

RESOURCES SAFETY DIVISION — DEPARTMENT OF MINES AND PETROLEUM

Motion

HON JON FORD (Mining and Pastoral) [10.05 am] — without notice: I move —

That this house calls on the government to initiate an open and comprehensive inquiry into the effectiveness of the Resources Safety division of the Department of Mines and Petroleum and its inspectorate in protecting Western Australian workers employed in the front line of resource development.

Today I draw to the attention of the house that Minister Moore has made assertions to this place. In that respect, I will quote from a recent adjournment debate in which he said —

I agree with everything that Hon Jon Ford has said about this issue. Everybody is entitled to come home from work, and every wife or every husband is entitled to have his or her partner come home from work, and not come home in a box.

Later on in the same speech he said —

However, we must take the same attitude as we do to road safety and say that zero is the aim. One fatality is one too many, and one injury is one too many. We must strive to get there.

I commend the minister, as I did at the time, on that stance. I do not have a personal issue with the minister, but I certainly have an issue with his department, and I will go into the detail of that. What is happening now is that with ever-increasing frequency, I am receiving complaints from people within the mining industry—it does not matter whether it is in the Pilbara, in the Goldfields or in some of the more remote sites—about intimidation and bullying on the work site and people being forced to work in what they believe are unsafe conditions. However, worse than that, people have no confidence that the Resources Safety division is protecting their interests. Even worse than that, when they go to the Department of Mines and Petroleum, they are discouraged from making their complaints and feel that they are being intimidated by the DMP.

There is an example of one complaint that I need to raise behind the chair with the minister in which one inspector, as a result of the parliamentary questions that I have asked in this place, went down in front of the workers, waved his clipboard at them and said, “I’ve got all your names here. I know who’s causing the trouble in this place.” That is a serious complaint. A union official told me that he had taken a number of issues on behalf of workers—this particular one was in the Goldfields—to the local office of the DMP and was told that the department was not a union postbox and that he could not raise the issue. That is the reason I put a question without notice to the minister, asking him whether anyone in particular was excluded from raising complaints with the Resources Safety division of the DMP, and he said that he did not know of any exceptions.

I want to draw to the attention of members a question that I put on notice on 5 May. This question on notice dealt with a complaint about a rockfall at the Bullen mine operated by Norseman Gold. The question was actually in nine parts, but only the first two parts are relevant to this debate. Those two parts are as follows —

- (1) Was it reported to the Department of Mines and Petroleum (DMP), that within the last eight weeks a large rock, believed to be as large as 40kg in weight, fell from the back of a diamond drill area in the Bullen Mine, and landed at the area directly in front of the seat used by the diamond driller?
- (2) If no to (1), will the minister direct the DMP to urgently carry out an investigation into this matter?

The answer that came back was —

- (1) No, not at the time that the question was asked.
- (2) An inspector followed up on this matter on 11 May 2010. [*see tabled paper no*]

We now have a record of what the inspector found. He said in his report —

In the company of Mining Manager ... and Mining Engineer ... —

I will not name the particular people concerned —

I visited the mine in regard to allegations that have been made of not reporting a serious incident.

Due to this Inspection Improvement Notice IC02266 has been issued regarding this incident.

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At the time of the incident the driller reported it to the shift supervisor who removed him from the area and had the area scaled, bolted and meshed before the driller resumed work.

That was in effect to make the place safe. The report continues —

A copy of the notice must be placed in the Mine Record Book and copies placed on Notice Boards around the site, you are also required to report compliance.

This is 2010. A serious incident had occurred. A 40-kilogram rock had fallen close to a driller. The area was fixed up. However, because the mine did not comply with the regulations, the workforce lost confidence that the matter was being dealt with effectively. The people who made the allegations told me that they raised the matter through their workplace, and they were told, “Yeah, yeah; it’s all happening.” Workers on other shifts heard about the incident. They rightfully wanted to know what was going on so that they could assure themselves that the mine was safe and that the lessons that had been learnt were being applied. But they did not get an adequate response. They then went to a union representative, Mr Shaun Maddock from the Australian Workers Union in Kalgoorlie. This sort of incident is amplified when workers are on multiple shifts, because workers do not know what has gone on in the shift behind them. It is very important that workers have clear handovers so that they know what is going on and can have confidence that their workplace is safe. That is particularly important when people are working in an underground mine. Mr Maddock took this matter, along with a number of other issues, to the Kalgoorlie office of the DMP, and tried to report the incident. That is when he was told that he could not report it—the department would not accept a report from him. He then rang me up and asked if I would look into the matter. So I did. Because this is a complex issue and it needed some investigation, I put the question on notice. A week or so later, the matter was investigated, and they found that the incident had occurred, and in fact it was so serious that the department issued an improvement notice for that mine.

In 2010, why does it have to take a member of Parliament to raise a serious concern about safety on a mine site for a matter to be dealt with? It is just not good enough. I believe the minister is very genuine in his attempts to clean up the mining industry. We support the minister in doing that. We support the minister in levying the mining industry to raise funds to improve the mines safety inspectorate. But there are some real inconsistencies in the way the DMP is approaching these sorts of matters.

Based on the same scenario that I have just given to the house, I put another question on notice to the minister. This question refers to the Higginsville mine. The question states, in part —

- (1) Has it been reported to the Department of Mines and Petroleum (DMP), that there are certain parts of the mill in such state of disrepair that, each time the inspectors from the DMP arrive, they shut that part of the mill down for fear of reprisals concerning dust and noise?
- (2) If yes to (1), will the minister direct the DMP to carry out an investigation into this matter?

The answer to that question was —

- (1) No such reports have been made to the Department of Mines and Petroleum’s Kalgoorlie Regional Inspectorate or to the Inspectorate in Perth.
- (2) Not applicable.

