MINE MANAGERS' ASSOCIATION OF AUSTRALIA INCORPORATED
ABN 39 182 124 240

Secretary: Ray Robinson
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Committee Secretary
State Development, Natural Resources and Agricultural Industry Development Committee
Parliament House
Cnr George and Alice Streets
BRISBANE
Queensland 4000

26 February 2020

Email: SDNRAIDC@parliament.qld.gov.au

Dear Committee Secretary,

Subject: Mineral and Energy Resources and Other Legislation Amendment Bill 2020

Firstly, thank you for the opportunity to make a submission on the abovementioned Bill.

The Mine Managers' Association of Australia (the Association) made a detailed submission, relating to Industrial Manslaughter, to the RSH Policy Unit dated 6 December 2019 and I would refer you to that document as the basis for this further submission.

The Association has not experienced a legislative proposal that has elicited such angst and ire amongst our membership. This reaction prompted us to conduct a survey addressed to 85 people in Queensland coal mines who occupy the position of Site Senior Executive (SSE). Not all Queensland based SSEs are members of our Association, however, our members also occupy other senior statutory positions in Queensland mines. While we represent the interests of all our members the Association believes that the SSE position is the most vulnerable to the proposed industrial manslaughter legislation.

Since our previous submissions we have had the opportunity to study "A Review of all Fatal Accidents in Queensland Mines and Quarries from 2000 to 2019" (Brady Review).
None of Dr Sean Brady's 11 recommendations to improve fatality rates identified any new legislative measures, rather, that the industry and the regulator need to change their present culture to a more contemporary model.

The Association also made a submission to the Queensland Mines Inspectorate re "Fatal Incidents in the Queensland Mining industry" on 28 November 2019 and I would draw your attention to this document. It is included as Appendix E in the Brady Review.
It is significant, in our opinion, that the number of fatalities in the Queensland open cut sector now far exceeds those of the NSW open cut sector. Between 2000 and 2009 there

was one open cut fatality in NSW and four in Queensland. Between 2010 and 2019 that gap had widened to two fatalities in NSW and eight in Queensland. Essentially the same operating companies, same resources, same systems of work, same plant and equipment but the management structure includes more statutorily qualified persons, something that should prompt a serious review.

We make the following comments on priority 1, safety and health, regarding the principal policy objectives for the Bill:

1. Safety and health.

a) Industrial manslaughter

"The Bill strengthens the safety culture in the resources sector through the introduction of industrial manslaughter."

The Association cannot comprehend that the safety culture will be strengthened by the introduction of such draconian and reactive legislation as this version of industrial manslaughter.

We would assert that if there is a diminution in the safety culture that it has more to do with the declining standards when appointing experienced qualified statutory officials and providing quality training in hazard awareness and risk management. These matters can be directed to employers and legislators rather than the senior management on mine sites.

The Association prepared a 3 question survey. A link to the survey was sent to 85 people listed as SSEs requesting a response. There were 44 respondents to the survey with the following results:

- Question 1: Do you support the proposed industrial manslaughter legislation being proposed for Queensland Mines.
  Yes: 5
  No: 39

While industrial manslaughter is included in Queensland work health and safety legislation and in some other State jurisdictions there should be reflection on why it was not included in the resources legislation that this Bill now proposes to change.

The Association contends that Sections 34 and 42 of the Coal Mining Health and Safety Act defines the obligations on an SSE and creates severe penalties, including up to 3 years imprisonment, for any person who does not discharge their safety and health obligations.

The Association submits that if industrial manslaughter is introduced as a criminal offence in safety and health legislation then prosecutions should be conducted strictly in accordance with Queensland criminal law legislation.

A scenario that we fear is the potential for persecution of a charged person and his or her family where they may have been long-time residents in the mining community.

- Question 2: If the proposed legislation is enacted in its current form, are you prepared to continue in the industry as SSE?
  Yes: 18
  No: 25
  Abstain: 1

The response to this question indicates that more 50% of the respondents or 30% of all canvassed SSEs are seriously considering leaving their SSE position if the legislation is enacted in its current form. The transitory group of experienced part-time replacements for such positions will no doubt be the first to refuse to fill these vacant positions.

