

QUEENSLAND COAL MINING BOARD OF INQUIRY

Coal Mining Safety and Health Act 1999

Establishment of a Board of Inquiry Notice (No 01) 2020

Before:

Mr Terry Martin SC,
Chairperson and Board Member

Mr Andrew Clough,
Board Member

At Court 17, Brisbane Magistrates Court
363 George Street, Brisbane QLD

On Friday, 7 August 2020 at 10am
(Day 4)

1 THE CHAIRPERSON: Ladies and gentlemen, before evidence is
2 called this morning, the Board of Inquiry wishes to
3 acknowledge that today is the 26th anniversary of the
4 Moura No. 2 mine disaster, in which 11 lives were lost and
5 the lives of many more destructively impacted.
6

7 That this anniversary falls within a period of public
8 hearings of this inquiry underscores the collective need
9 and responsibility we who are concerned in this inquiry
10 have in recommending meaningful improvement in safety for
11 coal miners.
12

13 Yes, Mr Rice.
14

15 MR RICE: If the Board pleases, I call Stephen Woods.
16

17 <STEPHEN WOODS, affirmed: [10.01am]
18

19 <EXAMINATION BY MR RICE:
20

21 MR RICE: Q. Is your name Stephen Woods?
22

23 A. Yes, that's correct.
24

25 Q. Mr Woods, you are employed by the CFMMEU; am I right?
26

27 A. Yes, that's correct.
28

29 Q. And you occupy the position of industry safety and
30 health representative under the Coal Mining Safety and
31 Health Act?
32

33 A. Yes, that's correct.
34

35 Q. You were first elected, I think, to that position in
36 July 2012?
37

38 A. Yes, that's correct.
39

40 Q. And elected on a ballot of members of the union;
41 correct?
42

43 A. I was elected unopposed into the position.
44

45 Q. But those who vote are members of the union, are they?
46

47 A. Yes, that's correct.
48

49 Q. Similarly, you have been re-elected two more times,
50 in July 2016 and July 2020?
51

52 A. Yes, that's correct.
53

54 Q. With the assistance of representation, you have
55

1 prepared an affidavit for use at the inquiry, have you not?
2 A. Yes, I have.
3
4 Q. I will just put that in front of you so that we can
5 discuss some parts of it. Okay?
6 A. Yes.
7
8 Q. Mr Operator, it is WST.001.001.0001. Mr Woods,
9 I think to begin with, you want to make some correction
10 I've been notified of; is that right?
11 A. Yes, that's correct.
12
13 Q. I think it pertains to paragraph 48. Let's just get
14 that out of the way. Okay?
15 A. Yes, 48, yes.
16
17 Q. I have been told you want to omit the second sentence
18 of paragraph 48 from your affidavit; is that correct?
19 A. I believe it to be the third sentence.
20
21 Q. The third sentence. On reflection, you would prefer
22 to omit that; is that the situation?
23 A. That's correct, yes.
24
25 Q. Anything else?
26 A. No.
27
28 Q. Could you tell us, is it Mr Smyth who is the secretary
29 of the Mining and Energy Division?
30 A. Sorry, did you say Mr Smyth?
31
32 Q. Yes.
33 A. No, he is the president.
34
35 Q. I see. Do you know who the secretary of that division
36 is?
37 A. I do. Currently it is Glenn Power.
38
39 MR CRAWSHAW: Excuse me, I take it my friend is asking
40 about the Mining and Energy Division in Queensland?
41
42 MR RICE: Correct.
43
44 MR CRAWSHAW: Yes.
45
46 THE CHAIRPERSON: Thank you, Mr Crawshaw.
47

- 1 MR RICE: Q. You may not know the details, but just to
2 set a bit of framework, do you have some idea from your
3 eight years of experience in the job what the current
4 membership coverage is in Queensland in the mines that we
5 are concerned with, that is to say, what proportion of
6 workers are members?
7 A. Yes, I've got around-about figures, yes. I have heard
8 them in passing and at some meetings, yes.
9
- 10 Q. We could get the exact details from one or other of
11 the officials you have mentioned, but just to assist for
12 today's purposes, could you tell us what you know?
13 A. Yes, 7,000 is the figure that has been recently
14 bandied around.
15
- 16 Q. Seven thousand members?
17 A. Yes.
18
- 19 Q. Out of how many? I think earlier in the proceedings,
20 we were told there might be as many as 37,000 coal mine
21 workers in Queensland.
22 A. I will have to take your word on that. I don't know
23 how many people are in the coal industry.
24
- 25 Q. For working purposes, you would be aware, for example,
26 whether it is, say, less than half? Would it be less than
27 half?
28 A. Yes, I suppose so, yes.
29
- 30 Q. The reason I ask is that under the Act, the members
31 not only elect you but they pay for you, do they not?
32 A. Members do, yes, yes.
33
- 34 Q. The funding model is that your function and that of
35 your colleagues, your two colleagues, is funded, is it not,
36 by levies imposed on members?
37 A. That's correct.
38
- 39 Q. That is to say, their union dues?
40 A. Yes, that's correct, as in subscription dues, yes.
41
- 42 Q. You would be aware of functions and powers under the
43 Act in sections 118 and 119 - you would have a working
44 knowledge of those, I assume?
45 A. Yes.
46
- 47 Q. The functions and powers, as one reads it, are not