I would have thought that this question that I had put on notice was no different from the previous question that I had put on notice on the same day, 5 May. Yet in this case, the inspector chose not to carry out a follow-up investigation. What is going on here? Why did the inspector not do that? This was a serious enough issue to be raised in Parliament. It cannot be claimed that this was just a spurious complaint made by a person with an issue, because on the same day another incident had occurred that was found to be serious enough to issue an improvement notice.

Last night, we heard in estimates about the 72 full-time equivalents that are promised in the budget for the Resources Safety division. From the minister’s own admission, we do not know whether it is going to be 72 FTEs. It might end up being 50 FTEs, or even 110 FTEs. The minister did a pretty good job in answering questions about the risk-based analysis system, particularly considering he does not have a mining background.

Hon Norman Moore: I was born into it!

Hon JON FORD: But the minister has never worked in it.

Hon Ljiljanna Ravlich: You should have done a bit of hard labour there I think!

Hon Norman Moore: I have to come in here every day and listen to you! That is hard labour!

Hon JON FORD: I am actually giving the minister a compliment. But the response that we got from the head of the DMP was atrocious. I wait to see what the roles and responsibilities of those people will be. As I said to the

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minister last night, I think they are conning him. The Chamber of Minerals and Energy reckon they are conning him. They think that all we are going to get is a tweaking around the edges of what we know is a failed inspectorate regime. Everyone in this place agrees with that. All we are going to get is a gilded lily based on rubbish—a failed system. That is what the mining industry is expecting at the moment. Three meetings is all the consultation that they have had to date. That is what they are saying to me. They do not understand the terms of reference, and when they ask what the plan is, they are told, “We have got a plan, but we are not going to tell you what it is”. That is what they are telling me. It is an interesting scenario when the employer representative groups and the employee groups are both saying the same thing. We have got the evidence of that. Some of these allegations are serious enough for them to be reported to the Corruption and Crime Commission. However, as I have said, I am going to write to the minister and give him a chance to look at the matter. One of the most serious allegations that has been made is that what the DMP does is “out” the employees to the bosses.

Hon Norman Moore: The workers and the bosses! Is that what you are talking about?

Hon JON FORD: No. It is the DMP. I will call it the employer. The minister will have his chance to reply in a few moments. The consistent claim that is made is that when people go to the department to make a complaint, the next second they are hauled in front of the employer and asked what the heck do they think they are doing. Even people who do not make a complaint but are listed as witnesses to an incident get the same treatment. That is a serious allegation. People do not have faith that they can make a complaint if they think their employers are not doing the right thing or if they feel they are in an unsafe workplace. They cannot go to a supposedly independent person for fear of being hauled before their employers and intimidated. They have no escape. They had no alternative but to come to their local member of Parliament. I am sure that the same people have complained to Hon Helen Bullock. I know that people from the Mining and Pastoral Region have made complaints to Hon Robin Chapple.

We must have an inquiry to ensure that not only are these issues dealt with, but also, if anything untoward is going on in the department in a systemic way, it is dealt with so that we can move forward. As I have said, I am still astonished by the minister’s strong stance after the last fatality at Yandicoogina when he told BHP Billiton that it had to demonstrate that the site was safe before it could resume operations. It was still operating at the Perseverance mine site when a bogger fell over the edge. As far as I know, the minister has not had a response, or he does not know the cause of the accident.

Hon Norman Moore: You have made an assumption about that, which is a bit unfortunate.

Hon JON FORD: The workers out there do not know, so the minister might want to deal with this.

I have a number of fatal accident reports. The first report is from a bauxite–alumina mine involving a de-scaler contractor. It states —

It has been reported that a Foreman employed by a high pressure water de-scaling contractor working at an Alumina Refinery was fatally injured when he fell down a discharge chute in the early hours of 2 September 2009.

That is a basic operation. How can that happen? The next report is from an iron ore mine involving a fitter contractor. It states —

It has been reported that a 34 year old Workshop Fitter employed on a Pilbara iron ore mine was fatally injured when a dozer belly plate fell onto him during maintenance work at approximately 03.15 am ...

That is a standard bit of maintenance, yet the worker was crushed to death. The next report is from a surface iron ore mine involving a scaffolder contractor. It states —

It has been reported that a 45 year old scaffolder employed on a Pilbara mine expansion project was fatally injured when he fell through a grid mesh floor to a floor 7 metres below at approximately 03.00 am ...

How can that happen? How can a person just be walking along and fall through a grid mesh? This is 2010. That is the same as a person getting into the lift at Parliament House while talking to a colleague, only to find that the lift is not there and falling to the bottom. People have an expectation that they can walk around their work site and not be killed. Another report involves a rail track maintenance employee. It states —

A 56 year old track maintenance worker was fatally injured ... on the morning of 24 February when he was struck by a passing iron ore train.

That is bread-and-butter work. How can that occur? This gets back to what I said about the Perseverance mine, which is an everyday operation. I could go on and on. I received one complaint about an operation at a super pit.

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It was raining and five fully laden trucks skidded out of control before the road was closed. I am told that two years ago that would not have happened. There is some sort of pressure on these workers to perform.

Hon Norman Moore: What absolute rubbish you talk at times!

Hon JON FORD: I am telling the minister about the complaint.

Hon Norman Moore: Who has given that direction? Has somebody given them a direction, have they?

Hon JON FORD: The minister might want to be very careful how he responds.

Hon Norman Moore: And you ought to be, too.

Hon JON FORD: I am raising these complaints because these people do not have the faith to raise them with the Department of Mines and Petroleum for fear of intimidation and being outed.

Several members interjected.

The PRESIDENT: Order!

Hon JON FORD: The minister is making it into a union campaign. I know what he is going to say. That is his defence. He is not listening to the substance of the issue. The facts are here. As a result of a question asked in Parliament, an improvement notice was issued. It did not need to be done that way. If the system was working, the improvement notice would not have been issued and the mine would have done the right thing. But that is okay because those things happen. Nobody felt confident to go to the DMP office in Kalgoorlie and raise the issue. When the issue was raised by somebody else, that person was told to go away. It was not until it was raised in Parliament that departmental officers went out there. These are not signs of a system that is working well. This is not a department that is doing its job. Members, we need an inquiry into this department and we need it now to protect Western Australians.