The Association submits that this is a likely outcome. There is a shortage of qualified and experienced mining professionals as the Queensland regulator is acutely aware of following their recent recruitment campaign. We believe that, as a consequence, the more experienced will find roles elsewhere and the industry will be left with lesser qualified and inexperienced SSEs to implement the safety and health management plans for mining operations.

The Association can envisage a scenario where the industry workforce may be exposed to higher risk because the SSEs, who answered that they would retain their SSE role, may be perceived as higher risk takers as a result of assessing their own vulnerability to prosecution.

- Question 3: Do you believe the proposed legislation will improve the safety outcomes of the industry and reduce the current rate of fatalities?
  Yes: 2
  No: 42

This question was designed to elicit whether the respondents agreed with the Bill's intent to *"strengthen the safety culture"* which we believe implies improving safety and health outcomes.

The respondents clearly do not believe that the proposed industrial manslaughter legislation will do so.

Further, there were 5 respondents to Question 1 who agreed with introducing industrial manslaughter legislation, at Question 3 only 2 agreed that it would improve safety outcomes.

The Association submits that introducing legislation into a Health and Safety Act that does not improve safety outcomes is absolute folly or a desire for retribution.

We understand that the Minister is responding to a serious increase in fatalities in the resource industry, however, the proposed industrial manslaughter legislation appears to be a knee-jerk response. We contend that a thorough review of health and safety legislation in Queensland together with the reviews presented to the Minister will produce safer and healthier outcomes.

b) Critical safety statutory roles

The Association agrees that persons appointed to critical safety statutory roles for coal mining operations should be employed by the coal mine operator, however, there are a number of circumstances where provision should be made for operations to continue when incumbents are not available.

The most obvious circumstance being the replacement of the roles where the SSE and Underground Mine Manager take leave or suffer absences due to illness.

The Association believes that during temporary absences that mining qualifications and experience are the two essential elements to be considered.

Should you wish to discuss the contents of this letter we would be more than pleased to do so. Our Secretary, Ray Robinson, can be contacted on [redacted] and our Vice-President - Northern Region, John Sleigh, can be contacted on [redacted].

Yours sincerely

Gavin Taylor
President
MMAA

Per Ray Robinson
Secretary

Mine Managers Association of Australia

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RSH Policy
Resources Safety and Health
Department of Natural Resources, Mines and Energy
PO Box 15216
CITY EAST
Queensland 4000

6 December 2019

Email: [redacted]

To whom it may concern,

Subject: Industrial Manslaughter Provisions

This submission, on behalf of the Mine Managers' Association of Australia (the Association), is in response to your invitation to comment on the proposed implementation of industrial manslaughter provisions in the Resource Safety Acts and in particular the Coal Mining Safety and Health Legislation in which our members are exclusively respondents.

The Association's predecessor, the Colliery Managers' Association of New South Wales, was constituted in the Hunter Valley in 1942. Since its inception the Association has grown to represent members in most states of the Commonwealth and New Zealand. Our membership has grown to 420 members and membership, whilst mainly directed to practising mine managers, also includes a diverse range of senior management in the coal mining industry; from chairmen and directors of companies, mines inspectors, academics, consultants and senior technical managers. To our knowledge all practising underground mine managers (UMMs) in Queensland are members of the Association, as are a significant number of Site Senior Executives (SSEs).

In my time as a member of the Association and certainly in the last 6 years as President I cannot recall a proposal in the coal industry that has elicited such angst and ire amongst the membership. This anxiety is as a consequence of the following;

1. insufficient evidence to support such a provision,
2. the belief that currently there are sufficiently strong penalties to act as deterrent to reckless behaviour,
3. there is little or no equity in this proposal, in fact we believe it to be discriminatory,
4. the proposed amendment to legislation is not in line with the agreement reached with the Minister at the tripartite forum on safety hosted by the Minister in July 2019.

