching quickly on asbestos on Barrow Island, I am not sure whether the member realises that a significant amount of asbestos from what was called the castle is buried on the island. The castle was the old building in the middle of the mine that was taken down. Rather than the material being taken off the island, as was supposed to occur, the material was buried in a large pit on the island in a manner that I understand was less than satisfactory.

The removal of the role of employees' inspector takes away the human aspects of mine safety and inspection, and the middleman between the workers and the Department of Mines and Petroleum. I understand the new procedures going on within DMP regarding the extra number of mines inspectors now available, but they are people who go to sites to investigate incidents; they are not on-site to prevent them. I have been involved in the

mining industry since I worked for Lang Hancock back in the 1970s, so it is a long while. We have seen occupational health and safety go through various iterations and roller-coasters, and it has had its ups and downs. And like Hon Kate Doust, I have to say that when Hon Norman Moore was in this place, he took his role extremely seriously.

Hon Kate Doust: I didn't say that he didn't.

Hon ROBIN CHAPPLE: No, I said that Hon Kate Doust did. I said "like", not "unlike".

Hon Kate Doust: Okay; that's all right.

The ACTING PRESIDENT (Hon Liz Behjat): I heard "unlike" as well.

Hon ROBIN CHAPPLE: I can remember Hon Norman Moore sitting where the leader is sitting now —

The ACTING PRESIDENT: That is where the leaders sit!

Hon ROBIN CHAPPLE: — and making a contribution to the debate in the chamber. He was deeply distressed about a death that had occurred in a mine and commented that he was appalled that it had happened on his watch and that he was going to make sure that those things did not happen again. He even suspended the operation of that mine for quite some considerable time until the action had been taken. When he was a mines minister, I crossed swords with him on many occasions, but he was very good when it came to mine safety. Having said that, we have moved to a role of mine safety that is much more of an oversight than an on-ground activity. As has been said previously, I think there is a great deal of value in having a unified system of health and safety for the industry. Having an occupational health and safety system which is unified and which is one form of safety for all industries is certainly the way to go.

Hon Simon O'Brien: It took seven years, apparently, in this state to achieve that harmonisation.

Hon ROBIN CHAPPLE: I am sorry; if the honourable member is going to interject, I will have to put my —

Hon Adele Farina: It's okay. Don't worry. You can interject as much as you like because he can't hear it!

Hon ROBIN CHAPPLE: Absolutely; that is right.

The ACTING PRESIDENT: Hon Robin Chapple should keep focused on the matter at hand and not worry about unruly interjections.

Hon ROBIN CHAPPLE: Is somebody being unruly again? Oops!

I talk with many people—former mines inspectors, former employees' inspectors and former assistant inspectors. They are genuinely concerned at the lack of these officers. Currently, a mine worker might find himself or herself in a situation in which they are less than happy about their safety. In essence, they have to go to their immediate supervisor to point out that lack of safety, and then put themselves in a position of being less than well rewarded by their corporation. The former minister would be aware that I raised concerns in this place about a former officer at a mine going on Facebook and, through that medium, saying to the occupational health and safety people on his site and to workers who were concerned about the level of safety that should they stick their heads up again, he would expletive "knock their" expletive, expletive "heads off". Luckily, he did it in a very public forum, which became apparent to the mine management, and he was dismissed. That person was a shift boss, and his attitude to occupational health and safety was absolutely appalling. He was threatening his workers. That is the problem. If we do not have somebody on-site in the role of an employees' inspector who has some protection under the system, the problem is that people will not raise occupational health and safety issues, and it will then come down to an inspector based in Perth who visits the site from time to time to make a judgement call on whether that site is operating safely.

As we know, deaths in the industry have occurred because processes and protocols were not followed. I am mindful of a gentleman who fell down a riser. There was an investigation, and the key issue was that he was sent into an area to put ladders in a riser and was left there on his own, which should never have been the case. He was doing so because the mine management told him to. If an employees' inspector had been there, he would have had somebody to go to, who would have said, "That was an unsafe operation." However, because the mines inspectors are based in Perth or in a regional centre and are not on-site, those situations occur.

In essence, like Hon Kate Doust, we will not support the legislation. I want to query why the first class mine manager's certificate of competency requirement is being removed and why no alternative qualification has been offered to replace it. Removing the qualification requirements opens the door for less skilled people to be appointed to the position of district inspector. I believe the minister needs to prove that the qualifications are not being lowered to enable a reduction in salaries and in safety requirements to save money.