HON NORMAN MOORE (Mining and Pastoral — Minister for Mines and Petroleum) [10.25 am]: I want to make several comments on this motion. First of all, the Department of Mines and Petroleum does nothing differently in the way in which it carries out its functions now from the way it has ever done them. I take great exception to the suggestion by the member who just spoke that somehow the department has a different attitude to mines safety now from that which it had two years ago.

Hon Jon Ford: That's not what I'm saying.

Hon NORMAN MOORE: That is what the member is implying, and that is grossly incorrect. In fact, it is an insult to all those workers at the Department of Mines and Petroleum who take their jobs very, very seriously. The member has even suggested that the Corruption and Crime Commission should be involved. I suggest to the member that if the CCC should be involved, he should take it there. What we are seeing today is part of a campaign by the union movement to involve itself in the mining industry. It is looking for a cause. It tried a cause a little while ago about housing and it did not work. It tried a campaign about salaries and it did not work. Everybody knows that they are doing pretty well with salaries and housing. The union movement had to find another cause and this is it, and Hon Jon Ford is doing its bidding.

Hon Kate Doust: And whose bidding are you doing, minister?

Hon NORMAN MOORE: The member can talk afterwards. We have 13 minutes.

This motion calls for another inquiry. I went through what the previous government did on the issue of mines safety. In 2004 it had the Ritter inquiry. It was completely ignored. In 2005 it had the tripartite Mines Safety Improvement Group report. What came out of that report? It was another review—the Hicks review. What happened to the Hicks review? Nothing; in fact, it did not even surface until I tabled it in Parliament. The previous government eventually got around to having the Kenner review, which it had to do because it is a statutory requirement under the Mines Safety and Inspection Act. That report was delivered to me, and I am delivering the outcomes of that report. For eight years the Labor Party sat around in government and had inquiry after inquiry and did nothing about the outcomes of those inquiries. Indeed, I have evidence that the department went to the then Treasurer, the now Leader of the Opposition, seeking some additional funds to provide the support needed in that particular safety division, and it got nothing. Mr Ford knows this because he was the minister. He got nothing, and so he went along for eight years in office —

Hon Jon Ford: Who is the minister now?

Hon NORMAN MOORE: I will tell members what I am doing. When I walked into this particular job, I got the Kenner report and I started implementing it. I made the decision to go to the industry and say that it is going to

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start paying. The Labor Party did not have the guts to do that. We are now changing the way in which we manage mines safety in Western Australia. We are sitting down with the industry and unions and working out how to make it happen in a collaborative way. All that the member and his friend Hon Robin Chapple want to do is ask me questions. Mr President, I will give you an example of what these members are doing. Since May, I have received 52 parliamentary questions containing between eight and 15 subparts. That is hundreds and hundreds of questions that have taken up —

Several members interjected.

Hon NORMAN MOORE: Why does the member not take something for that problem she has?

The PRESIDENT: Order! Hon Ljiljanna Ravlich will come to order, and other members will stop interjecting as well.

Hon NORMAN MOORE: I am not complaining about members opposite asking questions. I will just tell them about the outcomes of their questions, because all the questions simply asked, “Did so and so walk down a stope last week; and, if so, how far did he go?” and all that sort of stuff. It is all about different mine sites that members are targeting. It has taken 300 hours of the Department of Mines and Petroleum’s Resources Safety division to answer these questions.

Several members interjected.

The PRESIDENT: Order!

Hon NORMAN MOORE: Listen to the union thugs over there!

Withdrawal of Remark

Hon SUE ELLERY: I object to the reference to “union thugs over there”. I take personal exception to that remark and I object to it.

Hon NORMAN MOORE: I withdraw, Mr President.

Debate Resumed

Hon NORMAN MOORE: The point I am trying to make is that there are officers who work for the government and whose job it is to supervise mine safety in the mining industry, and 300 hours of their time has been taken up answering parliamentary questions of a kind that I would never have thought would be asked in this place. These are the kinds of questions for which members would ordinarily seek a briefing, which would be provided instantly. If any of the members who are asking these multiplicity of questions would like a briefing at any time, they are most welcome to have one, but I will not have staff whose job it is to look at safety issues in the mining industry spend any longer answering these thousands of questions.

Hon Ken Travers: If it makes you feel better, we used to get them when we were in government.

Hon NORMAN MOORE: Nothing like this. I have been shadow Minister for Mines and Petroleum on many occasions in the past, and I have never asked questions of the kind that are being asked now. Indeed, if I had a problem with a particular mine site, I would go to the relevant minister and ask for a briefing from the department about the mine site to find out whether there were any problems. The current opposition is targeting several mines in the Goldfields region because they want to get some union members into those sites. That is what it fundamentally comes down to. Most of the allegations that have been made in the questions that have been asked of me have no substance whatsoever. There may well be occasions on which there is substance to such allegations, but in an industry like the mining industry, there are no guarantees that every issue will be exactly as it ought to be, because things go wrong in every industry. As I pointed out on numerous occasions, the mining industry is by no means the least safe industry in Australia; it was about fifth on the last list I looked at. However, this is one area in our workforce that is still largely non-union, and the union movement is looking for a reason to get into the mining industry. What better way to do so than to start making countless allegations about safety issues at a time when the government is doing what Hon Jon Ford said we should be doing when he first became opposition spokesman for mining during this term in opposition, which is cost recovery from the industry to go down the safety case route? That is what we are doing. It has not been done in the past, but it is being done now. To launch another inquiry on top of the half-dozen the Labor Party launched when in government would be just ridiculous; we are getting on with the job of doing it. Another inquiry would set this back a countless number of years, such as we saw during the previous government’s period in office.