MMAA Submission – Industrial Manslaughter Provisions

1. Evidence

We are of the view that all good policy and, in turn, legislation should be evidence based and there is, in our opinion, little or no evidence that this amendment to legislation will prevent a fatality in the coal industry sector. We accept that one fatality is one too many and we are always conscious of quoting or referring to statistics when it involves the death of a person as that individual's demise is not a statistic to his family, friends and colleagues.

If we carefully consider the existing coal legislation in Queensland, along with New South Wales, it is widely proclaimed as being at the forefront of best practice when compared to other industrial safety legislation in Australia and worldwide. Certainly, fatality rates in those two jurisdictions are significantly lower than comparable industries. This evidentiary proof indicates the system is providing results when compared to other jurisdictions and those jurisdictions have industrial manslaughter provisions. Thus, we are already achieving better performance than those entities.

Again, to compare fatalities with statistical variation is not a subject we broach willingly as we believe all fatalities should be preventable but will the introduction of manslaughter charges eliminate the risk of a fatality? We contend no, it will not.

In our considered opinion, given that there is a major review of the last five fatalities and a review of preceding fatalities being undertaken by the Mines Inspectorate surely one should await those findings before entering into a significant regulatory reform that will not guarantee an amelioration of safety standards. Of the most recent fatalities and indeed in earlier fatalities in the Queensland coal industry we know of no senior site official that has been charged and convicted of any misdemeanour or offence allied to a fatality. That being the case, we fail to comprehend how this proposed amendment would prevent a fatality as based on evidence there has been no history of reckless behaviour shown by any official to this time.

We would assert that if there is a diminution in standards in the industry that has much more to do with the declining standards of requirements to ensure qualified individuals such as statutory officials are responsible for the industry and the quality of training standards in hazard awareness and risk management which can all be sheeted home to the employers and legislators rather than the senior management on mine sites.

Further there are already sufficiently strong penalties to deter any negligent behaviour, as discussed in section 2, below.

Finally, on the matter of evidence and with due respect, the proposal to introduce industrial

manslaughter into the Resources Acts were being considered prior to the last five fatal incidents so it is disingenuous to claim that the 'Safety Reset' was the mitigating factor.

2. Existing penalty provisions

We submit that there are already sufficient stringent penalties to deal with any miscreant who ignores the current safety and health legislation. Not only are there significant fines but additionally in the case of a statutory certificate holder, the certificate can be withdrawn thus rendering the individual unemployable in that category, seriously affecting their livelihood. This along with the ignominy that would attend any cancellation or withdrawal of a certificate is a powerful deterrent.

As in section 1, above, we are not aware of any senior manager at a mine site who has been successfully charged with an offence in a fatal injury at a coal mine and this we would contend provides further evidence that the current legislation is proving an adequate deterrent.

3. Equity

A review of fatalities in the Australian coal industry conducted by one of our members and through the experience of many of our members who have been involved in the investigation of such tragedies there is no one single attributable causal factor. One unfortunate truth in many fatal incidents is that the deceased or his immediate colleagues and/or immediate supervisor failed to comply with agreed procedures.

Where procedures have not been followed and people had been trained and instructed, it is the individuals assigned to the task who have failed. Therefore, if the intent of the legislation is to provide a deterrent why would the legislation not cover all individuals from the most senior corporate officers across the whole workforce? To do less, based on evidence of direct and causal factors, is in our opinion, discriminatory.

We have further concerns that whilst the charge of industrial manslaughter is a criminal offence the intent of this proposed legislation is to withdraw some of the defence that the charged person has available to them under the criminal code viz, '*s23 Intention/Motive'* and *'s24 Mistake of fact*'.

4. Agreed position after the tripartite Ministerial called discussion on safety in July

Whilst regrettably the Association was not invited to the Ministerial forum, even though we represent a significant proportion of the senior mining officials at operations in Queensland, we have been informed from reliable sources that the agreement reached with the Minister

was that the introduction of Industrial Manslaughter laws would only affect corporate officers and not senior managers at a mine site.

