

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

**Submission No:** 8  
**Submitted by:** [REDACTED]  
**Publication:** [REDACTED]  
**Attachments:** No attachment  
**Submitter Comments:**

I wish to make a submission in relation to the “**COAL MINING SAFETY AND HEALTH AND OTHER LEGISLATION AMENDMENT BILL 2022**”

I am a practicing statutory official and hold multiple statutory certifications, I have been working with the mining industry my entire working life with the vast majority of that being within the Coal Mining industry.

There is a lot I could talk to but given the extremely short time frame afforded to me and I assume others to submit a submission ill need to keep this submission very short.

The quickest and easiest way to raise my concerns might be by breaking down the **Overview of the bill** and **the key safety and health and resources changes in the Bill** supplied by Scott Stewart, Minister for Resources below, I'll start with the **safety and health** and **The Bill amends the CSMH Act to changes in the bill below;**

### Overview of the Bill

*The Coal Mining Safety and Health and Other Legislation Amendment Bill 2022 (the Bill) primarily implements two Queensland Government priorities:*

- 1. Safety and health – to provide for exceptions to direct employment requirements for coal mining statutory positions; and*
- 2. Resources – to enable implementation of a key action in the draft Queensland Resources Industry Development Plan (QRIDP), as well as several housekeeping amendments to a number of Acts in the Resources portfolio to address operational issues and correct clerical errors.*

*The key safety and health and resources changes in the Bill are as follows:*

### Safety and health

*The amendments in the Bill provide some exceptions to direct employment requirements under the Coal Mining Safety and Health Act 1999 (the CSMH Act)—which provides the legislative framework for worker safety and health in Queensland coal mines—for coal mining statutory positions which come into effect on 25 November 2022, when the transitional period ends.*

*On 25 May 2020, the Mineral and Energy Resources and Other Legislation Amendment Act 2020 (the MEROLA Act) amended the CSMH Act to require that a person must be an employee of the operator of a coal mine to be appointed to a safety critical statutory position at the coal mine (the direct employment requirements). The changes included in the Bill are needed to ensure coal mining industry companies have practical ways of implementing the new requirements that do not unreasonably disrupt their current corporate structures and employment arrangements.*

*The Bill amends the CSMH Act to:*

- Allow the site senior executive (SSE), underground mine manager (UMM) and ventilation officer (VO) statutory positions to be employed by an associated entity of a coal mine operator. A definition of ‘associated entity’ would be included in the CSMH Act.*
- Provide that the direct employment requirements do not apply in circumstances where there is a temporary absence or vacancy in the relevant statutory role of not more than 12*

*weeks cumulative duration (i.e., a temporary absence or vacancy cannot comprise multiple 12-week periods).*

- *Remove the requirement on a company to directly employ an SSE where the only activities of the company or an associated entity are exploration activities.*
- *Provide an exception to the direct employment requirements which would allow a person to be appointed to a statutory position by a contractor company if the contractor company employs at least 80 per cent of coal mine workers at an entire coal mine.*

1. The amendments in the Bill provide some exceptions to direct employment requirements under the Coal Mining Safety and Health Act 1999 (the CMSH Act)—which provides the legislative framework for worker safety and health in Queensland coal mines— for coal mining statutory positions which come into effect on 25 November 2022, when the transitional period ends.

- a. I truly believe the amendments that have been rushed through are purely to appease the desires of industry to NOT comply with the legislation that was previously tabled and endorsed in May 2020, I refer to the reasoning stated that the impact of not making amendments - *Coal mining industry representatives have stated the requirements, if not amended, would have the potential to impact its ability to consistently supply coal and, as a result, would affect the financial viability and sustainability of their businesses.*

I find this almost laughable and offensive at the same time. Consider this its now October 2022, its 2 and a half years since the coalmining industry was informed the requirements of the previous bill. That's 2 and a half years to prepare and gain, train or retain the required skill sets required for their business to remain financially viable and sustainable. They were given warning and time extensions and yet they chose not to. Why would they do that? someone less cynical than myself my say that it was done deliberately to bluff government and politicians and use these forums to abuse the changes to suit themselves.

The legislation changes if not amended aren't the things that would be responsible for the impacts, rather its their own inactions or wiliness to not follow law are the true reasons why there would be impacts – yes it would be their own fault.

By rolling over and making the suggested amendments you are endorsing this behaviour, encouraging, and rewarding industry to continue to repeat this behaviour.

The transition period ends in a matter of weeks, hence why this proposal is being rushed through at the 11<sup>th</sup> hour, giving very little time or notification for the likes of me to properly consider and reply.

I'm more affected in real time and real life than industry is

As a politician who or what is more important people or business?