The member raised concerns about the Chamber of Minerals and Energy. I would like to know who the member is talking to in the Chamber of Minerals and Energy, because there is a representative of that organisation on the ministerial advisory panel, and he has indicated to us on every occasion that this matter has been raised that he is very happy with the way the process is working. If there are people who work for the Chamber of Minerals and

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Energy who have a different view, they need to talk to Mr Ashby, because he is their representative on this particular working panel. It is therefore simply wrong to suggest that it is somehow the view of the Chamber of Minerals and Energy that we are not doing the job properly.

Hon Jon Ford let the cat out of the bag when he started to use the old union rhetoric: “You can’t go and talk to the bosses”. That is the language that they use—the bosses and the workers—and forever there shall be a difference. Hon Jon Ford knows as well as I do that the only way to make real progress in safety on the mine site is for the employers and employees to work together on the same safety objectives, rather than to use it as a bosses versus workers issue for industrial relations purposes. That has been a problem for safety in industry for many years in many industries, not just the mining industry. We will only get somewhere with the new regime if there is collaboration and cooperation between the employees and the employers on every mine site and they both have the same objectives, which is to ensure that we have a safe workplace. That is the only way we are ever going to get the outcomes that we want. To have a safety case regime requires employees to be involved so they can identify, for the benefit of employers, the risks at each mine site so that they can be dealt with properly. That is the only way that we will make the sort of progress I believe we can make. For the member to come in here, along with Hon Robin Chapple, trying to create the impression that the entire mining industry is in turmoil over safety issues is simply a strategy for political purposes.

This department does not operate any differently now from how it operated in the past. There is no need for an inquiry; we have had enough of those. It is time to get on with making the difference that needs to be made. I do not know whether other members of the opposition are going to speak on this; I suspect that some of them will, because they cannot help themselves, but they might like to tell me why the previous government did not put any extra money into this department following its request in 2005 to the then Treasurer for some \$10 million per annum of extra money. The department needed up to 70 extra full-time equivalents—maybe there is a bit of history in respect of the number 70 or 72—and did not get them, so the opposition might be able to tell me why that money for mine safety was not forthcoming from the Treasury to the then Department of Industry and Resources. Can members opposite tell me why the Labor Party did not do anything about the Ritter inquiry, which was set up by Clive Brown when he was the minister? That is almost in antiquity. Nothing was done about that report.

Then there was the tripartite mine safety improvement group report in 2005. The principal recommendation of that work was that the government should carry out a feasibility study. We had a report the outcome of which was a recommendation for a feasibility study! The feasibility study was carried out by Mr Hicks. Mr Hicks’ independent ministerial review, completed in 2007, sat on a shelf gathering dust until, ironically, someone from the Labor opposition asked me, when I became minister, if I would table it, and that is the first anybody ever saw of it. The previous government did nothing other than hold inquiries, and out of those inquiries it did nothing. Now that there is a minister doing something, the opposition comes into this chamber and criticises what the government is doing.

I have taken the decision, and the opposition has supported it—I am grateful for that—to take money out of the pockets of the bosses, if that term is of any help to the opposition, to pay for mine safety in Western Australia. That will provide us with significantly greater funds to do the job that needs to be done. That is the sort of money that the previous Treasurer would not provide to the previous Minister for Industry and Resources after he requested it. That has been done, and we are now sitting down with industry and the unions to work our way through the implementation of the new—I use this term broadly—safety case strategy for mine safety improvement.

Hon Jon Ford: Where’s the line item that covers that?

Hon NORMAN MOORE: The member will probably get three hours sometime on the committee that looks at the budget; I am happy to answer all those questions then. He did not ask me that last night, and he could have. I make the point very clearly that we are doing what has not been done in the past. When I saw this motion last night, I thought it was a dorothy dixer. In the last six months of the former government, Hon Jon Ford was the minister responsible for mine safety. What did he do that was any different from what his predecessors did? Why did he not do something about either the Hicks report or the Ritter report? Why did he not get Mr Kenner’s review and get on with the job of doing something about it? Why did he not do anything different from his predecessors, who did nothing? The member knows as well as I that this government is doing the sorts of things that the member would be doing if he was still a minister. If the member was still the minister and had the guts to do it, he would have gone down the same path —

Hon Jon Ford: We lent resources across to the commonwealth to allow that to occur.

Hon NORMAN MOORE: All the member ever did was to let the commonwealth government take it over. Clive Brown was put in charge of a national mine strategy to give him a job for four or five years. At the end of

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the day, the federal government will run mine safety like it runs the installation of Pink Batts in roofs. We are happy to get into that any time members opposite like. Hon Jon Ford has raised some issues today. I am very disappointed with the line the member has taken on the staff who work for the Department of Mines and Petroleum. To the best of my knowledge, they are all dedicated professional people who do the best job they can. If the member can give me some examples—anonously if he wishes—of people who work in the department who are not doing their job properly, I will deal with it. Do not come into Parliament and make unsubstantiated allegations, such as the member has done today. It is not becoming of him.

HON ROBIN CHAPPLE (Mining and Pastoral) [10.41 am]: It is important for me to inform the chamber that I started work in the mining industry in the Pilbara in 1974. I originally worked for Lang Hancock in Wittenoom. It was a very interesting mine. I worked in the old workshops, which are now long gone. We used to have to sweep the floor every morning, which was littered with asbestos tailings, so that we could continue our work. Thankfully, those days are long gone. The mining industry improved, I think quite dramatically, up until the late 1990s. Later, I worked for BHP Billiton Ltd and was heavily involved in occupational health and safety. My recent experiences of going to some of the mines and mine sites in the Kalgoorlie region have been really concerning. It was also concerning to listen to the Minister for Mines and Petroleum last night when he said during the estimates committee that we need to get away from the very strict regulatory regime that has existed in the past. That is the nub of the problem.

Hon Norman Moore: Hang on a minute, we haven't changed that yet. You are telling me that the system you want to keep is the nub of the problem.

Hon ROBIN CHAPPLE: The minister said that we need to get away from the very strict regulatory regime that has existed in the past. They were the minister's exact words.

Hon Norman Moore: Exactly right, but it hasn't been changed yet.

