



**Senator Malcolm Roberts**  
One Nation Senator for Queensland

26 July 2022

Hon Tony Burke MP  
Minister for Employment and Workplace Relations  
Minister for the Arts  
PO Box 6022  
Parliament House  
**CANBERRA ACT 2600**

Dear Minister Burke

Congratulations on your appointment as Minister for Employment, Workplace Relations and the Arts.

You have been elected to represent the people and workers of Australia and in that regard, I ask that you please read my attached letters to the local member, Mr Joel Fitzgibbon, in which I detail significant abuses of Hunter Valley miners. Similar letters were sent to the Hunter CFMEU union boss at the time, Mr Peter Jordan.

It is deeply disappointing that neither Joel, nor your party, nor Hunter CFMEU union bosses prevented or rectified the abuses to Simon Turner and many other Hunter casual coal miners.

Among the many severe injustices on which we have fought for Hunter casual coal miners are the following:

- Loss of basic mineworkers' compensation for workers injured at BHP's Mount Arthur Mine and which CFMEU union bosses are aware yet have done nothing;
- Loss of miners' Accident Pay;
- Employer/Mine-owner threats to injured workers to not report serious injuries;
- Culture of mine management and management "safety bonuses" that threatens casual coal miners who speak up on safety issues;
- Non-reporting of injuries including serious injuries;
- Underpayment of up to 40% to casual mineworkers compared with permanent workers alongside casuals on the same roster and doing the same job;
- Coal LSL under accrual and underpayment for casual miners;
- Loss of miners' basic entitlements and protections and the illegal employment of casuals on production under the Black Coal Mine Industry Award;
- Gaps in the Black Coal Mine Industry Award that left casuals vulnerable and unprotected by the Fair Work Ombudsman; and
- Work, health and safety authorities and insurers ignoring injured casuals.

There have been many injustices done to casual mine workers on mine sites in the Hunter and across Australia. Employers and Hunter CFMEU union bosses continue to exploit and ignore these miners. Labor has misrepresented these miners' plight in what seems to be an attempt to protect Hunter CFMEU union bosses responsible for donations to your party's election campaigns.

When Labor and the union bosses ignored miners' pleas for help to restore basic employment protections and entitlements, we stepped in. Our One Nation team have been supporting and working for casual workers since July 2019 to restore miners' entitlements and protections.

Now that you are Minister for Employment, Workplace Relations and the Arts please consider these facts:

- CFMEU union bosses set up Hunter labour-hire companies enabling and perpetuating the permanent casual rot.
- CFMEU union bosses negotiated and signed off on the abusive casual enterprise agreements.
- Labor's Jeff Drayton admits he did a deal in 2017 allowing casuals to be terminated with one hour's notice and gave no entitlement to annual leave, carer's leave or paid compassionate leave: Daily Telegraph May 2021.
- The CFMMEU National Legal Director courageously publicly confirmed the union ignored casuals.
- Mine royalties and mining jobs subsidise our way of life, the schools, the hospitals and the lifestyle that both city and country Australians enjoy.

Labor's coal and industrial relations policies, actions and omissions are undermining workers and the Hunter. One Nation has continued to support and fight hard for casual workers' rights including introducing legislation for equal (or greater) pay for casuals. Please refer to the attached.

You are accountable for what happens next, or does not happen, for the ignored injured coal miners and to jobs and families in mining in the Hunter and throughout Australia.

Labor must honour election campaign promises to Hunter miners and not do deals with the Greens who want to shut down the coal industry.

I seek your support for the Fair Work Ombudsman to conduct an inquiry into the use and abuse of casual mine workers in the Hunter. The previous government supported our call for such an inquiry. I hope that you will publicly support and initiate this inquiry as a matter of urgency.

