

*Oaths Act 1867***Statutory Declaration****QUEENSLAND****TO WIT**

I, **Peter Antony Newman**, of 275 George Street, Brisbane City, Queensland, 4000, in the State of Queensland, do solemnly and sincerely declare that:

1. I am the Chief Inspector of Coal Mines with Resources Safety and Health Queensland.
2. On 24 June 2020 I swore a statutory declaration for the purposes of the Coal Mining Board of Inquiry.
3. At paragraphs [6] to [9] of that statutory declaration I described, at a high-level, the number of Inspectors and their and role within the Coal Mines Inspectorate.
4. This is an addendum to my earlier statutory declaration of 24 June 2020, providing more detail about the Inspectors employed in the Coal Mines Inspectorate and the statutory qualifications they hold.
5. This addendum also details the statutory qualifications held by members of the Board of Examiners established by the *Coal Mining Safety and Health Act 1999* (Qld).

Inspectors

6. The Coal Mines Inspectorate presently employs twenty-four Inspectors who come from a mining, mechanical, electrical, or occupational hygiene background. A process is underway to recruit a further 4 inspectors underway, to achieve the full complement of 28 inspectors. Those Inspectors exercise particular powers under the *Coal Mining Safety and Health Act 1999* (Qld).
7. The Coal Mining Safety and Health Advisory Committee specifies the competencies required to obtain a Certificate of Competency issued by the Board of Examiners. The Committee has aligned the management level of the statutory role generally with the

Australian Qualifications Framework (AQF) qualification levels as illustrated in the following table:

AQF level	Example of workforce role	SHMS role
Level 4	Supervisor/Deputy / OCE	Apply and monitor
Level 5	Coordinator/ Superintendent	Implement
Level 6	Manager / Superintendent	Establish and maintain

8. By reference to the AQF qualification levels:
- (a) Eleven of the of the thirteen mining Inspectors have experience at AQF level 5 or above, and have held Superintendent, Mine Manager or Site Safety Executive (*SSE*) roles, including:
 - (i) Six with AQF level 6 experience, three of whom hold First-Class Mine Manager's Certificates of Competency (one via mutual recognition with New Zealand) and three of whom have held Senior Site Executive appointments; and
 - (ii) Five with AQF level 5 experience, and who hold Second-Class Certificates of Competency.
 - (b) Eleven are Inspectors of mechanical and electrical engineering and occupational hygiene backgrounds.
 - (c) The remaining two are mines Inspectors with experience at AQF level 4, having backgrounds in one or more of the following, Deputy, Safety Manager, Technical Service Superintendent, Coal Mine Manager offshore.
9. The desirability for the Chief Inspector, Deputy Chief Inspector, and Regional Inspectors to hold First-Class Certificates of Competency is clearly expressed when those positions are advertised. Respectively:
- (a) Advertisements for the Chief Inspector role specify that applicants are to have fifteen years of experience in the mining industry in senior technical or operational positions, including mine management experience, and that a First Class Mine

Manager's Certificate of Competency, and a relevant degree or other tertiary qualification, are highly desirable.

- (b) Advertisements for the Deputy Chief Inspector role specify that applicants are to have had ten years of experience in a senior technical or operational position in the underground coal mining industry, and that a First Class Mine Manager's Certificate of Competency and relevant tertiary qualifications are highly desirable.
 - (c) Advertisements for Regional Inspector roles specify that the ideal applicant will be the holder of a Queensland First Class Mine Managers Certificate of Competency for coal mines, or a Mine Managers' certificate of competency recognised in Queensland, and that a relevant degree from a tertiary institution is highly desirable.
10. In an ideal world, a large proportion of coal mining Inspectors would hold First Class Mine Manager's Certificates of Competency.
11. The following factors are the present reality for the Inspectorate:
- (a) There is a very limited pool of persons holding a First Class Mine Manager's Certificate of competency in Queensland;
 - (b) There is an aging demographic of those persons;
 - (c) There are challenges to attracting and retaining those limited persons within the existing remuneration structure, noting that the remuneration of inspector's was at one stage in the order of sixty to eighty percent of industry remuneration, but as a result of pay increases in the private sector is now around thirty to forty percent; and
 - (d) The Inspector roles are generally located in regional centres (whereas many underground mine managers and site senior executives fly in and out from Brisbane).
12. The appropriate balance, given the above factors, is achieved by specifying the 'high desirability' for senior role holders within the Coal Mines Inspectorate to hold a First Class Mine Manager's Certificate of Competency.

13. As detailed in my evidence to the Board of Inquiry, the Inspectorate does face the challenge of retaining persons with First Class Mine Manager's Certificate of Competency given the above factors. In recent years, three persons holding this qualification returned to Industry given the remuneration offered and two retired.