Hon ROBIN CHAPPLE: I have been asking questions in Parliament about the very strict regulatory safety regime. On 4 May 2010, I asked question on notice 2317. The minister's answer to that question identified that 0.8 per cent of the vehicles being moved around were overloaded trucks. That equates to 2 785 trucks that are overloaded beyond the manufacturer's recommendation. Each load is a breach of section 9.1 of the Mines Safety and Inspection Regulations and attracts a penalty of \$250 000 for each breach, as was stated in answer to my question on notice. Nothing was ever done about those. Think about 2 785 breaches being multiplied by a penalty of \$250 000 for each breach. No other industry would tolerate 2 785 breaches. Currently, that seems to be fine in the mining industry. The minister admits that there have been breaches of regulation 3.25 of the Mines Safety and Inspection Regulations. This is arrived at in answers to questions on notice 2391, 2010 and 2390. Bear in mind that these breaches have occurred after there were two deaths at Kalgoorlie Consolidated Gold Mines' mine. KCGM was charged with failing to appoint an eligible person as deputy quarry manager. Despite all this, the large corporation has had two deaths at its mine and still has failed to appoint an eligible person as a deputy quarry manager. These are the reasons that we are asking these questions. The very answers to the questions have identified that the inspectorate is not doing its job. I asked a question about the number of primary and secondary ventilation complaints lodged with the mine safety inspectorate for the past 24 months. The minister said that a complaint had been lodged with the department. Internal company records, referred to in my question on notice 2315 on 15 June 2010, show that the Raleigh goldmine's ventilation was in noncompliance with the Mines Safety and Inspection Regulations. It is totally wrong for the minister to say that it has been in compliance.

I want to read from some personal notes made by somebody who one would not necessarily expect to be concerned about working in the mining industry. I refer to a former farmer who ventured into an underground mining job, which he started in June 2008. During the time he worked in the mining industry, he performed the duties of a nipper—that is a single-boom or twin-boom jumbo operator—and worked as a long-haul operator, an air-leg miner, and underground truck driver, underground loader operator, underground bogger operator and as part of an underground service crew. He had been trained in all those roles. He points out that on the first day he attended work at a particular underground mine for induction, he had a few queries and concerns relating to the underground environment in which he was to work. He was in a room with a long-term experienced miner and was left to complete the paperwork that formed the induction. He had very little understanding of what was expected of him and was pressured by the safety and training officer and mine foreman to get the paperwork filled in as quickly as possible. There was no help or training available to him at that time so he could not ask questions or get answers to what he was expected to do. He did not properly understand his duties and obligations but he still wanted to work in the mine and so he kept going. He was told that he would be working in a very hazardous environment and that his duty of care was to the business and his fellow workers, and that that was to be very high. He did not properly understand much of the inducted material and relied on the experienced miner to help him get the correct answers. He was quite concerned that he was signing to take

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accountability for many things that he did not properly understand, but he needed a job and was reassured by the experienced miner that he would work with him and that he would explain what was going on. The employee said that after all the paperwork was signed, he was to be shown around the mine before he started work to get some hands-on experience. He said that immediately after he signed the documentation, he was assigned to handling an air-leg nipper and never got to see the mine and was never shown any of the safety areas or the refuges that he had been told in his induction that he needed to acquaint himself with. He went on to identify the number of occasions on which he found himself in hazardous circumstances. For instance, on one occasion he had to get to the roof of a mine. He drove his vehicle up onto a mullet dump—which means that the vehicle was facing upwards—and with another colleague he climbed up the vehicle to stand on top of the bonnet to access the roof of the mine. He and his colleague did so without wearing any safety gear. Those are the sorts of things that apparently are going on in the mining industry; things that were not allowed to happen when I worked in the industry.

Minister, I do not know what is going on. I am concerned that the mines inspectors are not doing their job. I do not think the issue pertains to all mines inspectors, because I have been advised by some workers that they trust one or two mines inspectors. It seems that a series of incidents have occurred that are beyond the pale of normal operating circumstances in an industry that I once enjoyed working in.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [10.52 am]: I support Hon Jon Ford's call for an inquiry into this matter. I listened to Hon Norman Moore's response. He has long been engaged in this area. For the past couple of years I have listened to Hon Norman Moore as the minister responsible and to his answers to questions and his responses to adjournment debates raised by Hon Jon Ford. I had thought that there was a light at the end of the tunnel; that there would be change. It seemed that Hon Norman Moore was being more proactive —

Hon Norman Moore: — than my predecessor.

Hon KATE DOUST: No. He seemed to be more proactive than what he had been in the past. He appeared to be genuinely committed to reducing the number of incidents and fatalities in the industry. He made a series of commitments and I thought that if he was genuine about those commitments then we would see change in the industry. Like Hon Norman Moore, I, too, have grown up in the mining sector. Many generations of my family have worked—and some still work—in that industry. I have a genuine interest in what is happening with both occupational health and safety legislation and the practise of occupational health and safety in the workplace. I want to ensure that the members of my family who still work in that sector come home safely, because some of my family members have perished whilst working in that industry. I was disappointed when Hon Norman Moore responded to Hon Jon Ford by simply falling back on his standard rhetoric of union bashing, which is his protection and his shell. Union bashing is his standard rhetoric. He always reverts to referring to people on this side of the house as union thugs. I do not know how many times in the past eight or nine years I have heard Hon Norman Moore do that in an attempt to put up a shield when he does not want to deal with the issue. He is in denial and does not want to respond. Hon Jon Ford and Hon Robin Chapple have outlined a number of examples and raised serious concerns and allegations about the manner in which matters are being handled in the area of occupational health and safety in the mining sector. Not once during his response did the minister say “I will investigate that”, “I will consider your concerns” or “I will take that on board”. These are serious concerns. A member of Parliament has had to bring these concerns to the attention of this chamber. If we look at the detailed questions that Hon Jon Ford has been asking —

Hon Norman Moore interjected.