We have no idea what caused the change in position but given we have indicated that all amendments to legislation should be evidence based we would appreciate being privy to the evidence that became available, after the agreement, to modify the consensus reached on the day.

In conclusion we cannot support the introduction of industrial manslaughter laws for senior management based at mine sites. This conclusion is based on the lack of evidence that would support such amendment as being a panacea to prevent coal mine fatalities.

Further, we foresee issues in the recruitment and retention of senior mine site managers as there are a significant number who have indicated they would be unwilling to accept an appointment should this draconian legislation be promulgated. Penalties applying to the legislation include jail and fines with there being no option other than jail for a person. Although the risk to a manager is low, the consequence is totally unacceptable to our members.

Should you wish to discuss this submission we would be more than pleased to do so. Our Secretary, Ray Robinson, can be contacted on [redacted] and I can be contacted on [redacted].

Yours sincerely

Gavin Taylor
President
MMAA

Mine Managers Association of Australia

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Queensland Mines Inspectorate
Department of Natural Resources, Mines and Energy
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28 November 2019

e-mail: [redacted]

Dear Members,

Subject: Fatal Incidents in the Queensland Mining Industry

We thank you for the opportunity to comment on fatal incidents in the Queensland resources sector. We will however, restrict our comments to the coal sector as that is the industry in which the vast proportion of our Queensland members are employed.

The Mine Managers' Association, as you are aware, represent senior operational personnel. Our current membership has grown to over 430 members and membership, whilst mainly directed to practising mine managers, also includes a diverse range of senior management in the coal mining industry; from chairmen and directors of companies, mines inspectors, academics, consultants and senior technical managers. In Queensland we have over 115 members and to our knowledge all practising underground mine managers (UMMs) in Queensland are members of the Association, as are a significant number of Site Senior Executives (SSEs).

We are firmly of the belief that all fatal incidents are avoidable and the pillars of safety and health to prevent incidents are;

- An effective regulatory regime,
- a well-resourced and competent inspectorate,
- competent and statutorily qualified management,
- a well-trained workforce and in particular one where all personnel are hazard aware,
- a risk-based safety and health management system (SHMS) where all hazards are effectively identified and effective hierarchy of controls are enacted to bring risk to acceptable levels or ALARP (as low as reasonably practicable) and
- fit for purpose equipment.

The above principles have been established through many years of Royal Commissions, Courts of Enquiry (Mining Warden) and accident investigations going back to the mid-1800s. Tragically too many times the lessons of the past have been either ignored or forgotten. To demonstrate the validity of the establishment of positive guidelines and recommendations, with the at times creeping lack of industry and corporate knowledge, we have appended to this submission quotes and recommendations from various incident enquiries.

1. **Effective regulatory regime** – the first regulatory instruments were prescriptive, the belief being that after every incident if proscribed regulation was introduced that would eliminate further

incidents. Unfortunately, proscription was proven less than adequate as fatal incidents still continued to occur and of more concern, mine explosions and the attendant multiple fatalities.

In Queensland, following the Moura No2 explosion, an extensive review of best practice legislation and the theory of safety and health legislation were initiated. That review indicated that proscription was not the panacea as first perceived and that self-enabling legislation was more effective. Whilst Queensland did not fully adopt self-enabling legislation they went a long way toward that and augmented the legislation by making it risk based.

