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21st February 2020.

Dear Sir/ Madam,

Reference: ***Mineral & Energy Resources and Amendment Bill 2020. Other Legislation: Clarification of appointment requirements for statutory office holders.***

I have been actively employed in the mining industry since 1996. During this timeframe I have gained extensive mining experience performing a cross section of roles within the industry, which include the following:

Western Australia: 1. Coal Mine Worker.

2. Third Class Deputy. # C.2.92

3. Production Foreman/Supervisor. (OCE)

4. Metalliferous U/G Gold Miner.

Queensland: 1. Coal Mine Worker.

2. ERZ Controller 1996 - #3517 /Development Coordinator

3. Development Superintendent.

4. Acting Under/Shift Manager.

Please accept the following submission, which I wish to tender with regard to the parliamentary commission in respect to the ***Mineral & Energy Resources and Amendment Bill 2020. Other Legislation: Clarification of appointment requirements for statutory office holders.*** This submission will be tendered in the context that I strongly disagree with the proposed amendments. Also, I would like to note my extreme disappointment with the lack of open and transparent consultation associated with the introduction of the proposed amendment.

Throughout my career I have taken pride in my personal record and the standards that I have delivered with regard to safety in the workplace. Fortuitously I am relieved not to have lost any of my workmates or colleagues on 'my watch', throughout my career. However, I have witnessed and I am fully aware of the devastation that such accidents bring to our industry, individuals and families alike. Through this submission I'd like to concentrate on areas where I believe that not only Statutory Officials but the industry as a whole can focus to improve our industries safety record. The professionalism of individuals, communication mechanisms and training are the main areas which I'd like to address.

Professional Status:

Regardless of employment status, a person appointed to a statutory position within the Queensland Coal Act 1999 should have a clear understanding that they have an obligation to conduct themselves in a professional manner. The expected professionalism, morals and ethics should be upheld to a level, no different to expectations that society place on other professions, such as medical professions.

As an example a medical doctor, whether employed on a full-time basis or in the capacity as a "Locum" are answerable to an external body. Medical professionals are monitored by AHPRA whose task it is to investigate complaints, noncompliance and breaches of codes, practices and ethics. If a medical professional is found to have practiced outside the recognised standards, and are in breach, then they possibly stand to:

- Lose their current employment.
- Lose the right to practice in their profession either short term or indefinite
- Face fines or imprisonment.
- Possible bans regarding gaining registration in other associated professions or corporate positions.

As illustrated from the above example the professional body overseeing the medical profession operates in an independent nature, similar to the Mines inspectorate. There is no regard taken into account of whether the person is an 'employee' or 'Contractor'. Therefore any required disciplinary action is applied accordingly regardless of the means or status of person's employment.

I believe a type of system such as that in the medical profession needs to be reviewed and adopted to our "Statutory Officials" to drive the required culture/behaviour to move the industries safety record forward to better outcomes. I am sure there are learnings our current industry can adopt from other industries such as medicine to improve our culture to act as professionals.

The thought of making an individual an employee seems a magical remedy that transforms them into the required professional is a complete fallacy. In my experience, I have witnessed examples resulting from the action of making a person an employee leading to a negative outcome on the person's professional conduct performing their role. The premise of some individuals is that, as an employee it is more difficult to be dismissed or reprimanded has led to unsatisfactory levels of performance. The industries approach should be focused on facilitating Statutory Officials to behave like professionals and making them more accountable for maintaining their accreditations and not their employment status. The industry needs to follow the models of other professional groups operating in our society.

Government Body Reporting & Complaints Mechanisms:

Currently the avenues or paths available to make complaints or reports to the Inspectorate is not readily available or known. Currently reporting "Safety Issues" inhouse on a mine site has two avenues, those being:

1. Direct to Management.
2. Report to SSHR.

In a perfect world direct reporting to management should be a straightforward process where issues can be tabled, and an individual should feel no recrimination is likely to be forthcoming. To discourage such recrimination from a mine or management team a disincentive may need to be implemented. If the pathway is simplified for individuals to lodge complaints to the inspectorate or an external body, the mine or individual could be investigated, and appropriate actions put in place by the inspectorate as required. Again, if the behaviour is addressed the problem can be resolved. As an industry we should not live in hope that bad behaviour and quality safety outcomes will be simply resolved by a Statutory Officials employment status.