Hon KATE DOUST: Do not dare speak to me like that. Hon Norman Moore is grumpy and cantankerous. His own colleagues regard him as a bully and a thug. Perhaps he should take a Bex.

Several members interjected.

The PRESIDENT: Order, members! We have already had the withdrawal of the word “thug” because some members inferred that it referred to them personally. If we are going to be consistent, that word should not be used to describe any member in this debate.

Hon KATE DOUST: I will not call the minister a “thug” this time.

The minister did not respond by showing any concern. He covered up the issue with his standard rhetoric. The general WorkSafe legislation has very clear lines about discrimination. Employees and employers need to consult and communicate about this vital issue in their workplace. That is paramount, particularly in this type of workplace. There are similar sections in the Mines Safety and Inspection Act. I refer to sections 68A, 68B and also to section 69, which refers to other discriminatory treatment of employees or prospective employees. That

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section is very clear about the manner in which employees, safety representatives and contractors need to be treated by the employer if they have raised an issue. They cannot be discriminated against or treated less favourably—I think those are the words used in the legislation—or have their employment terminated because they have raised a safety concern with a safety inspector, union official, employer or departmental official. The employer is not allowed to treat them any less favourably; if it is found that they have treated them less favourably, a penalty will be imposed. On the basis that Hon Jon Ford has raised these issues, and on the basis that he is seeking answers to a number of questions on this issue, surely the minister would have asked himself whether these people are being discriminated against. There must be an issue if they are reluctant to raise issues with the Department of Mines and Petroleum. I can draw on my experience as a union official. I had 10 years of hands-on experience working in health and safety. Even though I worked in the retail sector and the issues were vastly different, I know that people were put upon. There are very subtle ways of putting pressure on people to not raise issues. Although senior management may be fully supportive of the provisions in the legislation and regulations and although they want to have their policies applied and working and have all the best of intentions, quite often when we get down to the coalface, so to speak, that does not always happen. Because of other pressures on management, they want to cut corners and pressure is applied to people to not raise issues. When corners are cut, risks are taken and things go wrong. If pressure is being applied to not raise issues and to not take up a matter with the department, that is a real concern. If people are being intimidated in their workplace by management that is a major concern and that is something about which the minister should be asking questions. Given that Hon Jon Ford has raised these matters, rather than referring to Labor members as union thugs and referring to this issue as a union membership recruitment drive, the minister should be going back to the department and asking whether there is any veracity to these claims.

Hon Norman Moore: That is exactly what I am doing.

Hon KATE DOUST: The minister did not say that. He gave the standard speech that he has given for the past eight or nine years—and probably beyond—about health and safety in the mining sector and the relationship between all the players. The minister needs to articulate a plan about how this will work. The minister has talked about increasing the number of inspectors, which is good. He needs to articulate how it will work. I have never heard the minister give a clear explanation of how this will play out. Unfortunately, I missed yesterday's estimates on this portfolio. I look forward to reading the *Hansard*. The minister has said that he does not want staff spending all their time in their offices answering questions. I, too, do not want them spending time in their offices. I want them out working in the field. The information that was provided to Hon Jon Ford in one of the minister's responses outlines where the various staff will be located. After looking at the list it seems that they will predominantly be located in the city. If we are going to employ all those extra people to work in the mining sector to monitor, manage, inquire into and work to improve safety in this area, surely the minister would want them based in those areas where mines exist. But no, based on this information, they will be in the city, sometimes hundreds or thousands of kilometres away. I am wondering how that will work. Is that part of the plan? Does that mean they will be doing other things that are not related to the purpose of their positions? I have a real concern with that.

I say to the minister that when these very serious issues are raised, rather than deflecting them every time they come up and complaining about an excess workload, he should remember that at the end of the day every life that is lost has a flow-on impact on not just the individuals but also their families, colleagues and community. They can never be replaced. The minister's job in the oversight of this area is to make sure these things do not happen. I know from what he has said to us that he is committed to that. We are therefore saying to the minister today that he must deliver on that, and if complaints are being made, he should have an inquiry and investigate them, and make sure that the department is working. He should make sure that when people have a safety issue, they can have the confidence in the department to directly approach an inspector and raise their concerns without being discriminated in their workplace and without the threat of losing their job.

Hon Norman Moore: You're all talk and no action.

Hon KATE DOUST: We are not; the minister is. If he delivers on this, we will change our position. This is the minister's rhetoric. The minister is responsible. At the end of the day this is on the minister's watch; he has to deliver. If he is prepared to have workers intimidated, this will never work; it will not matter how much money he pours into it. But on his watch, he has to make sure that his plan, which he has not articulated fully yet, will work. He should go away and find out whether there is legitimacy to these complaints. If there is, he should take the appropriate action. I say to Hon Jon Ford and Hon Robin Chapple that when workers make those complaints, they should follow them through with the department and have any discrimination investigated.

Hon Norman Moore: You should be embarrassed with that speech.

Hon Kate Doust: I am not embarrassed; the minister should be.

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Hon Norman Moore interjected.

The PRESIDENT: Order! Hon Alison Xamon.

HON ALISON XAMON (East Metropolitan) [11.01 am]: Mr President, I rise to speak to this motion.

Hon Norman Moore interjected.

Hon Kate Doust interjected.

The PRESIDENT: Order! Both the Leader of the House and the Deputy Leader of the Opposition, please come to order. I have given the call to Hon Alison Xamon and I cannot hear her over your banter.

Hon ALISON XAMON: Thank you, Mr President. I rise also to speak to this motion and to share my deep concerns about the sorts of allegations that are being levelled at the effectiveness of the department to be able to respond appropriately to issues of worker safety. I am very concerned when I hear allegations of people who wish to raise legitimate issues of safety in the mines feeling too intimidated or discouraged to do so, and lacking confidence in a government department to take them seriously because of concerns about a culture that exists within the department.

Hon Norman Moore: Are you suggesting that is a new culture or that it has been there for a very long time?

