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Industry Development Committee
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Mr Benjamin U Lang
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26th February 2020

Dear Sir/ Madam

Re: Submission to the Mineral and Energy Resources and Other Legislation Amendment Bill 2020

Please accept the following submission to the parliamentary commission regarding the proposed Mineral and Energy Resources and Other Legislation Amendment Bill 2020 introduced by the Honourable Anthony Lynham MP on the 4th February 2020. Specifically, the section that refers to *“The Bill to amend the Coal Mining Safety and Health Act 1999 to clarify that only persons who are employees of a coal mine operator may be appointed as certain statutory office holders.*

I have reviewed the Amendment bill and I would like the opportunity to express some concerns and my views on the following amendment

- Requirements of statutory office holders

Requirements of statutory office holders

The bill proposes to amend the Coal Mining Safety and Health Act 1999 in order to protect the safety and health of workers by requiring that persons appointed to critical safety statutory roles for coalmining operations must be an employee of the coalmine operator.

Following my review of the *“Mineral and Energy Resources and Other Legislation Amendment Bill 2020”* and the *“explanatory notes”* I am of the view that the intent of this amendment is to give people appointed in the statutory roles a sense of security that would encourage them to raise safety issues with no fear of reprisal.;

In my view to enact the bill that proposes to amend the Coal Mining Safety and Health Act 1999 in order to protect the safety and health of workers by requiring that persons appointed to critical safety statutory roles for coal mining operations must be an employee of the coalmine operator would have no impact on the reporting culture of individuals in the workplace (statutory or non-statutory positions).

However, the proposed amendment would be forcing people to be employees of the Operator and this would worsen the safety and health status/performance within our industry by;

- Coalmine operators may not be willing to take on the sufficient statutory personnel to safely and effectively cover the requirements of the mines activates for short/long terms. I.e.: During a Longwall recovery and relocation in an underground mine the coal mine operator will engage extra contract labour including statutory coverage to ensure sufficient supervision in place during this high-risk activities for a short period of time, I cannot see the coal mine operator carrying extra numbers to cover short periods

of time, But can see them running lean during these times and making other statutory people cover extra areas.

- Encouraging a complacency within statutory roles due to the removal of competition in the industry and company's having to take what they can get. During my experience people that have only worked at one operation / or for a very long time are very single minded and become very complacent in their surroundings, procedures and reluctant to change, where people that have moved around are upskilling their knowledge and will stand up for what is right as they are not brain washed by one coal mine operator and can leave if don't think they can voice the complaints without be reprimanded.
- Forcing Very experienced and high Qualified statutory officials to leave or be forced out of the mining industry. Due to the demographical age of the senior mining officials i cannot see coal mine operators employing people getting close to retirement or Same people wanting to work permanently as they have probably set there self-up for a self-managed retirement and it would no longer be the beneficial to continue to work and a large proportion of the experience would leave the industry never to return.
- As above point would takeaway very experience statutory providing coverage for leave and passing on knowledge to future generations while providing leave coverage.

Enacting the proposed amendments to the Coal Mining Safety and Health Act 1999 that requires people to be employed by the operator will not change the points I have raised above or the assumption made by the Minister. I have full confidence in my view because the current legislation already has a number of protections that are already in place to protect people from reprisal and promote safety within the Coal mining industry;

Coal Mining Safety and Health Act 1999, Part 17 General section 275AA Protection from reprisal specifically addresses protection from reprisal therefore must take away the fear of raising safety concerns.

Coal Mining Safety and Health Act 1999, Part 17 General section 273 Withdrawal of persons in case of danger specifically addresses protection from working in unsafe workplace.

Coal Mining Safety and Health Act 1999, Part 8 Industry safety and health representatives specifically addresses protection from working in unsafe workplace.

Coal Mining Safety and Health Act 1999, Part 7 Site safety and health representatives specifically addresses protection from working in unsafe workplace.

Coal Mining Safety and Health Act 1999, Part 2 The control and management of risk and other basic concepts specifically addresses having coal mine is a coal mine worker who is authorised by the site senior executive to give directions to other coal mine workers in accordance with the safety and health management system.

Therefore, **I strongly oppose** the bill to amend the Coal Mining Safety and Health Act 1999 in order to protect the safety and health of workers by requiring that persons appointed to critical safety statutory roles for coalmining operations must be an employee of the coalmine operator. It is with great regret that this proposed

change is not addressing coal mine safety in any way but rather a public perception that this would make a difference.

Please accept this submission in good faith and should further information or clarification be required on any of the points made in this letter please do not hesitate to contact me on [REDACTED].

Yours Sincerely,

Mr Benjamin U Lang