- 1 confined to representation of the members who elect you and
2 pay for you; correct?
- 3 A. That's correct.
4
- 5 Q. What is your approach to that scenario in terms of
6 carrying out your functions, that a limited category of
7 coal mine workers elect you and pay for you, but
8 nonetheless your responsibilities extend industry wide?
- 9 A. I don't understand what you mean there.
10
- 11 Q. Well, do you approach the job from the perspective
12 which is apparent from sections 118 and 119 that you have
13 a representational role for all coal mine workers?
- 14 A. Yes, and so if I take a complaint from a person who is
15 not a member of ours, then, yes, we deal with it.
16
- 17 Q. Do you know whether the union has ever made any
18 representations to government, for example, concerning the
19 fairness of that funding model?
- 20 A. I'm not aware of that.
21
- 22 Q. You operate out of the Mackay office; am I right?
- 23 A. That's correct.
24
- 25 Q. Which of the four mines that we are concerned with
26 does that give you primary contact with - Moranbah North?
- 27 A. Moranbah North, yes.
28
- 29 Q. Grosvenor?
- 30 A. Yes.
31
- 32 Q. Oaky North?
- 33 A. No.
34
- 35 Q. And Grasstree?
- 36 A. No.
37
- 38 Q. But all three of you exercise similar functions and
39 presumably carry them out in a similar way, in your
40 experience?
- 41 A. Yes.
42
- 43 Q. In your affidavit, you speak about the relationship
44 with site safety health representatives. Obviously, they
45 are based on site, whereas you are some hours' drive from
46 any of the mines that you are concerned with; am I right?
- 47 A. That's correct.

1
2 Q. So would you just tell us in your words what is the
3 importance of that relationship?
4 A. I think it's extremely important. They're our eyes
5 and ears out there, and they tell us if something is
6 happening that they can't deal with or that sort of thing,
7 yes. So it's a very strong relationship in some cases.
8
9 Q. Do you try to cultivate a relationship with the SSHRs?
10 A. When we can, yes.
11
12 Q. How do you do that?
13 A. We hold safety conferences every 12 months, where we
14 invite all the SSHRs to come along, and provide some
15 education and training at those seminars, week long.
16
17 Q. Can you tell me why the union takes it on itself to do
18 that annual training?
19 A. From a personal opinion, I think that it's done to
20 educate the SSHRs in their role and --
21
22 Q. Is that advantageous to you, in the long run, that
23 they be educated?
24 A. Yes.
25
26 Q. So on that footing, the union pays for I think it is
27 an annual conference of some kind, is it not?
28 A. That's correct, yes.
29
30 Q. It goes for, what, four days?
31 A. Yes. It starts at lunchtime on Monday and goes to
32 lunchtime on Friday.
33
34 Q. Apart from the opportunity that that gives you to
35 educate and network a little bit, in terms of day-to-day
36 operations is there some method that you use to cultivate
37 the necessary relationship so that the lines of
38 communication are good?
39 A. When we do inspections, we make sure that they're
40 there and they come with us during that, and we try and
41 work around their rosters, between the day and night shift,
42 say they're on day shift, so they can attend with us at
43 those inspections. At the conference, we talk closely
44 with - because obviously the industry is still chugging
45 along, so we talk with them during that conference, we have
46 brief one-on-ones and stuff like that.
47

- 1 Q. In the course of the year, do you, for example, feel
2 a need to have a regular catch-up, be it by phone or by way
3 of meetings, say weekly or monthly? Does anything like
4 that occur?
5 A. At their request, yes, we would do that, but - yes.
6
7 Q. It is not a fixed program?
8 A. No, no, we don't have an outlined agenda or that sort
9 of thing where we meet each SSHR every six months or
10 something, no.
11
12 Q. You communicate as needs be?
13 A. That's correct, yes.
14
15 Q. According to issues that arise?
16 A. Yes. Yes, that's correct.
17
18 Q. You mentioned inspections. Do you have any program of
19 regular inspections or are they done as need be?
20 A. We have a system where we have to try and get around
21 to all the mines once a year and then all undergrounds
22 twice a year, if we can, and we have a database where that
23 gets put up. The ISHR that actually attended the mine
24 actually fills that in, so then we can work out which pits
25 are falling behind and go from there, schedule inspections
26 from there.
27
28 Q. In the inspections that you do, is there like
29 a checklist or some systematic approach to the things that
30 you intend to do, or is it fashioned to the particular
31 needs at the time?
32 A. It will be fashioned to the particular needs. If it
33 is an event or something that has occurred and it's a short
34 notice - it might be a complaint and it's a short notice
35 complaint, we'll just give notice and then head to the
36 mine. If it's a scheduled inspection, we will give a
37 little bit more notice, so the companies know that we're
38 coming, because we have to give reasonable notice. Then we
39 will probably do a bit of pre-work, which is check for HPIs
40 that have occurred, and then go to the mine from there.
41
42 Q. Prior to doing an inspection, would you make contact
43 with an SSHR to determine if there are any current issues?
44 A. Yes, obviously that's right, and then there would be
45 some - the notification that we send to the SSE is copied
46 in to the SSHR as well.
47

