



Senator Malcolm Roberts
One Nation Senator for Queensland

19 March 2020

The Hon Christian Porter MP
Attorney General & Minister for Industrial Relations
PO Box 6022
House of Representatives
Australian Parliament House
CANBERRA ACT 2600

Dear Mr Porter

I write to express my concern in regard to the abuses of casual black coal mine workers at Mt Arthur Mine in New South Wales.

I am confident you will agree that BHP as the mine owner has a responsibility to ensure that BHP and its contractors comply with the laws of Australia, and BHP has a moral obligation as a 'good corporate citizen' to care for workers on their mine site. BHP used Australia's 'broken' IR system and engaged with a labour-hire company to buy cheap labour for the mine, instead of hiring and paying permanent and part-time employees in permanent secure jobs.

To my knowledge BHP did not verify proof of insurance from Chandler MacLeod Group (CMG) to permit them on site, yet they did so knowing workers could be harmed and had no proper workers' compensation cover.

It seems that BHP has a culture that hides site incidents and that they did not report accidents that left casual miners permanently crippled and unable to work without proper compensation, because the rules did not recognise casual black coal miners. BHP knew it yet did nothing to fix it. (proof – Dept. of Industry Resources and Energy (NSW) (Ref.: Sass-2016/00571) "I can confirm that Mt Arthur Coal did not report the incident to the Regulator pursuant to Clause 128 Work Health and Safety (Mines and Petroleum Sites) Regulation 2014").

I am also led to believe that CMG as the labour-hire employer may have colluded with the CFMEU Northern Mining & NSW Energy District to rip-off casual workers by negotiating a 'sham' agreement to underpay the workers 40%. They knew these workers were slipping through the 'cracks' in the industrial relations and workers insurance systems. They, like others, underpaid and under-declared the number of people on site and the types of jobs they did, declaring that the casuals who were working in production at the coalface were 'administrative staff', in order to save money.

I understand that CMG, as the employer, did not have appropriate insurances to cover workers they employed in the Mt Arthur Mine and failed to pay them for a period of over five years the relevant entitlements due to black coal miners.

I am also informed that CMG may have entered into an enterprise agreement declaring that they had no casuals, when there were already casuals working for them on site at the mine. CMG, like many such companies, employed a team of employment and industrial relations professionals and would most likely have done these immoral things knowing they were taking advantage of these workers.

For your information, CMG has approximately \$300 million worth of Australian Government business, most likely paying people less than the public servants they work beside and the government has yet to review this contractor for wage theft or potential breaches of employment standards for casual workers.

The CFMEU Northern Mining & NSW Energy District in the Hunter Valley, as the representative of the Hunter Valley casual black coal mine workers, let these and other mine workers down. The CFMEU needs to step forward and declare why it did nothing to protect these casual black coal mine workers, many of whom were members of the union. The union was happy to take the miners' membership fees "for no service", just like the banks.

The CFMMEU did a 'deal with the devil' when they agreed with a letter from CMG that bought industrial peace. Following receipt of the CMG letter the CFMEU Northern Mining & NSW Energy District did not support these workers' rights.

The CFMMEU are also part-owner of the insurer that chose to let these workers down, by rejecting their claims for compensation and leaving them with just over \$400 a week on which to live.

Attorney General, as the minister responsible for our industrial and employment laws and regulations, I draw to your attention that the Liberal National Government and the Australian Labor Party are both to blame for putting in place an industrial relations system that let this happen. They implemented a slow and sometimes expensive review system that causes hardworking Australians to go for years without justice. There should be a better and quicker way.

In the recent McKell Institute Report "Wage cutting strategies in the Mining Industry" March 2020, the author refers to abuses at Mt Arthur Mine on page 16, but conveniently omitted that the CFMMEU was a party to the agreement that led to the underpayment and abuses of so many casual black coal mine workers. An agreement that was all too quickly rubberstamped by the Fair Work Commission.

The Fair Work Commission is not without blame. The organisation we are supposed to trust to protect our employment standards left a gaping hole in employee entitlements and insurances when they rubberstamped the CMG enterprise agreement, along with so many other similarly defective agreements. This disregard for the outcomes of their decisions has left so many broken and injured people without their lawful entitlements.

Further, the Fair Work Ombudsman simply rubbed salt into the wounds of these broken workers when they said there is no such thing as a casual black coal miner and told any who asked for help to 'go see a lawyer'. This is not the Australian way.

Coal LSL, a government organisation ruled by the CFMMEU and the Minerals Councils, is no better. They accepted timesheets from employers without questioning them and when employees complained, Coal LSL demonstrated their lack of governance and ignored them. But now, as it turns out, after I questioned Coal LSL at Senate Estimates, these workers were right and Coal LSL was wrong.

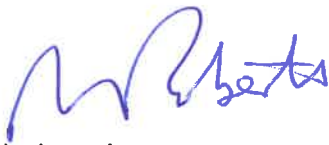
Some abused employees are also concerned that these rogue labour-hire companies may 'phoenix' themselves rather than paying what they owe, leaving the taxpayers to foot the bill. I trust that you will do all in your power to prevent this.

Attorney-General, these matters require co-ordinated national responses, real action by the Australian Government and by the States to rectify the serious issue of employer non-compliance and to introduce tougher employment laws to deal with wage theft and exploitative labour-hire arrangements.

I request that you contribute to this effort to put things right for these everyday Australians and for casual miners everywhere and enable a system to get them their due entitlements as black coal mine workers.

If you require further information or wish to discuss this matter I would be happy to assist you.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M Roberts', with a stylized flourish at the end.

Malcolm Roberts
Senator for Queensland