2. Allow the site senior executive (SSE), underground mine manager (UMM) and ventilation officer (VO) statutory positions to be employed by an associated entity of a coal mine operator. A definition of 'associated entity' would be included in the CSMH Act.

- a. I note that this doesn't include OCE's, the question needs to be asked is this because the likes of BHP took the opportunity to already have changed the employment arrangements for the OCE's at the introduction of the legislation back in 2020/2021?

They changed/forced a change to their employment arrangements and changed their roles and titles, they are now called OCO's, Open Cut Overseers, this was an unforeseen consequences of the legislative changes, this was raised as a serious concern and im aware it was raised as an unforeseen consequences and amendments were request but denied, why was that? what is more important people or business?

What this means is that the OCE's/OCO's cant go back onto the previous employment arrangements but the OCE's and Deputies can't, or another way of saying it is Management can but workers cant.

A ***definition of 'associated entity'*** would be included in the CSMH Act. Wow, which one? Google meaning of associated entity. This is bigger than Ben Hur. One thing I know is if this is accepted then the definition needs to be prescribed very clearly and in favour of the blue-collar worker. This is so open corporate manipulation its horrifying.

3. Provide that the direct employment requirements do not apply in circumstances where there is a temporary absence or vacancy in the relevant statutory role of not more than 12 weeks cumulative duration (i.e., a temporary absence or vacancy cannot comprise multiple 12-week periods).

- a. To me this flies in the face of the intent of the original legislative changes back in May 2020 and is so open to bastardisation its not funny.

I go back to my point raised above about 2 and a half years to prepare, yes that's 2 and a half years to build residual into the system to ensure they have the numbers to cover annual leave, sick leave, compassionate leave, terminations, retirements and all manner of leave, it would be absolutely remiss of once self to do otherwise UNLESS you had other intentions and Blind Freddie can now clearly see that the QLD Government is getting the piss taken out of it and the blue collar worker is being kicked in the guts yet again while the everyday coal miner is exposed to increased risk.

How will this 12 week arrangement be governed? How will its intent be protected? Now im not that cantankerous that I cant see what the true intent is and that's to allow some flexibility around short term absences.

Now the site I work at already verbalising how to work around it, example

16 statutory employees, absent employee number 1 is covered by contractor number 1, absent employee number 2 is cover by contractor number 2, after 11 weeks and 6 days contractor number 1 then covers for absent employee number 2 while contractor number 2 covers for employee number 1.

That's just 1 scenario of a few very plausible situations that are on the industries drawing boards to circumnavigate these proposed amendments, oh yeah will call them unforeseen consequences much later, again I ask who's more important people or business.

With last mentioned example again the contractor is put in a precarious position, you tow the corporate line or you will be turn off and wont get the next 12 week extension, don't put safety over production or your contract here will end.

It will actually have a worse effect than what was in place before the amendments in May 2022 and again who and how will it be monitored? RSHQ doesn't have enough resources to do its job now, and even so how many prosecutions for noncompliance verse complaints/ breaches has there been in the last 10yrs?

The track record isn't good for the toothless tiger.

4. Provide an exception to the direct employment requirements which would allow a person to be appointed to a statutory position by a contractor company if the contractor company employs at least 80 per cent of coal mine workers at an entire coal mine.
  - a. I can see more corporate manipulation around the 80%, this has potential to change employment arrangements, company choosing to change its structures etc to suit its ability to precariously put pressure on people or work groups to achieve production over safety.

### **Summary**

Have a real good look at the changes and listen to the industries reasoning for a request for amendment - Coal mining industry representatives have stated the requirements, if not amended, would have the potential to impact its ability to consistently supply coal and, as a result, would affect the financial viability and sustainability of their businesses.

They say if unamended their business will be exposed to detriment, but what have they really done to mitigate this detriment? I say nothing.

I also call ████████ on their reasoning, they tell me regularly they are struggling yet their yearly financial reports say otherwise, the likes of BHP make billions in profits, enough to pay the CEO in excess of \$21 million for 2022 with a 5% increase for 2023.

If government again rolls over in favour of industry you are clearly putting business before people.

Business may lose some money or have to spend a little bit more to train and retain but us coal mine workers lose life and limb.

Our loved ones and work mates will continue to be killed at work and leave families without providers, who will look after my family if or when I'm killed or maimed?

There is so much more I could add or bring your attention too but the close of business is 10mins away and like I said being a joe average I wasn't aware that this was open for comment or discussion until 2 days ago and I have been at work protecting the health and safety of coal miners for the last week.

These changes have affected me negatively, the proposed changes will make it even worse and yet being the most affect I am given the least amount of say or sway.

Whos more important people or business?

Regards