I would be happy to meet with you to discuss what needs to be done to further the successes we have achieved for casual coal miners everywhere and to fulfil my aims stated in 2019 to:

- Restore to workers their legal and moral entitlements and protections and to obtain compensation for the trauma miners have endured
- Stop exploitation of permanent "casual" coal mine workers across Australia; and,
- Obtain justice for Hunter casual miners in light of the collusion between BHP, Chandler MacLeod and the Hunter CFMEU union bosses.

I hope that you and Labor will support my bill introduced into the senate earlier this year and re-introduced in the senate yesterday and that you will support my call for an independent inquiry. I look forward to the possibility of meeting with you.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M Roberts', written in a cursive style.

Senator Malcolm Roberts  
**Senator for Queensland**

Atts.

**ATTACHMENT:**

**Aims - Having personally listened to the complaints of injured workers in the Hunter and Central Queensland we stood up for them and our aims are to:**

1. Get miners their moral and legal entitlements as production workers in the black coal mining industry (incl. back pay, leave payments, compensation and compensation for trauma and suffering);
2. End the permanent/casual rot and unsafe practices in Australian mining; and,
3. Pursue justice for workers against employers & union bosses for the permanent-casual rot.

**While others including Labor talked, we listened, and we acted:**

We introduced the Fair Work Amendment (Equal Pay for Equal Work) Bill 2022 to ensure that casuals in coal mining and other awards that had no coverage for casuals (Maritime, ANSTO, Firefighting and Air Crew) will be able to be paid the same (or greater) base pay as permanent workers they work alongside.

- ✓ We exposed the Coal LSL rot that was underpaying casuals. It is now being fixed.
- ✓ We fought for conversion rights for casuals to ensure a pathway to permanency and to job security giving workers access to loans and mortgages.
- ✓ We called out union bosses & employers on the Coal Mines Insurance Board for ignoring casuals.
- ✓ We exposed employers including BHP for colluding with union bosses to abuse and abandon casuals and injured workers.

One Nation team have been supporting and working for casual workers since July 2019 to ensure that they are no longer disadvantaged in pay and conditions.

**We introduced legislation for equal pay for casual workers:**

2019-2022	16	<b>Division 4—Minimum pay for certain labour hire employees</b>
	17	
The Parliament of the Commonwealth of Australia	18	<b>333B Minimum pay for certain labour hire employees</b>
THE SENATE	19	(1) This section applies if:
	20	(a) an employer (the <i>labour hire employer</i> ) enters into a contract
	21	or an arrangement with another person (the <i>host employer</i> )
	22	for an employee (the <i>labour hire employee</i> ) of the labour
	23	hire employer to perform work for the host employer; and
	24	(b) while performing the work, the labour hire employee is in a
<i>Presented and read a first time</i>	25	classification or class of work covered by a specified modern
	26	award.
	27	(2) The labour hire employer must pay the labour hire employee, in
	28	respect of the work:
<b>Fair Work Amendment (Equal Pay for Equal Work) Bill 2022</b>	1	(a) a base rate of pay for the labour hire employee's hours of
	2	work that is no less than the base rate of pay that is, or would
	3	be, payable to an employee of the host employer in the same
	4	classification or class of work for the same hours of work;
<b>No. , 2022</b>	5	and
	6	(b) any of the following that is, or would be, payable to an
<i>(Senator Roberts)</i>	7	employee of the host employer in the same classification or
	8	class of work:
	9	(i) incentive-based payments and bonuses;
	10	(ii) loadings;
<b>A Bill for an Act to amend the <i>Fair Work Act 2009</i>, and for related purposes</b>	11	(iii) monetary allowances;
	12	(iv) overtime or penalty rates;
	13	(v) any other separately identifiable amounts.
	14	Note: This subsection is a civil remedy provision (see Part 4-1).