- 1 Q. Well, the notification, does that just advise that you
2 wish to attend on a certain occasion, or does it give
3 a list of things that you are proposing to do?
4 A. There's either. It can be - depending on who is - on
5 what the issue is, I might ask to review some documents
6 when I first get to the mine, so I will include them so
7 they're ready for me when I get there.
8
- 9 Q. We were talking about the relationship with the SSHRs.
10 You note in your affidavit that you have a good working
11 relationship with those at Moranbah North?
12 A. That's correct.
13
- 14 Q. It so happens that they are permanent, full-time
15 employees there?
16 A. Yes.
17
- 18 Q. Are they members?
19 A. Yes.
20
- 21 Q. That connection presumably makes it easier to
22 establish and maintain lines of communication?
23 A. Yes, I suppose you could say that. They are more
24 willing to discuss matters with us, it would appear,
25 generally.
26
- 27 Q. More willing than what?
28 A. Than people that aren't members.
29
- 30 Q. I think you use Grosvenor as an example of that?
31 A. Yes.
32
- 33 Q. Just looking at paragraph 15 of your affidavit, you
34 say that it is problematic having an SSHR who is a labour
35 hire employee, and so on for the rest of that paragraph.
36 Just take a moment to have a look at that.
37 A. Yes.
38
- 39 Q. Firstly, is that an opinion of yours or is it based on
40 something more concrete?
41 A. Oh, it's obviously my opinion, but --
42
- 43 Q. I want to see what supports your opinion.
44 A. Yes, well, if we use that example, the people from
45 Grosvenor, or the SSHRs from Grosvenor, have never attended
46 a safety conference.
47

- 1 Q. In how long?
2 A. Well, not since the eight years I've been in the role.
3
4 Q. They have been invited, I presume, from what you said
5 earlier?
6 A. Yes, yes. We send a copy out to the SSE as well, as
7 part of the invite.
8
9 Q. You mentioned that there can be a turnover of SSHRs,
10 but, in truth, some contract workers work for years at the
11 mines, don't they, on repeat contracts?
12 A. Yes, that's correct, yes.
13
14 Q. Well, that turnover that you speak of wouldn't be
15 applicable in that kind of scenario, would it?
16 A. Well, it may be. It depends on who the SSHR is at the
17 time.
18
19 Q. Is that opinion that you express in paragraph 15 to
20 contrast Moranbah North with Grosvenor?
21 A. Yes, I would think so, yes.
22
23 Q. Have you been at Mackay throughout the eight years
24 that you have been serving?
25 A. Yes.
26
27 Q. So in terms of underground mines that we are concerned
28 with, it's Moranbah North and Grosvenor that provide your
29 experience base; correct?
30 A. Yes.
31
32 Q. Let's go a little bit wider than that just to
33 understand. Is that issue that you mention at paragraph 15
34 reflected in other mines for which you might be responsible
35 beyond the ones that this inquiry is directly concerned
36 with, or is it confined to Grosvenor?
37 A. Offhand I can't think of any other area where that
38 does apply.
39
40 Q. So far as the Grosvenor experience is concerned, you
41 talk about that at paragraphs 19 and onwards. I hear what
42 you say about their not attending the conference, which is
43 a useful opportunity for networking, education and so
44 forth, but you say that you have been unable to develop
45 a relationship. Could you describe for us what efforts you
46 have made in that respect?
47 A. Well, obviously invitations to the safety conference

1 and inspections.

2

3 Q. Do they accompany you on inspections when you go to
4 Grosvenor?

5 A. They haven't, no.

6

7 Q. You notify them that you are going to attend?

8 A. I can't be a hundred per cent certain, but I don't
9 think there was any there when I first went out there to
10 the mine; there was no elected SSHRs. There was a safety
11 representative, and he did attend.

12

13 Q. Over eight years, you would have done numerous
14 inspections at Grosvenor, wouldn't you?

15 A. Offhand I can't - I've done inspections at Grosvenor,
16 yes.

17

18 Q. I was thinking back to the program that you mentioned
19 earlier, that you visit the mines, what, at least annually,
20 don't you?

21 A. We try, yes.

22

23 Q. On such inspections as you have had at Grosvenor, have
24 you liaised with the SSHR to see if he would accompany you
25 or wish to accompany you on an inspection? Do you see what
26 I'm asking you? Did you initiate contact --

27 A. No.

28

29 Q. -- with the SSHR for that purpose?

30 A. Apart from sending out the notification that I was
31 coming to site, no.

32

33 Q. Could you confirm for us that you did issue
34 a notification to the incumbent SSHR? I assume you do that
35 by email; right?

36 A. Yes.

37

38 Q. Did you send an email to the SSHR or include the SSHR
39 in the notification?

40 A. I wouldn't have, no, because I didn't know who they
41 were at that time.

42

43 Q. We're talking about a long time, aren't we - eight
44 years?

45 A. It doesn't mean that it's the same SSHR for eight
46 years.

47

- 1 Q. No.
2 A. It can be multiple people.
3
4 Q. I understand. But over that time frame, have you
5 given one or more notifications to an SSHR about your
6 intended inspection?
7 A. At Grosvenor?
8
9 Q. Yes.
10 A. Apart from sending it to the SSE, no.
11
12 Q. Why would you not include the SSHR by copying an email
13 to that person or persons?
14 A. I don't believe I had details for him or them.
15
16 Q. Well, with due respect, that would not be difficult to
17 ascertain, would it?
18 A. Sorry?
19
20 Q. It wouldn't be difficult to find out who the rep was,
21 would it?
22 A. No, I suppose not. I could have rung, yes.
23
24 Q. The SSE would tell you if you asked, wouldn't he?
25 A. I believe so.
26
27 Q. So when issues arise that you wish to follow up on
28 concerning Grosvenor, have you attempted to make phone
29 contact to try to establish a line of communication there?
30 A. Sorry, can you repeat that question?
31
32 Q. Presumably issues that you want to follow up on arise
33 from Grosvenor mine from time to time?
34 A. Yes.
35
36 Q. Would that be fair to say?
37 A. Yes.
38
39 Q. I'm asking you, when such occasions arise, whether you
40 have initiated phone contact to the SSHR or one of them to
41 discuss the issue?
42 A. No.
43
44 Q. Is there some reason?
45 A. I haven't dealt with too many issues from Grosvenor
46 mine.
47

1 Q. You have said on that same subject at paragraph 22
2 that you prefer SSHRs to be union members because they are
3 more effective in the role. How does their being union
4 members make them more effective, in your experience?