Again, I make the point that the removal of employees' inspectors is diminishing trust amongst workers and a willingness to come forward about safety issues for fear of losing their job. In essence, I would like the minister handling this legislation to tell us why the government is getting rid of the first class mine manager's certificate of competency, and I would also like some form of guarantee from the minister that the trust amongst workers will not be diminished by this move.

HON KEN BASTON (Mining and Pastoral — Minister for Agriculture and Food) [8.40 pm] — in reply: The Mines Safety and Inspection Amendment Bill 2014 appears to be simple, but when one reads through it, it is full of amendments to the Mines Safety and Inspection Act 1994. The explanatory memorandum outlines the purpose of the bill, which is to amend the Mines Safety and Inspection Act.

I will comment on Hon Kate Doust's comments about the Gorgon site with the white asbestos. That site is an A-class reserve. I have been out there on several occasions and, I have to say, I was absolutely amazed until I heard the honourable member over there say that asbestos is buried on the island.

Hon Robin Chapple: I used to do the inspections out there.

Hon KEN BASTON: I sincerely hope that the member did not leave it behind.

Today when one goes there, every piece of machinery is wrapped and every person who goes there has his or her boots washed, overalls changed and everything changed—God knows what. There is probably a greater degree of biosecurity than we have in —

Hon Robin Chapple: And yet we do know that, in fact, many exotic species have now been introduced to the island, which is exactly what the EPA said was going to happen, and, as far as I can recollect, there are now five critical invasions, which there weren't when WAPET were running it.

Hon KEN BASTON: It amazes me that there have been any invasions. I guess —

Hon Robin Chapple: Parliamentary questions have shown that.

Hon KEN BASTON: Small parts such as brake pads may be acceptable in another country but are not acceptable here in our machinery and plant, so I am quite surprised that is there.

Hon Kate Doust mentioned that safety goes up and down. I, too, have a child—a son—who works in the mining industry. He has worked at Argyle and right throughout to the east of Kalgoorlie and other places. He has worked in diamond and iron ore mines. It does vary from time to time. When my son has gone back to some of these mines 12 months later, he has expressed that there has been change. I understand what the member is saying, but that does not lessen the importance of safety on those mines.

Hon Kate Doust: No, no; I was not saying that—it should always be paramount.

Hon KEN BASTON: I did not say that the member was saying that—sorry. It is paramount, and there is no excuse for it happening, but it does wane from time to time.

Hon Kate Doust also mentioned Hon Norman Moore and the role he played. I know he was very keen on mine safety, and there were no mining fatalities in 2012. That was fantastic and it should continue to be that way. I cannot tell the member what has happened since and why there have been fatalities, but obviously every case is investigated, and, dare I say, it is like a run. Indeed, we have had a run of motorcyclists being killed, which is absolutely terrible, but there is no reason that it should be happening.

Hon Kate Doust also mentioned the employer survey. Reading through this, I would have thought that having the 2 200 and something —

Hon Kate Doust: 2002.

Hon KEN BASTON: I am talking about the number of people.

Hon Kate Doust: Safety reps?

Hon KEN BASTON: Yes, who are actually out there on the mines, which is imperative and important, compared with the number who have been there in the past. I also note that inspectors had to be voted in and were done so for a four-year term, from memory, and that it was getting difficult to get people to put their names forward for the role.

Hon Robin Chapple: We have raised questions in this place as to why a number of people were putting their names forward and were being rejected.

Hon KEN BASTON: I am not aware of that, but it is interesting that the honourable member raised it.

I have some answers to the questions asked by Hon Kate Doust. She asked why the category of assistant inspector is being abolished. The removal of the category of assistant inspector flows on from the abolishment of the category of employees' inspector. There are currently no assistant inspectors employed within the inspectorate. Historically, the role was undertaken by the employees' inspectors and assistant inspectors but is now substantially undertaken by elected health and safety representatives, of whom there are 2 233 on mining and exploration sites across the state.

The member also raised the issue of the location of resources safety. It is situated within the Department of Mines and Petroleum. That is a natural fit for it. The mines inspectorate has its own legislation, which is the Mines Safety and Inspection Act 1994. This was the case when it was part of WorkSafe.

Another question referred to how the qualifications of employees' inspectors differed from the special inspectors for mining technicians. The qualifications of an employees' inspector are set out in section 22 of the Mines Safety and Inspection Act 1994. The qualifications of a special inspector, mining technician, are not legislated, but these inspectors are recruited for their skills and experience so that in practice their skill set will be very similar to those of employees' inspectors. However, the special inspectors, mining technicians, are subject to selection standards and additional training, unlike the employees' inspectors. The range of specialists in the inspectorate includes mining engineers, geotechnical specialists, electrical engineers, mechanical engineers, workplace safety and health specialists, processing engineers and structural engineers. In terms of experience, specialist inspectors are hired if they have relevant experience in the field. The aim of the mines safety inspectorate is to have specialist inspectors with about 10 years' experience.