Hon ALISON XAMON: I am not suggesting that it is new at all. I am very concerned about it and I certainly expect the government of the day to be very concerned about it as well. Since taking my seat in this place, I have heard a series of individual complaints that have been brought to the attention of the house, particularly by my colleague Hon Robin Chapple, as well as Hon Jon Ford. I feel a significant amount of disquiet when these concerns are brought to my attention. They are not unique concerns; they have also been brought to my attention specifically by members of the union movement, in this instance union officials as well as union delegates. It seems that they are raising exactly the same concerns. I do not agree that this is simply a campaign by the union movement. The reality is that we know that workers have died and that the potential for more deaths is ongoing. On that basis alone, unfortunately, the proof of the pudding is in the eating that perhaps things are not as they should be. I do not accept that it is inevitable that workers will die on the job and therefore that is okay. We need to always strive for a zero rate of deaths and we should be taking every single measure possible to ensure that.

I also note—I am happy to give credit where credit is due—that some positive measures have been made to improve mine safety. I note again that there was unanimous support within this chamber to move to the cost-recovery model to ensure that we could employ more mine safety inspectors. However, I am also concerned that we are yet to see how that will be enacted. Excuse my impatience; I am impatient when it comes to workers' lives. I am therefore keen to see how that model rolls out. I certainly hope that it will live up to expectations, because it is critical.

This issue of mine safety is particularly pertinent to us—I am aware that deaths occur right across WA in most sectors of employment—because mining is critical to Western Australia. It employs a huge number of workers. A huge number of workers live in my electorate who are part of the fly in, fly out culture. This is pretty much their first and only opportunity to accumulate any sort of financial stability. I am very supportive of their being able to achieve this. The one thing I do know is that when workers are going up north to get their opportunity to earn some money, they do not expect that they will die on the job or be seriously injured. There is a real expectation from these workers that they should be able to rely on the government and regulatory bodies to provide the necessary measures to ensure that they will be safe. Whether we like it or not, we have to recognise that sometimes the imperative to make money stands in the way of best practice safety measures. They can be conflicting priorities, and that is why it is very important that government play a very keen role in monitoring that. I am not suggesting for one second that the minister does not care about worker safety. I have not heard anyone in this place say that. I have heard people acknowledging the shared belief that no-one wants to see workers die. I certainly agree that there has been a chronic lack of action in this area, which was inherited, for too long.

I will say that, every time the issue of mine safety is raised in this place, I get really sick of what I think is a trite and inaccurate response that anyone who dares to raise issues of concern about worker safety is interested only in closing down the industry. In my instance that is an absolute lie. I also take objection to what was a rather cute response from the minister some time ago that if individual workers have some concerns, they can take them up directly with him. That showed a total lack of understanding of, firstly, how many complaints there are and, secondly, the way things work in reality. The concern by individuals here is that they will be identified and subjected to discriminatory practices when they are back on the work site. I think it is a reasonable expectation by everyone, and I imagine it is an expectation the minister will hold, that the department responsible will act on complaints quickly and impartially.

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I also share Hon Kate Doust's concerns. I want to hear some very clear statements from the minister that he is also concerned and will take effect rather than complaining about questions being brought to his attention and being wholeheartedly dismissive of anyone who dares to raise concerns.

I agree that more money is needed in this area. I have agreed for some time that we have needed more money in this area. I note that cost recovery will go some way towards that. I recognise that we have needed money in this area for at least the past 18 months while the minister has had responsibility.

Although it is fun to constantly rehash what happened in previous years or decades, ultimately I am interested in what is happening for the workers now and into the future. I understand that the minister has full confidence in his department, but I point out that his view is not shared. If the minister is really so keen to ensure that the workers are kept out of the union movement and are not able to use the issue of worker safety as an industrial tool, and I do not agree that this is occurring, then quite simply the answer is clear: make sure that everything is so squeaky clean and the confidence is so high within the department that workers will not feel that they need to join the union movement. Perhaps they want to join the union movement for a range of other issues.

It is really quite simple and easy. Very serious concerns are being raised and I am calling on the minister to stop playing politics with this and to actually investigate the issue to make sure that his department is doing its job.

The PRESIDENT: Order! One person has the call, not six members at once. Hon Alison Xamon.

Hon ALISON XAMON: I have finished, Mr President.

The PRESIDENT: Sorry. The question is that the motion be agreed to. Hon Matt Benson-Lidholm.

HON MATT BENSON-LIDHOLM (Agricultural) [11.12 am]: I, likewise, welcome the opportunity to contribute to today's debate on a non-government business motion. I certainly agree with the comments of my colleagues that Hon Jon Ford's motion is a timely and necessary reminder, if we do not already know it, that the workers in Western Australia's booming mineral industry face great dangers every working day. There is a compelling reason that this motion needs to be supported. Hon Kate Doust certainly backed up everything that Hon Jon Ford said about the need to support this motion.

As members of this house would know, the mining industry has been part of Australian economic and social history since the mid-1800s. It is important to note that the loss of life and serious injury suffered by so many resources development workers over time is indicative of an industry that warrants constant attention and the development of workplace strategies and practices that put workers first. Even though the minister has been vehemently denying the obvious, surely he would be prepared to acknowledge that a review and revamp of the systems that are in place is something that all good governments would do in the fullness of time, irrespective of the views expressed in this house.

It is also important to note that we are dealing with highly skilled professionals who often work in remote, hostile, and sometimes quite inaccessible, parts of the country and their workplace protection is something that members on this side of the house will always treat as a priority. The imperative then must surely be to maintain a highly skilled and productive workforce by having the best possible strategic approach—that is the point that Hon Kate Doust was making—to workers' health, wellbeing and mine safety generally. I put it to members that obviously economic development and improvements in gross state product and gross domestic product at a national level are completely and utterly linked to a dynamic, skilled and healthy workforce.