## **Achievements:**

- From May – July 2019 the One Nation team was made aware of the plight of many labour hire coal mine workers, including injured casual mine workers in the Hunter NSW. Key achievements detailed above.
- Advocacy and correspondence with stakeholders including:
  - Prime Minister Hon Scott Morrison MP
  - Attorney-General Hon Christian Porter MP
  - Hon. Joel Fitzgibbon MP
  - Senator Tony Sheldon
  - Fair Work Commissioner
  - Fair Work Ombudsman
  - Coal Long Service Leave (LSL)
  - BHP Executive and Board (mine owner, Mt Arthur)
  - Chandler Macleod Group (labour hire employer)
  - Recruit Holdings Japan (Owner of Chandler Macleod)
  - Hon Victor Dominello (NSW)
  - Hon Clayton Barr (NSW)
  - Hon Adam Searle (NSW)
  - Hon Anthony Roberts (NSW)
  - Hon Don Harwin (NSW)
  - Hon David Shoebridge (NSW)
  - Hon Dominic Perrottet (NSW)
  - Hon Matt Keen (NSW)
  - Hon Sharon Claydon MP
  - Hon Anastacia Palaszczuk Premier of Queensland
  - NSW Inspector of Mines
  - Unions including ACTU and CFMMEU, Hunter Valley and National Coal Mines Insurance
  - NSW State Insurance Regulatory Authority (SIRA)
  - Workers Compensation Independent Review (NSW)
  - iCare NSW
  - The Hon. Helen Coonan, Chair, Minerals Council of Australia
  - NSW Minerals Council
  - Mr Brent Gunther, President, Queensland Resources Council
  - Mr Tony McPaul, Chair, NSW Minerals Council
  - Mr Paul Everingham, Chief Executive Officer, Chamber of Minerals and Energy of Western Australia
  - Mr Richard Owen, AMMA Board President, Australian Mines and Metals Association
  - Mr Innes Willox, Chief Executive, Australian Industry Group
  - Ms Jennifer Westacott AO, CEO, Business Council of Australia
  - Media and more in related organisations or roles.
- Submissions to the Morrison Government Industrial Relations Reform Committees seeking IR reform and protections for casual workers.
- Amendments to the Morrison Government's Fair Work Act to provide for conversion rights for all casual workers from casual to permanent, creating a pathway to job security and easier access to loans and mortgages.
- Submission to the Queensland Grosvenor Mine Explosion Inquiry identifying the threats to casuals and seeking representation for casuals/labour hire workers on safety committees.
- Submission to the Labor initiated Senate Job Security Inquiry to detail the plight and the problems faced by casual workers and casual black coal miners in the Hunter and Central Queensland which both Labor and union bosses had ignored.
- Advocate for and achieved a review of Coal LSL (KPMG) to treat casuals lawfully.
- Advocated for a payout for an injured, abused and abandoned Hunter casual worker.



**Senator Malcolm Roberts**  
One Nation Senator for Queensland

19 March 2020

Mr Joel Fitzgibbon MP  
Shadow Minister for Agriculture & Resources  
Member for Hunter  
PO Box 526  
CESSNOCK NSW 2325

Dear Mr Fitzgibbon

There seems to have been a lot of banter and public political points scoring about the casual black coal mine workers in the Hunter Valley, but right now I seek your support to put things right.

Joel, I am informed that one of these crippled workers, Simon Turner, has repeatedly tried to contact you to set the record straight about the casual black coal miners who have been refused their fair entitlements. More recently, I read some of your comments including those in the Newcastle Herald on 17 March 2020 when you say you are for coal miners but your actions say otherwise – ignoring calls for help from injured CFMEU members.

From your public comments it seems that you have missed the point. This is a significant wage theft issue and is about much more than casualisation of the workforce. It is about the abuses that many casual black coal miners have endured in your electorate, and that have continued for at least five years despite being drawn to your attention.

