

**COAL MINING SAFETY AND HEALTH AND OTHER LEGISLATION AMENDMENT BILL 2022**

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Commissioner for  
**Resources Safety  
& Health**

21 October 2022

Committee Secretary  
Transport and Resources Committee  
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Dear Committee Secretary

Thank you for providing the opportunity to make a submission on the Coal Mining Safety and Health and Other Legislation Amendment Bill (the **Bill**).

Please find my submissions to the Committee set out below.

### **Safety focus of certain positions at coal mines**

On 12 October 2022 when introducing the Bill, the Minister stated that there is a need to clarify the safety focus for persons appointed to open-cut examiner (**OCE**), ventilation officer (**VO**) or explosion risk zone (**ERZ**) controller positions at coal mines. The Minister believes this clarification is needed to ensure that the safety focus of these roles is not diluted by the undertaking of production activities. The Minister noted that he intends to ask stakeholders from industry and unions to consider and provide advice on this issue. I support the Minister's intention to consider this issue in more detail and intend to provide further advice to him on this issue.

### **Broadening of the direct employment requirements for statutory positions**

As noted in the Explanatory Notes to the Bill, the *Coal Mining Safety and Health Act 1999* (Qld) (**CMSH Act**) requires that persons appointed to safety critical positions at coal mines must be employees of the operator of the coal mine. This requirement was introduced on 25 May 2020 and will come into full effect on 25 November 2022. The impacted statutory positions required to be directly employed by the coal mine operator are:

- for all coal mines – site senior executive (**SSE**);
- for surface mines only – OCE; and
- for underground mines only – underground mine manager (**UMM**), VO, ERZ controller, electrical engineering manager and mechanical engineering manager, (the **Direct Employment Requirements**).

Representatives of the coal mining industry raised concerns about challenges in implementing the Direct Employment Requirements. To address these concerns, on 13 October 2021, the Minister provided a direction to the Commissioner for Resources Safety and Health to establish a tripartite working group to provide advice to the Minister on the implementation challenges of the proposed legislative amendments to statutory positions and to find solutions to the identified issues.

The working group, made up of equal number of members representing coal mine workers, coal mine operators and coal mine inspectors, considered written submissions and in-person presentations from a number of stakeholders detailing their issues and concerns.

The following amendments to the CMSH Act proposed by the Bill broadly respond to the consensus advice provided by the Tripartite Statutory Positions Working Group (**Working Group**) to the Minister, namely:

- clause 4 of the Bill which amends s. 54(5A) of the CMSH Act allows coal mine operators whose only activities are exploration activities to appoint a SSE through another employer;
- clauses 5, 7, 9 and 11 of the Bill amend ss. 57, 59A, 60A and 61A of the CMSH Act to allow mine operators to engage statutory position holders from external sources for temporary absences of not more than 12 weeks; and
- clauses 4, 8 and 10 amend ss. 54(5)(b), 60(12)(a)(ii) and 61(4) of the CMSH Act to allow entities associated with the coal mine operator, such as a wholly owned subsidiary or other company within the same group or family of companies as the operator, to employ SSEs, UMMs or VOs.

I note additionally that full-service contractors are typically engaged by coal mine operators to operate all or part of a coal mining operation, including filling the roles of statutory position holders. The Working Group identified that under the existing Direct Employment Requirements in the CMSH Act, a coal mine operator will be restricted from employing a contractor to provide part of or full-service contract that includes the services of an SSE and other statutory positions.

I note that following the working group, further consultation took place with key stakeholders. The Bill proposes to address this issue by broadening the Direct Employment Requirement to allow an entity to employ a statutory position holder where the entity engages 80 per cent or more of the coal mine workers at the mine.

If you would like to discuss my submission further, I can be contacted on [REDACTED] or via email [REDACTED]

Yours sincerely

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Kate du Preez  
**Commissioner for Resources Safety and Health**