

I am writing this to express concern around some of the changes to the Coal Mining Safety and Health Act 1999 under the Proposed Mineral and Energy Resources and other legislation bill 2020, particularly around the amendments to section 54, 57, 59, 60 and 61. These sections cover the appointment of a Site Senior Executive (section 54, 57) appointment of an Open Cut Examiner (section 59) appointment of a Deputy (section 60) and appointment of a Ventilation Officer (section 61).

Under all of these proposed changes it requires that to be appointed into one of these roles that the individual must be an employee of the Coal Mine Operator. This means that no contractor will be able to fill these roles as they currently do at many operations throughout Queensland. Is the justification for this that the minister Dr Lyneham or the committee think that the current contract personnel that hold these positions are not doing their job and discharging their obligations under the Act? If this is the case we already have the tools at our disposal to fix the perceived issue.

In the CMSH ACT is part 10 (A) SUSPENSION AND CANCELLATION OF CERTIFICATES OF COMPETENCY AND SITE SENIOR EXECUTIVE NOTICES BY THE CHIEF EXECUTIVE. Under part 10 A sits sections 197 A,B,C,D and states that if a person has contravened a safety and health obligation or committed an offence against a law in Queensland relating to mining safety that the Chief Executive has the ability to suspend or cancel the certificate of competency or SSE notice, and these four sections map out the process to be followed. So very simply the chief can remove statutory competencies and SSE notices if persons appointed to these roles are not discharging their obligations.

So if the minister thinks that we have an issue with contract personnel not discharging their obligations that is so systemic that we now need to amend the Act and make it illegal for contract personnel to perform the statutory roles covered above, if this problem is that bad, then one would assume that there is a long list of names that have had their competencies cancelled or suspended. Can the committee tell us how many? Because the last inspector I asked about this informed me he knew of very few.

If this is the case one would draw the conclusion that there doesn't seem to be a massive problem with contract personnel performing these roles otherwise we would have a very extensive list, or alternatively one could also assume that the current powers in the legislation are not being applied in which case further changes will fix nothing.

In closing I would like to point out that regardless of the shirt that is worn, be it contract or permanent anyone that holds these positions has the same obligations, and if they are failing to discharge these obligations the Chief Executive already has the power to remove their certificate of competency. In short if they aren't doing their job = take their ticket off them regardless of employer.

Regards
Garth Tongue

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