By any measure, whilst not perfect, the *Coal Mining Safety and Health Act 1999* and the attendant *2001 Regulation* have been more efficacious than the older prescriptive legislation and there has been a marked improvement in safety and health. Recently though, both statistically and anecdotally there appears to be a decline in safety and health. This, we would contend, is due to a number of factors:

i. There has been a marked diminution in the employment of statutory officials in the open cut sector with the removal of the requirement of a statutory mine manager and a reduction in open cut examiners. This will be explored in greater detail in the section dealing with competent and statutorily qualified personnel. Similarly, the subjugation of an underground mine manager's position will also be discussed.

ii. The increasing introduction of Recognised Standards and Codes of Practice which are increasing the level of prescriptive legislation, the previously identified nemesis of effective legislation.

iii. The break-down of Safety and Health Management Systems. In many instances risk assessments and the formulation of procedures have not been undertaken with a genuine cross section of the workforce. The absence of subject matter experts involved in risk assessments and overly complex procedures that the average coal mine worker finds difficult to follow and achieve compliance are impediments to safe working systems. Many instances where multiple procedures exist for the same task and ineffective document control that does not ensure the current and correct procedure is being utilised are further impediments.

iv. A RIS (Regulatory Impact Statement) procedure that enjoyed wide consultation in the early part of this decade resulted in only a few recommendations being enacted. Certain vested interests were not happy with the outcome and that has prevented amelioration of the legislation. Consultation is not consensus. Perceived shortcomings in legislation need to be effectively addressed not tied up in some talk fest for political reasons.

2. **A well-resourced and competent inspectorate** – this was recognised in the United Kingdom in 1850 as being a necessity to ensure compliance with Mining Safety Laws and effective safety systems and in Australia this was recognised as far back as the Royal Commission into the 1902 Disaster at Mount Kembla Colliery in NSW[1]. Even though the requirement for competent and well-resourced Inspectors has been recognised since the turn of last century, in Australia yet again, the Mining Warden's Inquiry into the 1994 Moura #2 explosion[2] saw fit to make firm recommendations on recruitment, retention and salary levels due to perceived inadequacies. Those recommendations from the 1995 Mining Warden's Report have never been enacted and

[1] See Appendix A
[2] See Appendix B

we now see a dearth of suitably qualified inspectors being recruited and retained. Indeed, there is a paucity of First Class Mine Managers in the ranks of the Inspectorate. Inspectors are an integral part in the overall health of the industry and there must be sufficient feet on the ground to ensure regular inspections and audits of SHMSs. It is noted that the Minister has called for the appointment of an additional three Inspectors, it will be interesting to see how many with First Class Certificates can be recruited given the current remuneration package which is well short of the Moura #2 recommendation.

3. **Competent and statutorily qualified management** – given the complex nature and unique hazards of underground coal mining it was recognised in the UK as far back as 1872 that mine managers be required to hold statutory certification to demonstrate their competence to safely and effectively manage underground coal mines. That was later followed by the requirement to have statutorily qualified undermanagers and deputies.

   Over the years, as a consequence of a number of disasters, the competency requirements of statutory officials have been significantly enhanced through recommendations resulting from the ensuing enquiries. It is therefore a concern to our Association that despite those recommendations the senior person on a mine site in Queensland, the Site Senior Executive (SSE) is not required to have any qualification in mining. When this was raised at the time of the drafting of the *Coal Mining Safety and Health Act 1999* it was stated that due to the inadequacies of the system at Moura the senior person on the mine site should be the most senior representative of the operator and that individual would have access to all the necessary resources to ensure safe operation of the mine. Further, as there would be a requirement for an Underground Mine Manager (UMM) to be appointed at an underground coal mine and that individual would require a First Class Mine Manager's Certificate and be responsible for the *'control and management'* of the mine, hazards would be under control.

   As predicted by some at the time, the theory and the practice are not aligned. In many instances the SSE has no real control over the resources, those being dictated by corporate headquarters and the UMM in some instances has been relegated to that of a compliance manager and not even on the actual, as opposed to unofficial, management structure at the mine. This we perceive as a major concern as that type of structure could lead to a significant incident.

   We again call for the requirement of every underground coal SSE to have as a minimum a First Class Mine Managers' Certificate. This was a recommendation of the Regulatory Impact Statement (RIS) of 2013 and it still has not been actioned.

