

To: Committee Secretary  
State Development, Natural Resources and Agricultural Industry Development Committee  
Parliament House  
George Street  
Brisbane Qld 4000

I submit the following for consideration to the committee:

This submission focuses on the sections pertaining to statutory position holder's requirement to be employed by the coal mine operator. I am part of the SSE panel which will present in person to the committee in Moranbah which will cover the introduction of industrial manslaughter.

### **Background**

I have worked within the coal sector in Queensland since 2000 and during that time worked in multiple roles from contract mine worker, permanent miner, permanent ERZ controller (deputy), contracting ERZ controller, underground mine manager and site senior executive. I have performed the statutory roles both in a permanent role and in a contract role.

### **Context**

I note that the principal objective of the Bill as written in the explanatory notes is - *to strengthen the safety culture in the resources sector through the introduction of industrial manslaughter offence provisions and requiring that persons appointed to critical safety statutory roles for coal mining operations must be an employee of the coal mine operator;*

The explanation goes onto clarify that - *These positions are safety critical roles and are important in managing risks to the safety and health of coal mine workers to whom they owe a responsibility. Currently, the Coal Mining Safety and Health Act 1999 does not prescribe particular persons who may be appointed, for example this may include a contractor or service provider, or an employee of a contractor or service provider. The Bill amends 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*

### **My objections**

The Bill currently before the committee for review seems to target contractors with no supporting evidence to back up the claims made. I haven't seen or had reported to me anyone feeling they were unable to report through safety matters whilst employed in a statutory position. There are multiple protections within our act that provide a comfort that those claims are not accurate. The key protection is section 275AA.

#### 275AA Protection from reprisal

*(1) A person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that, the other person—*

*(a) has made a complaint, or in any other way has raised, a coal mine safety issue; or*

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*(b) has contacted or given help to an official in relation to a coal mine safety issue. Maximum penalty—40 penalty units.*

*(2) An attempt to cause detriment includes an attempt to induce a person to cause detriment.*

*(3) A contravention of subsection (1) is a reprisal or the taking of a reprisal.*

*(4) A ground mentioned in subsection (1) as the ground for a reprisal is the unlawful ground for the reprisal.*

*(5) For the contravention to happen, it is sufficient if the unlawful ground is a substantial ground for the act or omission that is the reprisal, even if there is another ground for the act or omission.*

*(6) This section does not limit or otherwise affect the operation of the Public Interest Disclosure Act 2010, chapter 4, part 1 in relation to reprisals.*

*(7) In this section— coal mine safety issue means an issue about the safety or health of a person or persons while at a coal mine or as a result of coal mining operations*

All coal mine workers have the option/s available to seek advice and raise complaints with persons outside of the mining company structure if the fear of reprisal was an actual issue. They have access to mining inspectors and inspection officers, Site safety and health representatives and also Industry safety and health representatives.

These organisations have the option to keep the persons particulars confidential and in fact often time's people can remain completely anonymous during this process.

Main points against the change/s

1. Forcing persons to be employed in certain ways and by particular companies is just plain wrong. You are limiting freedom of choice and this will destroy these peoples companies they have established to enable being able to supply their labour in this manner.
2. I actually think there is no empirical evidence to support the reason/s given behind the change and seems to be more an agenda to disadvantage individuals and small business owners. Have any statutory position holders been consulted? What evidence of the alleged problem do you actually have?
3. You are removing a person's right to choose their employment type, how they decide to work and who they work for. Even from an anti-competiveness point of view this seems to go against how we have setup a fair work system and we are moving toward a dictated process where the government now control and limit our employment choices using biased opinion based practices to justify other agenda's
4. I believe the reason behind the perception this change is needed has been incorrectly interpreted from the safety reset feedback. The majority of contractors that do the statutory roles within our industry actually prefer to remain contract. This is in stark contrast to contract coal mine workers on the shop floor level who are constantly chasing a permanent role.

Thank you for taking the time to review my submission

Daniel Proffitt