Hon Robin Chapple: They're not on ground—that is the key issue.

Hon KEN BASTON: There are 2 233 on ground.

Hon Robin Chapple: They are on ground, but they are not actually on the workforce front. They are not actually there with the workers. They are on site —

Hon KEN BASTON: They are working on the mine.

Hon Robin Chapple: They're working on the mine, but they're not actually at the coalface, so to speak.

Hon KEN BASTON: Employees' inspectors never worked on site. Only between one and three were allocated to a region.

The other issue that Hon Kate Doust touched on was why the changes contained in clause 6 will be made. Clause 6 will remove the requirement for a person to hold a first class mine manager's certificate of competency in order to be eligible for appointment to the position of district inspector of mines under section 18 of the Mines Safety and Inspection Act 1994. Section 18 of the MSIA provides for appointment of a district inspector. In order to be eligible for appointment as a district inspector, a person was required to hold a first class mine manager's certificate of competency. The bill will abolish this requirement. When the mines inspectorate was first established, this requirement met the needs at the time because the appointed inspectors were invariably mining engineers. At the time, mining engineers had the skills necessary to legitimately intervene in most, if not all, aspects of mining operations. The inspectorate has widened its skills base and now employs a range of different specialists. An analysis of trends in accident and incident data highlights that the majority are now related to activities and events that fall outside the general specialty of mining engineering. Modern mining safety is managed by a wide range of skills over and above those of a mining engineer. Critical aspects include geotechnical engineering, occupational hygiene and electrical engineering, and a host of other occupational health and engineering disciplines. The management of mines, and occupational health and safety in particular, is no longer the sole purview of the mining engineer. This being the case, the district inspector of mines position needs to be opened up to include a wider range of qualifications.

Another question was about the qualifications that district inspectors are required to have. Under clause 6 of this bill, the requirement for a person to hold a first class mine manager's certificate of competency to be eligible for appointment to the position of district inspector of mines under section 18 of the Mines Safety and Inspection Act 1994 will be removed. District inspectors will continue to be appointed under section 18 of the MSIA. Section 18 requires that a district inspector be appointed under the Public Sector Management Act 1994. Appointments under the Public Sector Management Act are made following a recruitment process, which ensures that applicants possess appropriate qualifications and experience when applying for positions of inspector. As part of the selection process, inspectors are required to undergo interview and psychometric testing. If successful, they undergo a staged six-month training course conducted with the Department of Mines and Petroleum. Following the initial course, they are issued with an inspector's identification and they enter

a diploma program. There are two diploma programs available. One is the diploma of government workplace inspection and the other is the diploma of occupational and health and safety.

I just have to say that I found this bill extremely interesting to read through when I was preparing for the debate. It was interesting to note where we have gone. Obviously, some of the issues members opposite touched on are bigger issues that are not included in this amendment bill.

Hon Kate Doust: We were just giving you some guidance on how you can do things better.

Hon KEN BASTON: Fine. We can always do things better. That is my motto in life. I therefore commend the bill to the house.

Division

Question put and a division taken, the Acting President (Hon Liz Behjat) casting her vote with the ayes, with the following result —

Ayes (19)

Hon Martin Aldridge	Hon Peter Collier	Hon Col Holt	Hon Michael Mischin
Hon Ken Baston	Hon Donna Faragher	Hon Peter Katsambanis	Hon Helen Morton
Hon Liz Behjat	Hon Nick Goiran	Hon Mark Lewis	Hon Simon O'Brien
Hon Jacqui Boydell	Hon Nigel Hallett	Hon Rick Mazza	Hon Phil Edman (<i>Teller</i>)
Hon Paul Brown	Hon Alyssa Hayden	Hon Robyn McSweeney	

Noes (10)

Hon Robin Chapple	Hon Adele Farina	Hon Amber-Jade Sanderson	Hon Samantha Rowe (<i>Teller</i>)
Hon Kate Doust	Hon Lynn MacLaren	Hon Ken Travers	
Hon Sue Ellery	Hon Ljiljana Ravlich	Hon Darren West	

Pairs

Hon Dave Grills	Hon Sally Talbot
Hon Brian Ellis	Hon Stephen Dawson
Hon Jim Chown	Hon Alanna Clohesy

Question thus passed.

Bill read a second time.

Third Reading

Bill read a third time, on motion by **Hon Ken Baston (Minister for Agriculture and Food)**, and passed.

House adjourned at 8.57 pm