Let's consider the big picture. I am informed that Chandler MacLeod Group (CMG), as the labour-hire employer, may have colluded with the CFMEU Northern Mining and NSW Energy District to rip-off casual workers by negotiating a 'sham' agreement. I am told that they underpaid the casual workers 40% knowing these workers were slipping through the 'cracks' in the industrial relations and workers' compensation insurance systems. To everyday Australians like me this is immoral.

CMG then under-reported the number of people on site and the types of jobs they did, declaring that the casuals who were working at the coalface were 'administrative staff' in order to save a few dollars on insurance premiums. Surely this is illegal, yet neither the CFMMEU nor you acted.

I believe that the CFMEU Northern Mining and NSW Energy District, as the representative of the Hunter Valley casual black coal mine workers, let these and other mine workers down. They were happy to take their membership fees, but it was "a fee for no service", which sounds similar to the banks.

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 CFMEU Northern Mining and NSW Energy District was a party to the agreement that led to the underpayment, loss of entitlements and abuse of so many casual black coal mine workers.

The union also seems to have done a 'deal with the devil' in agreeing with CMG to grant industrial peace and that the CFMEU Northern Mining and NSW Energy District would not protect these workers' rights.

It concerns me that the union did not launch a class action on behalf of these disadvantaged workers when the union did so for others nearby.

I am informed that the CFMEU Northern Mining and NSW Energy District is directly or indirectly a part-owner of the insurer that rejected these workers' claims for compensation leaving them with just over \$400 a week on which to live.

Coal LSL, a government organisation which is 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 ignored them. But now it turns out that after I questioned them at Senate Estimates, these workers were right and Coal LSL was wrong.

Joel, these matters require co-ordinated national responses, real action by the Australian Government and 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 invite you to become a part of the solution and contribute to this effort to put things right for these everyday Australians and for casual coal miners everywhere. The first step in developing a solution is to truthfully admit the problems listed above.

I would be happy to meet with you to brief you in relation to the real and serious immoralities and irregularities, and the problems the Hunter Valley casual black coal miners and their families face in your electorate.

Yours sincerely



**Malcolm Roberts**  
Senator for Queensland



**Senator Malcolm Roberts**  
One Nation Senator for Queensland

17 August 2020

The Hon. Joel Fitzgibbon,  
MP Member for Hunter  
Shadow Minister for Agriculture &  
Resources PO Box 526  
CESSNOCK NSW 2325

Dear Mr Fitzgibbon

Please refer to the video at: <https://www.malcolmrobertsgld.com.au/mining-workers-abuse/>. This video is the human face of our failed workplace systems. It introduces the sickening and shameful exploitation and abuse of workers and demonstrates the failure of our industrial relations systems, health and safety systems and parliamentary oversight and accountability in both NSW and federally.

The story focuses on the tragic and life altering consequences of a workplace injury for Mr Simon Turner at a BHP coal mine in NSW. When the employers, unions, industry bodies, state and federal governments fail to protect workers then injured employees can be exploited and discarded. Thousands of workers who may think they are protected are not, and are vulnerable to the immoral, unethical and unlawful behaviour of rogue organisations.

I hope you agree that stakeholders like you have a responsibility to address these breaches which have had devastating consequences for so many abused and injured Australians. Please invest the time to watch Simon's story as a real-life case study of how we are failing Australian workers, and please join with me to be a part of the solution.

What has become obvious to me and to many everyday Australians is that there are many organisations who are complicit in enabling these workers to be exploited, passively or actively, and this has created a huge risk for business, shareholders and for workers.

It is time for us to stand up for Australians. I hope that you agree that we have a responsibility to ensure all parties fulfil their moral and legal responsibilities and that it is our duty to repair the systems, prevent recurrence and ensure compliance with workplace laws. Before considering sweeping changes to our country's industrial relations framework we need to ensure existing health, safety and industrial laws are complied with fully.

To protect workers and shareholders and restore business reputations, I invite you to please join me because together we can put things right for Simon Turner, restore industry integrity and protect workers and shareholders.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M Roberts'.

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