5 A. I believe they are not as fearful for their job as -
6 the precarious employment arrangement makes it a little
7 bit - and this is what we hear from the blokes on the sites
8 as well, is that, "I don't want to be seen with you", and
9 all that sort of stuff, "because it may mean that I get the
10 arse or get unemployed."

11

12 Q. To be fair to you, I asked you a moment ago about your
13 notification to the SSHR about a site visit or your
14 attempts to contact the SSHR to discuss any issue that
15 might have arisen. Have you had any experience of any of
16 the SSHRs at Grasstree contacting you --

17 A. No.

18

19 Q. -- for discussion or assistance with any issue?

20 A. No.

21

22 Q. So is there any communication at all between you and
23 the SSHRs at Grosvenor?

24 A. No, none.

25

26 Q. None?

27 A. None, except after - post May 6.

28

29 Q. Well, that being a very significant event. Did that
30 really compel that you come together?

31 A. Yes.

32

33 Q. You mentioned a moment ago that in conversations with
34 workers at Grosvenor, you have heard it expressed to you
35 that workers don't want to be seen with you; is that right?

36 A. That's correct.

37

38 Q. Are you able to tell us with what frequency that has
39 occurred?

40 A. Not offhand, no, but - like, I can't give you
41 a figure, yes.

42

43 Q. But, what, more than once?

44 A. Yes.

45

46 Q. Many more than once?

47 A. I would say - it would be definitely many more than

1 once.

2

3 Q. In paragraph 23 you talk about that, and you say that
4 "we" - that is you and your colleagues - have formed the
5 view, speaking of the SSHRs, that they will be too scared
6 to talk to you. Is that comment, as the sentence reads,
7 referable to SSHRs?

8 A. Yes, that's talking about SSHRs, yes.

9

10 Q. In the last sentence of that, where you say, "We have
11 also had people say to us while we have meetings",
12 et cetera, are you speaking there about workers?

13 A. Yes.

14

15 Q. Who are not SSHRs?

16 A. Yes, workers, yes.

17

18 Q. You give an experience in the first part of
19 paragraph 24. Are you able to give us any more detail
20 about the experience that you describe, that you have
21 observed some people don't wish to engage with you at the
22 mine?

23 A. I generally know a few people that work at Grosvenor,
24 and it's a different - the relationship I had with them
25 from working with them before at different mines is
26 different when you go to site at Grosvenor.

27

28 Q. What do you attribute that to?

29 A. I think it's because I'm - well, I'm employed by the
30 CFMEU and I think that's why they - they're a bit nervous
31 to come and talk to us about anything in case it can be
32 considered that they're making complaints or that sort of
33 thing.

34

35 Q. Workers have said that to you, have they, according to
36 your previous evidence?

37 A. Not that question there; it actually goes to the
38 people I personally know. That one above goes to people,
39 coal mine workers, at meetings that I wouldn't know and
40 wouldn't have a relationship with.

41

42 Q. Understood.

43

44 THE CHAIRPERSON: Q. Mr Woods, these workers to whom you
45 are referring, are some of them members of the CFMMEU but
46 also labour hire employees?

47 A. Some would, yes.

- 1
2 Q. Are you saying that they too are reluctant to speak to
3 you, even though they are members of the CFMMEU?
4 A. To be seen with us gives the impression that they may
5 be raising complaints, whether they're members or
6 non-members.
7
8 MR RICE: Q. For those who haven't read sections 118 and
9 119 of the Coal Mining Act, would you accept that a worker
10 could be forgiven for thinking that you were the union rep
11 and not an industry rep?
12 A. If you read 118 and 119 and know it, I think you could
13 be - you can't mix them up. But if you don't know what's
14 in 118 and 119, yes, you could think that because I wear
15 branded clothes at site and that sort of stuff, that
16 I could be the CFMEU rep.
17
18 Q. I was going to ask you about your clothing. You are
19 visibly the person from the union; correct?
20 A. That's correct.
21
22 Q. Is it your experience that contract workers tend not
23 to be union members?
24 A. It varies, but yes.
25
26 Q. It's a bit hard to generalise?
27 A. Yes, yes.
28
29 Q. Given that I think people could be expected to know
30 that if you wear branded clothes and you are elected by
31 members and paid for by members, it could be that workers
32 perceive you to be the union rep, but you have accepted,
33 I think, that by reference to the sections that I've
34 quoted, you have a wider responsibility. I'm wondering how
35 you go about promoting to the wider community of workers
36 that you are their representative and not just the union
37 man?
38 A. Me personally?
39
40 Q. Yes.
41 A. I suppose when we're out integrating with the coal
42 mine workers, we try and inform them that we hold a much
43 different role than a CFMEU representative as such. We
44 can't deal with industrial matters; it's safety and health
45 only, so - yes.
46
47 Q. Is that done in any structured way? Do you have the

1 opportunity, for example, to publish anything, to send
2 a circular around, or an email - promote your services is
3 really what I'm interested in?

4 A. Yes, we have sent out safety alerts, or one of us has
5 send out safety alerts out to all general mines, and on
6 that it explains the powers and functions and that sort of
7 stuff. We've done it at our forums that we hold. And
8 generally at other meetings throughout the year, like, if
9 we get invited to attend a meeting of certain branches, we
10 attend there and explain to everyone that's there. We've
11 attended meetings, and if there has been an accident or
12 that sort of thing, we get out and talk to people about
13 what our role is and that sort of stuff as well. But
14 I don't think we've sent out any circulars or anything like
15 that.

