

ERZC SOLUTIONS PTY LTD

To Whom it may Concern.

I am writing this submission as an individual that will be impacted by the proposed changes in the Mineral and Energy Resources and Other Legislation Amendment Bill 2020. I am currently employed as a Statutory Official and have worked in the Queensland Coal Mining industry since 2006. The amount of workplace fatalities that have occurred in our industry in the last two years is abhorrent and I commend the government on taking action to make updates to the legislation in light of this.

Although many of the recent amendments to the Queensland Coal Mining legislation have been positive and some of the tougher penalties will hopefully help to ensure a higher level of competence and compliance throughout a mines management structure, there is part of the new bill that I believe will not achieve its desired outcome and may actually have a negative impact on mine safety.

The new requirement that "persons appointed to critical safety statutory roles for coal mining operations must be an employee of the coal mine operator" apparently will help mine safety by ensuring that statutory officials who are subcontractors can not be pressured into making decisions that will put production before safety. I have been working as a Statutory Official for longer than seven years and in this time I have worked for several Mine Operators as well as more recently as a subcontractor.

From my experience in this role, on both sides of the proverbial fence, I can tell you that it does not matter who or how you are employed in a statutory role that determines how you ensure that the workers you are responsible for remain safe and come out of the mine the same way they went in. It comes down to the individual statutory official's knowledge, ethics, training and skill. Being a direct employee of a Mine Operator does not indemnify you from being pressured, bullied or moved from your current deployment in the mine, in fact it actually makes it harder for an individual to leave an employer that is treating them unfavorably.

As a subcontractor I have found it is even more important to ensure I operate to best practice standards as a statutory official every shift due to the fact that I am personally liable for any omissions or mistakes that I make that could affect the safety and health of the coal mine workers under my control. Being a subcontractor also gives me more



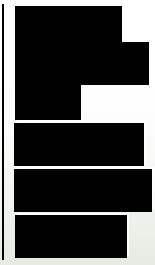
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freedom to choose a workplace where I feel supported to make the right safety based decisions by management and also the freedom to leave a workplace on short notice if I believe management does not have the coal mine workers safety as the highest priority. I believe this to be the case with all subcontractors that I work with and as such I believe it would be detrimental to the industry to force statutory officials to be directly employed by the coal mine operator.

Freedom of choice of employer and employment type is a right of employment. There are many other jobs in the mining industry that have statutory elements (electricians, fitters and supervisors) and no mention of forcing these roles to be employed by the Mine Operator. This requirement does not really fit with the safety narrative and instead I believe it would create more industrial relations problems for the industry without positively influencing the safety of coal mine workers.

This lack of freedom of choice would also affect the livelihood of Statutory Officials in the fact that the government would essentially be restricting the "free trade market" of Statutory Officials. This would negatively affect the total salary of all statutory officials, subcontractor and permanent alike. This restriction of trade also ensures that people who excel at their job as a statutory official and want to utilize this as well as their business acumen can no longer create companies that assist mines with continuous improvement by providing statutory officials in various positions.

Mine safety and the safety of those who work in some of these dangerous environments can never be taken for granted. And as such, investment and investigation into improving safety legislation, technology, procedures and personal protective equipment should be at the forefront of any governments strategy into improving mine safety. This can be evidenced by looking at the inhalable dust disease saga that is still developing in our industry due to decreased vigilance from all levels of the mining industry. This occurrence of "resting on our laurels" and believing that the tests and procedures we have in place are of the best standard and not ensuring that we strive for continuous improvement is where I see the industry is failing. As evidenced by the Brady report, investigating and mitigating this cyclic mining industry safety culture of apathy followed by increased vigilance following fatalities should be the focus of any new legislation changes, not who a safety official works for.



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