

State Development, Natural Resources and Agricultural Development Committee
Mineral and Energy Resources and Other Legislation Amendment Bill 2020

Dear Committee Members,

I write to you to make a submission in reference to the Mineral and Energy Resources and Other Legislation Amendment Bill 2020 Part 2 Amendment of the Coal Mining Safety and Health Act 1999.

I am a Coal Mine Site Senior Executive (SSE) who has been operating in a role appointed under the Coal Mining Safety and Health Act 1999 (CMSHA) for more than fifteen years. I have been performing these roles because I am passionate about delivering safe coal mining operations. I have a number of concerns about the legislation proposed and the process followed to deliver the changes in the CMSHA. I have tried to keep this as short as possible and only cover the most important issues because of the sheer volume of information I know that you will need to review.

Process

The inclusion of Industrial Manslaughter has been considered in Queensland for a number of years by the Coal Mining Safety and Health Advisory Committee (CMSHAC). The CMSHAC purpose is defined under s76(1) of the CMSHA – “the primary function of the committee is to give advice and make recommendations to the Minister about promoting and protecting the safety and health of persons at coal mines.” It astounds me that the Minister is proceeding with legislation that is not supported by CMSHAC. This committee is made up of cross section of coal mining experienced personnel and is entrusted by the coal mining industry to work together to make recommendations in reference to improving the safety and health of persons at our operations.

Since the draft legislation was proposed I have written to the Minister and have been part of the QRC SSE’s group that has sought to have a meeting with the Minister to express our concerns with the proposed legislation. This meeting has not occurred. We have met with the Chief Operating Officer Resources Safety and Health and had the opportunity to express our concerns with the proposed legislation. It is incredibly disappointing that after these discussion there was no changes at all with the legislation to address the concerns raised.

The fatalities in the Queensland Mining Industry over the last few years is devastating, as an industry we have to stop this. The NSW Mining Industry is delivering a better performance than we are in Queensland. NSW has made changes in their legislation, how their Mines Department and Investigation units operate over the last few years. I cannot understand why we have not performed a review of the NSW system prior to implementing changes to our legislation in Queensland.

Legislation

I cannot see any connection between improved safety and health outcomes and the legislation proposed. The CMSHA already has substantial obligations in place for persons operating on coal mines and ability to prosecute for breaches of those obligations. This legislation would make sense if it worked in with the current legislation and applied to persons in the corporation that were not

currently covered under the CSMHA obligations. The terminology in this new legislation refers to a senior officer which is a term that is not clear. I understand that there is a definition contained for this role but when you read that definition with the current legislation it does not provide clarity who in the coal mine management structure this legislation would apply to. This feedback was provided on the draft legislation but has not been addressed. Clarity around which positions in the management structure this legislation applies to is something that should be able to be provided in the draft legislation and not have to be determined by the courts after the fact.

The introduction of Industrial Manslaughter into the CSMHA and having no statute of limitations with respect to prosecutions is not consistent with delivering safety and health outcomes for people within our industry. For these investigations to be able to hang around for indefinite periods of time is completely unacceptable and does not deliver safety and health outcomes for people. I understand that this is consistent with other indictable offences but it is completely inconsistent with the limitations for prosecution that currently exist within the CSMHA. These are incidents that will occur on a coal mine and there is no logical reasons why these investigation cannot be completed within the time frames that already exist within the CSMHA.

Thank you for consideration of my submission.

Regards

Phillip Justin Nobes

Collinsville Coal Mine Site Senior Executive

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