Board of Examiners

14. The Board of Examiners is established under the *Coal Mining Safety and Health Act 1999* (Qld) to examine and issue statutory Certificates of Competency.
15. The Board of Examiners has a relatively high proportion of members who hold First-Class Mine Manager's Certificates of Competency and is presently comprised of twelve members:
- (a) Eight of whom hold First-Class Mine Manager's Certificates of Competency; and
 - (b) Three of whom hold either Deputy or Open Cut Examiner Certificates of Competency.
 - (c) One who has extensive industry and regulatory experience in the metalliferous sector

Newly issued Certificates of Competency

16. Two First Class Certificate of Competency has been issued in recent years. The certificates of competency issued by the Board of Examiners since 2014/5 are as follows:

Certificate of Competency	<i>2014-15</i>	<i>2015-16</i>	<i>2016-17</i>	<i>2017-18</i>	<i>2018-19</i>	<i>2019-20</i>
<i>First-Class Coal</i>	1	0	0	0	0	1
<i>Second-Class Coal</i>	0	1	0	0	2	7
<i>Deputy</i>	6	0	3	2	14	31
<i>Open Cut Examiner</i>	20	7	5	9	16	17
<i>Subtotal:</i>	27	8	8	11	32	56
<i>SSE Coal (Inc written law exam)</i>	48	9	16	37	40	56
<i>Grand Total:</i>	75	17	24	48	72	112

17. The mutual recognition certificates issued by the Board of Examiners since 2014/5 are as follows:

Mutual Recognition	<i>2014-15</i>	<i>2015-16</i>	<i>2016-17</i>	<i>2017-18</i>	<i>2018-19</i>	<i>2019-20</i>
<i>First-Class Coal</i>	2	0	0	0	0	4
<i>Second-Class Coal</i>	5	0	0	1	2	1
<i>Deputy</i>	34	14	5	16	24	8
<i>Open Cut Examiner</i>	1	0	1	0	2	1
<i>Total</i>	42	14	6	17	28	14

18. Each of the recipients of a mutual recognition First Class Certificate of Competency in 2019/20 were required to sit and pass a written law exam.

Induction Training

19. Presently, registered training organisations are utilised by the industry to deliver induction training to coal mine workers.
20. National Competency training programs, such as those delivered by registered training organisations, are subject to oversight and are audited by the Australian Skills Quality Authority (*ASQA*).
21. I understand that the registered training organisations are challenged by ASQA and on occasion have their accreditation cancelled where their programs are found to be inadequate.
22. Presently, there is no funding in place, nor any funding in the foreseeable future, for the Inspectorate or the Board of Examiners to run a separate and additional systematic and comprehensive audit of the training programs offered by registered training organisations.

Audits

23. Coal mine audits are routinely conducted by the Coal Mines Inspectorate. By way of example, for the current year we have set a target of sixty audits to be performed in accordance with our Structured Audit Guideline to which I referred in my evidence before the Board of Inquiry.¹

¹ TRA.500.002.0026 at Line 42.

Directives and Substandard Condition or Practice Notices

24. From 2010 to the present date, Inspectors in the Coal Mines Inspectorate have issued a large volume of statutory Directives, (1,955), under the following sections of the *Coal Mining Safety and Health Act 1999* (Qld):

<i>Directives issued by the Inspectorate 2010– 2020</i>	
Section	Number
Section 164	31
Section 165	32
Section 166	703
Section 167	164
Section 168	947
Section 169	49
Section 170	20
Section 171	3
Section 172	6
TOTAL	1,955

25. From 2010 to the present date, Inspectors in the Coal Mines Inspectorate have issued a total of 2,615 Substandard Condition or Practice Notices.
26. Although Inspectors generally have the power to issue statutory Directives under the *Coal Mining Safety and Health Act 1999* (Qld), sections 176 and 177 provide that only the Chief Inspector can ‘review’ directives (including Industry Safety and Health Representative directives). Pursuant to s278(3) the Chief Inspector’s power in this regard cannot be delegated to an Inspector.

Access to Inspectorate database

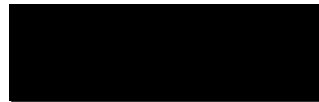
27. I am not aware of any request by ISHRs to access the inspectorate’s HPI and incident database (during my time as Chief Inspector, or otherwise). Industry will ultimately be able to access the new EOS incident management system that is currently under development, which will provide outward facing access to such information.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.



Signature of declarant

Taken and declared before me at Brisbane this 20th day of August 2020.



A Justice of the Peace / Commissioner
~~for Declarations / Lawyer~~