In terms of the relevance to me, I do not have a mining background but I have family involved in the mining industry, particularly in the area of heavy earthmoving equipment. I stress that in the Mid West we have perhaps the newest resources development hot spot. This area has opened to development with significant returns to mining companies and regional and state governments. Obviously, the onus is on all participants to ensure nothing but the best in safe and sustainable work practices. If I remember correctly, the minister remarked on one occasion about the lack of substance to allegations from Hon Jon Ford in relation to this very issue. I certainly put it to him that one of the issues he needs to give consideration to is the comments by members on this side of the house about the impact of the problems on families and friends of those people who are, if not fatally injured, maimed by industrial accidents.

As the state's resources development sector continues to grow, particularly in the area of the Mid West, it is natural to expect the Department of Mines and Petroleum's Resources Safety inspectorate will need to cover more territory and oversee the safety of greater numbers of mine workers. It is something that we need to bear in mind. As Hon Jon Ford pointed out, there definitely appears to be problems and issues associated with the department in relation to its resources safety area, all to do with what the opposition believes to be the inspectorate's failure to protect Western Australian mine workers in a complete and total sense. There appears to be an issue associated with this particular area. If that is the case, and the increase in the number of complaints

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that are made by mine workers in Western Australia continues to grow, as they have over the past 12 months, the issues will not go away.

It also appears that more and more mine workers are experiencing bullying and threats when drawing workplace safety issues to the attention of administration or managerial staff—we can call them bosses if we like. It is a fact that the bullying and threats come on the back of a number of fatalities or serious injuries in recent years. Hon Jon Ford made the point about the nine fatalities that have occurred at BHP Billiton in the past five years. That is indicative of a real sense of urgency that that issue must be addressed in the very near future. Clearly, the opposition is suggesting that the system is failing workers. There should not be any fatalities or serious injuries.

Hon Norman Moore: We would all love that to be the case. It is the same in all industries, not just the mining industry.

Hon MATT BENSON-LIDHOLM: I know, minister. Maybe I am talking about a goal that we can try to achieve. I understand what the minister is saying. However, we need to put ourselves in the place of the families of workers affected.

Hon Kate Doust made a compelling argument why the government needs to initiate some sort of inquiry, despite what might have happened in the past, into the effectiveness of the Department of Mines and Petroleum's Resources Safety inspectorate.

I ask members to consider a few points, which largely come from what Hon Jon Ford said. The point is that serious accidents or incidents have continued to occur in the resources sector since the current government came to power, despite its claims that the problems of safety would be largely addressed. It has been suggested that maybe the Department of Mines and Petroleum has tried to talk workers out of making complaints and it might be refusing to take complaints from anybody other than an employee. If that is the case, obviously union representatives are no longer part of that particular consultation process. Suggestions have also been made that the department is giving mining companies notice about closing down operations prior to visits, thus controlling access during an inspector's visit. On those issues, Hon Jon Ford made a compelling case for a more open and comprehensive inquiry into this industry.

Workers will continue to die or be seriously injured if something is not done. I am not saying that what has been done in the past has not necessarily been in good faith and has not attempted to address the issues; my contention is that more needs to be done. Simply throwing more money at staff and the like will not necessarily solve anything. The minister, I believe, needs to sit down with the industry and the regulator to ensure the best possible strategic approach is taken. That point was made again by Hon Kate Doust. A strategic approach must place workers' safety first. For the best possible economic and industrial outcomes to be achieved, in consultation with the government, the minister must sit down and put in place appropriate methodologies that will achieve the various conditions that workers and their families are owed by the state of Western Australia and their employers.

HON JON FORD (Mining and Pastoral) [11.20 am] — in reply: The minister tried to rebut the claims made in the debate on this motion by claiming that this is part of a union campaign. It is not. He also tried to rebut points made in the debate by claiming that safety is being used in the context of an industrial campaign. It is not. He also tried to say that—Hon Alison Xamon talked about this—throwing a lot of money at something is going to fix it. The minister's point was that for safety to be effective, the cooperation of all parties involved is needed.

I have worked in a lot more dangerous industries than the mining industry. I have worked in aviation. It has a much higher potential for danger than does mining. I have worked in the hydrocarbon industry, which also is much more dangerous than mining, yet the level of injury in those industries compared with that in the mining industry in Western Australia is a lot less. That was shown very effectively at Varanus Island, where there was a massive explosion and not one injury, because systems were in place, and even though there was a catastrophic failure —

Hon Norman Moore: I suspect there was a fair bit of luck attached to that, too.

Hon JON FORD: Yes; people do need luck to cope with that. However, it is going to take a long, long time to implement the scheme that the minister wants to put in place. In regard to a risk-based analysis, there need to be transitional arrangements, and there needs to be a totally different approach to the competency levels by the department. Both industry and employees must have faith that the path they are being taken down by the Department of Mines and Petroleum is the correct path. I can tell members that they do not have that faith. When I go into mining towns in my electorate, there would not be a time when I do not have issues raised with me. This happens at barbecues, in the shopping centre, over cups of coffee and in my office in Newman, and these issues are raised as much by engineers as they are by supervisors and other employees. The most common dominator in all this is finger-pointing at the DMP and people asking what the department is doing. They talk

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about inconsistencies and risks to jobs, because they are outed to their employers, and the consequences of that. This is a very tight-knit community in Western Australia. It is a small population but a massive industry. The perception of a lot of these people is that they cannot speak out—they have no-one to speak to—for fear of being outed and losing their jobs and that opportunity.

For the sake of the industry and for the sake of the reputation of the department, but, more importantly, to ensure that we take workers down a path that will protect them so that they can enjoy the benefits of working in the mining industry, we need to have an honest and open inquiry into the way in which the DMP is functioning currently, because it will be a long time before we go to the new system. We will have the same prescriptive system not for just a few months, but for years to come, in one shape or form.

Hon Norman Moore: It's going to take time to change, isn't it? You know that as well as I do.

Hon JON FORD: That is right; but we need to make sure that there is faith in the industry that the people who will lead them down that path will lead them to a better place, and currently that is not where we are.

Motion lapsed, pursuant to temporary orders.