16
17 Q. Do you think, then, from your interaction with workers
18 that it is appreciated that you are an industry rep and not
19 a union man as such?

20 A. I think once you have the discussion with the coal
21 mine workers, then they generally understand that there is
22 a difference, yes.

23
24 Q. And you would expect the word would spread about that,
25 would you?

26 A. Yes.

27
28 Q. Is that the way you approach it?

29 A. Yes.

30
31 Q. Speak to workers and the word gets around - is that
32 your approach?

33 A. That's correct.

34
35 Q. Do you get many complaints made to you? One of your
36 functions is to investigate complaints. Do you get many
37 complaints in your function?

38 A. Yes, yes, yes.

39
40 Q. Is that a big part of your work?

41 A. Yes, it's a - and obviously we're cognisant of the
42 fact that we're only hearing one side, but, yes, we do get
43 a number of complaints, yes.

44
45 Q. Do you find that the person who makes a complaint
46 identifies themselves as to whether they are a union member
47 or not?

- 1 A. Some do. Some will send complaints in writing and
2 with no return address, so you can't actually give feedback
3 to the event or your investigation.
4
- 5 Q. When you receive a complaint, do you check whether the
6 person is a union member or not?
7 A. Yes, we do, yes.
8
- 9 Q. Is there a question of fairness, in your mind, in
10 terms of prioritising complaints, that members have paid
11 for you to advocate for them and others haven't?
12 A. I suppose, yes, that does cross my mind when you take
13 a complaint, yes.
14
- 15 Q. It's only reasonable, isn't it, in a sense, that some
16 pay and some don't?
17 A. Yes, that's correct.
18
- 19 Q. And you are conscious of that; correct?
20 A. Yes.
21
- 22 Q. Do you know whether you get complaints from labour
23 hire workers?
24 A. Yes.
25
- 26 Q. Are you able to assist in what proportion to
27 complaints overall?
28 A. Not by numbers, no, but we do get a number of
29 complaints from labour hire.
30
- 31 Q. How do those complaints rank in the priorities
32 compared with complaints made by union members?
33 A. Well, just because they're labour hire doesn't mean
34 they're not union members. Obviously that will be part of
35 the process in investigating the complaint.
36
- 37 Q. Perhaps my question wasn't clear enough before. Do
38 you get complaints from workers who are not union members?
39 A. Yes.
40
- 41 Q. Are you able to say in what proportion you receive
42 complaints from people who are not union members?
43 A. No, no. No. We do receive complaints from people
44 that aren't union members, yes.
45
- 46 Q. Do you get as many from that source as you do from
47 members, can you say?

1 A. I would say it's probably about a quarter, if I had to
2 add a figure, yes.

3

4 THE CHAIRPERSON: Q. And yet they make up the majority
5 of workers at the mines you look after?

6 A. The majority of mines that I look after are probably -
7 you would have to say from the figures that were provided
8 before, which I don't know if they're correct or not, but
9 just say they are, then, yes, you would have to say that
10 the majority of them would be non-union and - yes.

11

12 Q. So if you get a complaint from a non-union member, is
13 that dealt with differently in any way to your dealing with
14 a complaint by a union member?

15 A. It's the same process, but obviously if you're dealing
16 with something at the time, you might prioritise that --

17

18 Q. The union member's complaint over the non-union
19 member's complaint?

20 A. Yes, yes.

21

22 THE CHAIRPERSON: Yes, Mr Rice.

23

24 MR RICE: Q. You speak a little bit about the
25 inspectorate investigations from paragraph 27 onwards of
26 your affidavit, and you contrast what you describe as
27 recent times to things that have happened in the past;
28 correct?

29 A. Yes, that's correct.

30

31 Q. Looking at paragraph 28, you said that you used to get
32 regular information of certain kinds. In paragraph (b) you
33 refer to "inspection reports". Would that be mine record
34 entries?

35 A. Yes.

36

37 Q. And "directives" - would they also be mine record
38 entries or associated with mine record entries?

39 A. Yes.

40

41 Q. And you used to get that because you were on
42 a distribution list until earlier in the year; is that
43 right?

44 A. That's correct.

45

46 Q. So for those two items, we can connect that to the
47 email that you received saying, "We're not going to do that

- 1 any more"?
- 2 A. Yes, that's correct.
- 3
- 4 Q. Newsletters and safety bulletins - would they not be
- 5 available on the internet?
- 6 A. Yes, it's a little bit difficult to get around, but,
- 7 yes, you can get them off their website, yes.
- 8
- 9 Q. You have to go and look for them?
- 10 A. Yes, yes, and it's not an easy system. You've
- 11 actually got to do a search, and it brings up four
- 12 different inspectorates instead of just the Department of
- 13 Mines and Energy.
- 14
- 15 Q. You're saying their website is a bit hard to
- 16 negotiate?
- 17 A. Yes.
- 18
- 19 Q. Did you previously get such things directly, for
- 20 example, by email?
- 21 A. Yes.
- 22
- 23 Q. That has stopped as well, has it?
- 24 A. Not the newsletters and safety bulletins - the safety
- 25 bulletins and safety alerts, that sort of stuff, yes, we
- 26 still get them.
- 27
- 28 Q. By email?
- 29 A. Yes.
- 30
- 31 Q. And investigation reports - what kind of
- 32 investigations are you talking about?
- 33 A. If they go to the mine to have a look at an HPI issue
- 34 or something like that, then we would get a copy of that.
- 35
- 36 Q. Well, any inspection creates an MRE, doesn't it, in
- 37 your experience?
- 38 A. Yes.
- 39
- 40 Q. So, again, if you talk about investigation reports, we
- 41 can put that in the category of MREs, can we?
- 42 A. Yes.
- 43
- 44 Q. You talk a little more about inspections and
- 45 investigations a little later in your affidavit at pages 11
- 46 and 12. If you wouldn't mind, if we could go to
- 47 paragraph 71 for discussion, are you speaking there about

1 investigation of serious accidents, or what is the context
2 for paragraph 71?