Again, in a perfect world any complaint brought forward to an SSHR should be processed through the correct course without prejudice. It is possible dependent on employment status or beliefs that this position could possibly be selective with complaints brought forward. If staff or contracted individual were to approach dependant on the content of the complaint and professionalism of the SSHR, then the outcome may not be positive or conducive to better safety outcomes

If there was a robust "Hot Line" similar to those employed by many mines already in regard to behaviour, bullying etc, then there may be an opportunity for both Coal Mine Workers and Statutory Official without discrimination to report poor practices and behaviours. Such a system that was easy to use that would feed complaints into the Inspectorate will make all personnel realise that any poor behaviour or non-compliance could readily be reported.

A Statutory Official with the knowledge that there is such a system in place that encourages persons to report bad behaviour and poor safety outcomes is only going to promote and conduct themselves to a higher standard.

Such a system in conjunction with data bases may have the ability to utilise algorithms and other modern technologies where the Inspectorate could pick up key words and terms to identify problem areas and investigate.

Training and Communication:

- Currently communications directly to individual Statutory Officials is very “Hit & Miss” with great dependence on Mine site State of Nation presentations, Toolbox talks, notice boards and the mine grape vine. This can be even more hit & miss if people have been on leave or absent for whatever reasons. Statutory Officials are not being directly kept up to date with the latest information regarding industry news, HPI’s and safety information/findings/outcomes and data. Information that is generated by the inspectorate and industry believed to be appropriate for statutory officials with the aim to maintain correct up to date safety knowledge should simply be emailed to the individuals from a “Statutory Officials” data base. This would mean no longer being reliant on the above-mentioned processes and would keep individuals up to date with the relevant information even while not on site.
- Statutory Officials in Queensland in the past have received very little ongoing training to update their skills after the initial training to obtain their qualifications. There is a requirement to complete training such as Risk assessment training and SOP’s dependent on individual mine sites, which occurs at mine sites. However training regarding their core skills required to gain their qualifications has been at best minimal. Other states and industries have a requirement in place for professional training to be performed to a certain standard and time frame. This is no different to other professions such as the medicine profession mentioned above in this submission that continually require ongoing professional training to keep abreast of industry standards, requirements and expectations. Training feeds into a whole professionalism status that I believe the industry needs to pursue and engenders high standard culture in the statutory roles people perform. Again, the coal industry needs to follow the lead of other industries and professions that have and insist on these high standards and apply these mechanisms to the safety culture in our industry. As a note to this point the current mine, I am engaged with has started training current ERZ Controllers in refresher training. There is refresher training in the core skills of an ERZ Controller and the mine has taken proactive approach to train all ERZ Controllers both employee and contract.

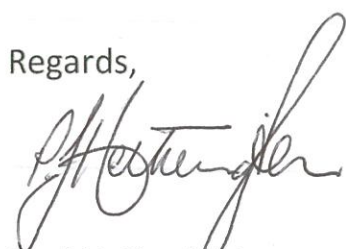
Other Considerations/Notes:

- Companies such as Westat Mining Solutions Pty Ltd no longer being able to trade/operate on an even playing field in an open and fair workplace and offer professional services to the industry.
- Discrimination towards contractors when onus should be on individuals to maintain their levels of professionalism, integrity, ethics, honesty and morals.
- Ensure age discrimination not a factor in the employment of Statutory Officials. Older Statutory officials tend to be more safety orientated with past experiences rather than production outcomes. Consideration should also be given to our industries Statutory Officials average age which could also lead to short/medium term issues within the industry if employment options were limited or forced upon individuals.
- Supervision is an important part of operating safely, however it appears that the intangible skills and knowledge commonly known as "Pit Sense" have been diluted with the change in culture and expectations over time. Training to Coal Mine workers needs to be refocused and directed to ensure unsupervised operations are undertaken to the same standards as if the Manager of the mine was present. (e.g. New CMW's to the industry have little or no knowledge of the outcomes of the "Moura Disasters" and what has been put in place to ensure there is no reoccurrence.

In summary, to achieve the desirable safety results and culture, I'd recommend the focus of the industry to be squarely on uplifting our statutory officials to operate at a higher standard and act as professionals regardless of their employment status. Whether the industry adopts mechanisms of other industries or not, the ultimate goal is improved safety within our industry. Accomplishing world class safety is not going to occur without people such as statutory official's and coal mine workers acting and behaving like professionals. The simplistic thought that an individual is going to change their attitude, morals and ethics in regarding performing their statutory role in a professional manner by simply 'changing shirts' is purely a misguided principle.

I'd would like to thank-you in advance for taking my proposals into consideration. Should there be any further requirement to contact me regarding any of the above proposals, please do not hesitate to contact me.

Regards,



Paul Hetherington

Westat Mining Solutions Pty Ltd.