**Grosvenor Inquiry Submission. Mine Deputies ERZC Employment. Denial to Production and Engineering Award Classification**

**MINE DEPUTIES ERZ CONTROLLERS EMPLOYED AS STAFF SUBMISSION**

**SUBMISSION FINDING 1**

**Mine Deputies/ERZ Controllers who are employed as Staff are subject to increase risk reprisals and adverse treatment when they raise safety concerns**

**REASON**

**Removes their ability to have disputes including those concerning Disciplinary Matters dealt with under the Terms of the P and E Agreement.**

**This includes express right to Representation by the full Industrial and Legal Resources of the CFMEU Mining Division.**

**This starts at Shift and Lodge Level to State Officials and all the way to the National Office Legal Department if Required.**

**This comes at no cost beyond normal weekly Union dues.**

**SUBMISSION FINDING 2**

**Demonstratable increase in risk to Mineworkers Safety and Health due Lack of balance and checks of Management Decisions (including non-statutory Management) with having ERZ Controllers as Staff Employees.**

**REASONS**

**This has been amply demonstrated due to events since 2016 at both the Grosvenor Mine and North Goonyella Mine compared to the rest of the industry and Moranbah North as well.**

**1)**

**Employment of Staff Agreement Deputies only was one of the factors that led to the Grosvenor Mine SHMS authorising non statutory personnel being able to issue technical directions to Statutory officials including ERZC’s, without a formal complaint being lodged to the Mines Inspectorate.**

**As the Inspectors note in the Level 3 Compliance MRE that is not in accordance with the Intent of the Act and Regulations.**

**I would go further it is against the clear wording of the Act and Regulations.**

**Level 3 Compliance MRE dated 26th April 2017 (Attachment 1)**

***The investigation also revealed the use of a process in the Grosvenor mine Safety and Health Management System that authorised non- statutory personnel to issue technical directions to statutory personnel. The Inspectorate have determined that the use of this process is not in accordance with the intent of the Act and Regulations and should not be used. This has already been discussed with the current SSE for Grosvenor mine.***

**2) Level 4 and 3 compliance starting on 20th of November 2017 between the Mines Inspectorate and North Goonyella Coal (NGC) mine management.** (**Attachment One).**

* ***Site Senior Executive (SSE), Mike Carter***
* ***Underground Mine Manager (UMM), Marek Romanski***
* ***Operators representative for Peabody (Vice President), Peter Baker.***

**In February 2018 there were level 3 Compliance meetings for the same matter (Attachment 2)**

***The meetings addressed those ERZ Controllers Shift Managers and Control Room Operators who were known to have direct involvement in mismanagement of methane levels during January 2017 and involved other mine officials who were also at the Mine during that period.***

**1) NORTH GOONYELLA MINE**

**The Statement of Peabody Energy Australia to the \*Parliamentary Committee” is a self-fulfilling prophecy.**

**2.3.2 The inability of contract statutory office holders to make safety complaints.**

***Peabody Energy Australia argued:***

***As a statutory official it doesn’t make any difference to whom you are employed by. Statutory officials who are lazy, don’t speak up when required, and who don’t lead from the front with safety matters are a concern for the industry.***

***Every worker at any Peabody site has the fundamental right to stop work, including production activities if they believe they or others are at risk. This right applies to all personnel working at a Peabody site, inclusive of Contractors***

**\*State Development, Natural Resources and Agricultural Industry Development Committee’s examination of the Mineral and Energy Resources and Other Legislation Amendment Bill 2020.**

**All I will say about the events in September 2018 is that they were entirely preventable by the Statutory Officials.**

1. **The out-of-control heating,**
2. **Multiple withdrawals of mineworkers to the surface for Spontaneous Combustion TARP exceedances**
3. **Emergency sealing from the Surface**
4. **Resulting methane explosions**
5. **Closure of the Mine**
6. **Retrenchment of the Workforce**

**By September 2018, there was only One (1) Mine Deputy ERZC Controller who was employed under the Production and Engineering (P and E) Agreement.**

**For a number of years, the only employment option and Contract for a newly appointed Mine Deputy was for a Staff Style Common Law Agreement.**

**This was due to Natural Attritions, Retirements and Redundancies.**

1. **GROSVENOR MINE**

**All Mine Deputies are employed under Common Law Staff Agreements**

**There is no P and E Agreement for full time workers, let alone the Mine Deputy ERZC Classification**

**The results are self-evidently very similar to North Goonyella.**

**Except that at Grosvenor Mine there were Five Mineworkers permanently Disabled from burn injuries when Grosvenor managed to Ignite a Methane Explosion on the working LW face**

1. **OTHER CENTRAL QUEENSLAN MINES**

**Moranbah North Mine I am informed engages approximately 65% of the Mine Deputies as full time employees, most under the P and E Agreement.**

**The rest are contractors/labour hire type arrangements.**

**HISTORY**

**Mine Deputies have been enticed to leave the position they held as part of the Production and Engineering (P and E) Agreement all the Production and Engineering Mineworkers are employed under since the mid 2000’s but certainly before 2006.**

**They have been offered in essence a Common Law Agreement, supposedly for a Staff Award Category agreement.**

**This New Agreement removes their ability to have disputes including those concerning Disciplinary Matters dealt with under the Terms of the P and E Agreement.**

**This includes express right to Representation by the full Industrial and Legal Resources of the CFMEU Mining Division.**

**This starts at Shift and Lodge Level to State Officials and all the way to the National Office Legal Department if Required.**

**This is all already covered by the payment of weekly membership dues.**

**The enticement universally has a Salary substantially above that under the Production and Engineering Agreement and reportedly including additional bonus schemes common in Senior Staff Contracts payable at the Discretion of the Employer.**

**Whether they receive the full bonus schemes paid to the P and E Employees is beyond my knowledge,**