3 A. Yes, that's probably in respect - it's in respect to
4 a fatality.

5
6 Q. Fatalities, okay. You conclude that by saying that
7 not being provided with interview transcripts, et cetera,
8 makes it difficult for you to do a "fulsome" investigation.
9 I just note that word because, as I think you would know,
10 in the Act you have a function of participating in
11 investigations. So what do you see your role as, given
12 that you describe that you have difficulty in doing
13 a fulsome investigation? How do you connect that to the
14 function under the Act?

15 A. Well, obviously the reason that we collect evidence is
16 to do our own sort of gathering to try and come up with
17 nature and cause of the accident. Understanding that we
18 are only able to participate - and obviously that has
19 occurred, and when we get all this, we try and put it
20 together to see if there is any advice that we can give
21 or - in that way, yes.

22
23 Q. With due respect, your resources wouldn't compare with
24 that of the inspectorate in terms of determining nature and
25 cause, would it?

26 A. No, no.

27
28 Q. Is it more a case of wanting to know what the
29 inspectorate is up to than actually conducting a full and
30 separate investigation, or not?

31 A. I don't know what you mean by "what they are up to".

32
33 Q. Well, you would be aware that they have
34 a responsibility to conduct full investigations?

35 A. Yes.

36
37 Q. And they aim to determine nature and cause and they
38 have more resources than you do, do they not?

39 A. No, that's correct.

40
41 Q. So I'm wondering if your interest really is to
42 ascertain the progress of their determination of nature and
43 cause rather than attempting to conduct a full and separate
44 kind of investigation?

45 A. No, I don't think it's to find out where they're up to
46 or what they're doing. I believe that we try and come up
47 with the same - we try and do an investigation to see what

1 the cause was. Yes, we are limited in resources and that,
2 but we still try and work out what occurred.

3

4 THE CHAIRPERSON: Q. How do you actually do that? What
5 do you do? Say someone is injured. What do you actually
6 do by way of investigation?

7 A. Well, we obviously take photos, that sort of stuff,
8 gather what we can at the time from the scene. The three
9 of us sit down and try and work out what possibilities
10 there are from the event and then go through and try and
11 work out, ascertain what occurred at that time.

12

13 Q. Do you have any evidence from witnesses?

14 A. No, and that's the issue. No. Only what we talk to
15 other coal mine workers on at the scene, who may have been
16 at the scene at the time.

17

18 Q. You do speak to those --

19 A. Yes.

20

21 Q. -- who may be witnesses to the accident?

22 A. Yes, yes, but obviously we don't get to everyone, and
23 it's not a - there's no transcript of that. It's only what
24 we ask them and they tell us.

25

26 Q. And you take notes of that?

27 A. Yes.

28

29 Q. But you don't get access to perhaps the eyewitnesses,
30 the critical witnesses to what occurred?

31 A. No, no, unless they wanted to come and see us and talk
32 to us, yes.

33

34 Q. You don't approach them?

35 A. Yes, we try, yes.

36

37 MR RICE: Q. You say that you try - with what degree of
38 success, Mr Woods?

39 A. Obviously if they are a union member, they are happy
40 to come and talk to us, normally, and they will make
41 themselves available to have a chat.

42

43 Q. It is more difficult if you are dealing with someone
44 who is not a member?

45 A. Yes, or someone who may be in the management structure
46 higher up, if you know what I mean, yes.

47

1 Q. I don't want to overgeneralise, but at the risk of
2 doing so, is it a fair summary from what we have discussed
3 so far that you find your lines of inquiry are more
4 fruitful whenever you are dealing with union members by
5 contrast with those who are not?

6 A. As a general statement, yes, that would be correct.

7
8 Q. We haven't talked about HPIS yet, so maybe we will do
9 that. Could you just have a look at paragraphs 100 and 101
10 of your affidavit? I was just interested to see in
11 paragraph 101 that you describe or give perhaps an opinion
12 that gas exceedances are an inevitable part of coal mining.
13 Is that your opinion?

14 A. Yes.

15
16 Q. Based on what, Mr Woods?

17 A. Just my experience.

18
19 Q. But why do you say that they are inevitable? Is it
20 because they keep happening or for some other reason?

21 A. No, just - I was a deputy at a coal mine for an
22 extended period, and I find that at any sort of time you
23 could probably find an accumulation, whether it be a small
24 pocket or someone's interrupted the bag ventilation or you
25 have a blocked flame arrester and it causes an
26 accumulation.

27
28 Q. There could be a host of reasons, I suppose?

29 A. That's correct, yes.

30
31 Q. One feature of the HPIS is that there are so many -
32 not confined to methane but across the board. You get
33 notifications of - I think there might even be a figure in
34 your affidavit somewhere, but probably 30 or 40 a week?

35 A. Yes, something like that, yes.

36
37 Q. Do you have to prioritise those in some fashion?

38 A. Obviously if - you're talking about what we do with
39 them when we get them?

40
41 Q. Yes.