   At open cut coal mines the requirement for a First Class Mine Manager who was responsible for the mining operations at the mine was eliminated. This effectively meant at some operations the only statutorily qualified personnel are Open Cut Examiners (OCEs) and their numbers are being depleted to the bare minimum. We know of operations were there are no persons with either mining or civil engineering qualifications being appointed to Mining Manager positions. Indeed, there is one notorious incident where the newly appointed Mining Manager asked her predecessor if the 'large wall' in front of them was known as the high wall. This unacceptable situation combined with the appointment of supervisors that have limited experience means that hazards are not being identified and or effective control measures are not being applied.

   It is significant, in our opinion, that the number of fatalities in the Queensland open cut sector now far exceeds those of the NSW open cut sector. Between 2000 and 2009 there was one open cut fatality in NSW and four in Queensland. Between 2010 and 2019 that gap had widened to two fatalities in NSW and eight in Queensland. Essentially the same operating companies, same

resource and systems of work but a different management structure, something perhaps to ponder and review further.

We again call for the reinstitution of the appointment of an individual with a First Class Mine Managers' Certificate at an open cut coal mine. This was a recommendation of the Regulatory Impact Statement (RIS) of 2013 and it still has not been actioned.

There are sound and valid reasons why statutory qualifications have been developed and we are at a complete loss as to why they should be ignored other than the fact that very senior management, many new to the industry, are oblivious to the hazards inherent in the coal industry.

In a number of incidents of which we are aware, the experience and competence of the immediate 'supervisor' was less than what we would describe as desirable. The qualification, experience and training standard of supervisors, particularly in the open cut sector require urgent review. We would question the ability of some supervisors to adequately identify hazards and implement the necessary controls to minimise the risk to acceptable levels. Supervisors should not, in our opinion, be a substitute for statutorily qualified individuals.

4. **A well-trained workforce and in particular one where all personnel are hazard aware** – a review of the training manuals and systems in place for mine worker induction and training in many instances leaves much to be desired. We can cite two examples where open cut mine sites were having a spate of serious incidents. In discussion it was recommended that the SSE would be better placed if they retrained the complete workforce in hazard awareness given the hazard training programme and the trainers were acceptable to the Inspectorate. That training was undertaken and almost immediately there was a significant decrease in the incident rate at those operations.

   We ponder how effective the overall hazard training is, particularly at open cuts and whether lip service is being paid to that most fundamental safety and health requirement. It would appear to us that the fundamental question of what will occur as a consequence of a specific action is not being asked and we cite recent examples of lancing pins, cutting wear plates with an oxygen torch and interfacing with remotely operated equipment.

   The absolute necessity for supervisors to be trained to the highest level of hazard awareness should be a mandatory requirement for supervisors and be required by the Coal Mining Advisory Committee.

   We note and applaud the 'safety reset' dictated by the Minister however, unless that 'reset' contained dedicated and meaningful hazard awareness programmes delivered by subject matter experts we doubt there will be a lasting effect.

5. **A risk-based safety and health management system (SHMS) where all hazards are effectively identified and effective hierarchy of controls are enacted to bring risk to acceptable levels or ALARP (as low as reasonably practicable)** – over the years we have witnessed a diminution in the quality of persons delivering Risk Management programmes. Trainers who have only just been assessed as competent are training trainers who in turn with little or no practical experience are then undertaking training classes. It thus appears the original intent and critical components are being lost as the training moves farther from the source of the recognised industry experts.

Some Risk Assessments that have been audited following incidents have detected fatal flaws in the process which in turn have led to incidents through the incorrect identification of a hazard or the application of ineffective controls. Those flaws have included the non-utilisation of subject matter experts, utilisation of a non-genuine cross section of the workforce, particularly the non-utilisation of individuals with practical experience in the matter under review.

Safe Guard Audits were designed to assess systems but given the paucity of Inspectors those Audits are either not being undertaken or are seriously restricted in number and quality. We recognise more audits of this type are required. As mine managers we would rather have any defect in the system identified in the Audit as opposed to an investigation into a serious incident.

An effective document control management system should be implemented at each site as it would appear many sites have permitted a multiplicity of work procedures to be developed, some many times over. At one site they stopped counting when they reached 8,000 documents in the system. Clearly this is a ludicrous situation.