42 A. Okay, so there will be a verbal notification first,
43 and then within about 48 hours we will get an email with
44 the written notification attached. Prior to the events of
45 6 May, I sent them on to the administration lady, who puts
46 them into a drive in Brisbane, a computer system in
47 Brisbane. I also copy in the other two ISHRs, so they're

1 aware of the same notification that I've received. With
2 that, they get entered then onto a system under the mine
3 and the year that it occurred.
4

5 Q. Perhaps if you would look at paragraphs 107 and 108,
6 it seems as though one of the features of the notifications
7 of HPIs is the fact that you are a good two to three hours'
8 drive away from the mine, so there is that difficulty in
9 responding; is that correct?

10 A. Yes, that's correct.
11

12 Q. The second feature seems to be, from paragraph 108,
13 that by the time you get a notification, the mine has
14 already taken action to try to resolve the situation?

15 A. Yes, that's correct.
16

17 Q. Is that reflected to you in the notification you get,
18 either verbally or in form 1A?

19 A. Both, yes, and the conversation that we have with
20 either the SSE or his delegate is - that conversation is
21 about what was the cause, how long did the event occur for,
22 what have you done since, that sort of thing.
23

24 Q. Do I take it that for the most part, you get, from
25 your point of view, a sufficient body of information in the
26 form 1A for your purposes?

27 A. I think so. It would be good to have a look at the
28 investigation report, but we don't get sent them.
29

30 Q. That's the subsequent form 5A?

31 A. Yes, yes.
32

33 Q. Is that what you are talking about?

34 A. Yes, yes.
35

36 Q. Have you had occasion to ask for that report?

37 A. I have, yes.
38

39 Q. And have you received it?

40 A. In some occasions, I have received it, yes.
41

42 Q. Depending on, what, the circumstances, or depending on
43 the mine, or what?

44 A. Depending on the mine, yes.
45

46 Q. You have told us about how these documents are
47 processed in your office.

1 A. Yes.

2

3 Q. I'm wondering if you have the capability - that is to
4 say, the time and the resources - to look at HPIs that
5 might be repeating themselves at a given mine so that you
6 can see what issue there might be from a trend or
7 repetition?

8 A. I'm not aware if the other two have searched on that
9 database, but I don't think that I have. It depends -
10 like, post 6 May - we understand that there were some
11 issues with the system, so post 6 May I talked with the
12 admin manager in Brisbane and she has actually entered -
13 we've got a new system now where we enter it in
14 FileMaker Pro and there is an OH&S thing there, which
15 actually puts them in under the mine and what the event was
16 classified as, so it makes it easier to search. So post
17 6 May, we could do it. Pre 6 May, I'm unsure whether any
18 of the others did, but I didn't.

19

20 Q. But that event prompted you to change your method of
21 review of these things; is that right?

22

A. Yes.

23

24 Q. Correct?

25

A. Yes, that's correct.

26

27 Q. Is it correct, though, taking paragraphs 107 and 108
28 of your affidavit together, that by and large, if we're
29 talking about an incident that didn't result in any injury
30 warranting you to go to the mine and make some inquiry, you
31 regard the information you get in the form 1A typically as
32 sufficient for you to see what's happened and that the mine
33 is taking action?

34

A. Yes, and obviously it has been released by the
35 inspector.

36

37 Q. That scenario of being notified of an HPI which is an
38 exceedance without injury, is that by contrast with any
39 occasion of injury to a person, in which case you would go
40 to the mine to make some inquiry; is that right?

41

A. Yes, that's correct.

42

43 Q. Where there is an injury - and we're talking about an
44 injury that qualifies as a serious accident; is that the
45 demarcation?

46

A. Yes, I believe so, yes.

47

1 Q. In that event, do the three of you, all three of you,
2 go to the mine and attempt to make inquiries?

3 A. In general, yes.

4

5 Q. Can I ask why all three of you go?

6 A. Obviously --

7

8 Q. Is it just a habit?

9 A. We've been talking about fatalities, and so, yes, it's
10 a major event in the industry, so, yes, and there's more
11 experience between the three of us, and then - so, yes.

12

13 MR RICE: That's all I have, Mr Martin.

14

15 THE CHAIRPERSON: Q. But you also go if there is an
16 ignition of gas; is that right?

17 A. Yes, we could, yes.

18

19 Q. I was just going from paragraph 109:

20

21 *If there has been an ignition of gas, or if*
22 *a coal mine worker has been injured by gas,*
23 *I will always go straight to the coal*
24 *mine ...*