6. **Fit for purpose equipment** – overriding this topic is again, the subject of competence. In many instances engineering managers, both mechanical and electrical are being appointed and their knowledge of mining equipment and legislation is highly questionable. They are being appointed by corporate officers and because many corporate officers are ignorant of industry safety and health requirements they are oblivious to what is required. Just because one has tertiary qualifications in engineering does not mean you have a working knowledge and understanding of mining equipment.

   Whilst there has been a revolution in the recent past with mining equipment design and operational reliability there are areas that continue to be less than acceptable. Not the least of these is the continuing fires on surface equipment and even after many incidents of equipment being lost to fire and at least one fatality that we are aware of in South Australia these issues are not being effectively addressed. Another matter is the ergonomics of machinery including access. Equipment manufactures need to be taken to task under the existing legislation and to date we have not seen equipment manufactures being pursued as legislation permits.

   Again, with hazard awareness, there have been a number of serious incidents and tragically fatalities where trades persons working on heavy equipment have failed to be aware of potential hazards with ineffective hazard identification and introduction of effective risk controls. More effective training in hazard awareness and risk management would appear to be warranted.

The above are some of our considerations relating to fatal incidents and we would be pleased to meet with you to discuss those matters. Our Secretary, Ray Robinson, can be contacted on [redacted] and I can be contacted on [redacted].

Yours sincerely

Gavin Taylor
President
MMAA

APPENDIX A

Mount Kembla explosion, 1902, NSW, 96 killed

Mount-Kembla-Colliery-Disaster-Report-of-the-Royal-Commission-part-1

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92. The Commission have also included, among the suggestions which follow, recommendations which, if brought into operation, will have the effect of raising the standard of Managers and Under-Managers, by providing that, in future, no person can obtain the necessary certificate for such a position except by proving his competency by examination;

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100. ….There shall be three descriptions of certificates of competency under this Act

(1) Certificates of fitness to be Manager
(2) second-class certificates, that is to say, certificates of fitness to be Under-manager and
(3) Third-class certificates, that is to say, certificates of competency for the combined position of deputy and shot-firer; but no person shall be entitled to a certificate of competency under this Act unless lie has had practical experience in a mine for at least five years.

101. While dealing with this subject of Certificates of Competency, the Commission desire to also recommend that section 7 be amended as under, and that an addition be made to it, as shown, to provide for the recognition in New South Wales of Certificates of Competency gained elsewhere in the British Empire, provided that the standard of examination is equal to that required in this State.

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135 … The Governor may, on the recommendation of the public service board, appoint as inspectors of mines duly qualified persons and assign them their respective duties, and may award them such salaries as the public service board think fit or parliament shall approve. and each such person shall be, at the time of his appointment, the holder of a first-class certificate of competency.

137. The Commission unanimously desire to point out that, in their opinion, the salaries at present paid to the Inspectors are far too low to attract the best men; though, in saying this, they do not desire to, in any way, reflect on the present holders of the positions.

APPENDIX B

Moura #2 explosion, 1994, Qld, 11 died

Warden's inquiry Page 78 – The Inspectorate

Evidence to the Inquiry indicated significant differences of opinion between field based inspectors and the Chief Inspector of Coal Mines (and, therefore, one might presume the Department of Minerals and Energy) regarding an appropriate role for the inspectorate and sufficient resourcing to support that role.

An effective inspectorate is seen as a vital support to the coal industry and there is concern that the apparent lack of agreement regarding the role and resourcing of the inspectorate may compromise its effectiveness.

There is a need for the Department of Minerals and Energy to develop a common philosophy throughout the inspectorate with that philosophy becoming the basis for an agreed, clearly defined role for the inspectorate. That defined role may then provide a basis for decisions about the numbers of people and types of skills required by the inspectorate, and so to strategies to develop, or attract and retain those skills within the Department. Such strategies may include training, recruitment and remuneration arrangements.