25

26 Paragraph 109.

27 A. Yes, I believe that, "If there has been an ignition of
28 gas or if a coal miner has been injured by gas" - yes.

29

30 Q. Tell me if it's not quite right. We can amend the
31 paragraph.

32 A. If the coal miner has been injured by that gas, by
33 that ignition.

34

35 Q. Right, okay. Do you work a consistent shift or are
36 there different shifts for you?

37 A. No, we all work day shift.

38

39 Q. What hours are they?

40 A. From 8 till 4.30.

41

42 Q. Could I ask what a typical day involves for you?
43 Obviously you don't go to the mines every day?

44 A. No, no.

45

46 Q. What is a typical day for you?

47 A. We head over to the office. First of all, I will do

- 1 notifications for HPis. I send them away.
2
3 Q. To whom?
4 A. To the admin lady and the other two ISHRs so we're all
5 aware of what has occurred. It depends whether I'm working
6 on something previously which has been left over, I'll try
7 and work through that.
8
9 Q. Do you mean an investigation?
10 A. Yes, yes. That sort of stuff. Or a complaint, it may
11 be a complaint. I might be sending an email with what
12 I call a mine record entry to the mine asking for some
13 documents, so I can review. That sort of stuff.
14
15 Q. Review in relation to what?
16 A. To the complaint. So it may be, oh, I don't know, has
17 the system been followed when a bloke's been taken through
18 his fitness for duty or his medical, you know, that sort of
19 thing.
20
21 Q. When you participate in an investigation, do you
22 create a report of some sort?
23 A. We have in the past, yes.
24
25 Q. Every time or most times?
26 A. Generally most times, yes.
27
28 Q. Do you provide that report to anyone?
29 A. Well, I haven't done one, but I'm aware that it has
30 been done and been provided to other people.
31
32 Q. I mean, do you provide a report to the inspectorate?
33 You are participating in their investigation. Do you
34 provide a report to them?
35 A. I haven't, no.
36
37 Q. So how do you actually participate? The word rather
38 suggests that you are engaged in the investigation and
39 there is cooperation. How do you get across to them your
40 impression of the accident and your cause, perhaps, for the
41 accident?
42 A. Well, obviously there would be discussions, ongoing
43 discussions, during an investigation process. This is what
44 used to occur. It's sort of - since the relationship broke
45 down, there hasn't been - in my words, it hasn't been as --
46
47 Q. Cooperative?

1 A. Yes, cooperative.

2

3 Q. But it is no more formal than that, rather, just
4 talking about it, exchanging views orally, verbally?

5 A. Well, that's what I'm aware of, but I'm certain that
6 there's another person going to give evidence that may
7 have - I'm aware that he's provided reports to --

8

9 THE CHAIRPERSON: All right. Thank you, Mr Woods. We
10 will wait to hear, then. Mr Holt?

11

12 <EXAMINATION BY MR HOLT:

13

14 MR HOLT: Q. Good morning, Mr Woods. Just one matter,
15 perhaps, if we can clarify what I think might be a mistake
16 in your affidavit. Could we have a look, please, at
17 paragraph 51 of Mr Woods' affidavit. This is a note about
18 something which occurred at the Moranbah North coal mine.
19 The circumstances are less important than the fact that you
20 note here that you had been told of a particular thing by
21 the SSHR, and you had said:

22

23 *Had the SSHR not contacted me about this,*
24 *I would not have known about it ...*

25

26 Do you see that?

27 A. Yes, yes.

28

29 Q. You refer there to an annexure to your statement,
30 SW-3, which was a letter that you wrote in follow-up to the
31 SSE, making several perfectly sensible inquiries about what
32 had occurred?

33 A. Yes.

34

35 Q. Can we just have a look at that document, please. It
36 is at 0043 of this document. This is the letter that you
37 are talking about, the communication with Mr Stephan,
38 Paul Stephan --

39 A. Yes.

40

41 Q. -- who is the SSE?

42 A. Yes.

43

44 Q. You can see there it was a note sent on 1 June 2020,
45 and it says:

46

47 *Today, the 1st June 2020 at 07.43 hours*

1 *I received a text from Underground Mine*
2 *Manager - Mr Michael Lerch ...*

3

4 Do you see that?

5 A. Yes.

6

7 Q. So you would accept, then, that you were in fact first
8 notified of that incident by Michael Lerch, the underground
9 mine manager, by text message, contrary to what you had
10 indicated in your affidavit, which was that you had learnt
11 it from the SSHR?

12 A. Yes.

13

14 Q. Thank you. Coming, then, to some of the issues that
15 Mr Rice was asking you about - and I'm going to focus here
16 in particular on the things that you say about the SSHRs
17 and the relationship with the SSHRs at Grosvenor. Do you
18 understand the topic that I'm talking about? I'm talking
19 about the relationship and your understanding and views of
20 the roles and functions of the SSHRs at Grosvenor, which
21 are set out from paragraphs 19 to 24 of your statement.

22 A. Yes.

23

24 Q. Might we have those up, Mr Operator? I think that
25 would be helpful, in the circumstances. Obviously enough,
26 Mr Woods, and as you explained to Mr Rice, what you have
27 expressed in this part of your report are your opinions,
28 your views as to how things are operating and why they are
29 operating in certain ways?

30 A. Yes.

31

32 Q. You also explain impressions, might I suggest, that
33 you have received from others who you have spoken to, as
34 you discussed with Mr Rice?

35 A. Yes.

36

37 Q. While, of course, those lived experiences and
38 impressions are important, you would accept also that it is
39 important to understand what the evidence base is for those
40 ideas, for those opinions that you hold, how accurate or
41 not accurate they are in fact; that's important?

42 A. Yes.

43

44 Q. Good. Now, if we then can have a look at a couple of
45 the things that you have talked about today firstly, before
46 we come to that topic. One of the things you said about
47 the SSHRs - that is, the SSHRs at Grosvenor - was that they

1 didn't attend the safety conference?

2 A. Yes.

3

4 Q. As I understood what you said to Mr Rice, the union
5 safety conference is the primary way in which you maintain
6 communication and relationships with SSHRs?

7 A. Yes.

8

9 Q. I think ultimately you might have suggested what
10 I think was implicit in Mr Rice's questioning, which was
11 that that conference is obviously a union-organised
12 conference - yes?

13 A. Yes.

14

15 Q. Is it true that the majority of people who are
16 attending are in fact already union members?

17 A. Yes.

18

19 Q. Now, you are aware also, I think, that there is a sort
20 of whole-of-sector conference each year called the
21 Queensland mining safety conference, which occurs each
22 year?

23 A. That's correct.

24

25 Q. And you attend that, I'm sure?

26 A. No.

27

28 Q. You don't attend that. In any event, in terms of
29 attending conferences talking about safety issues, it
30 wouldn't surprise you, would it, to know that SSHRs attend
31 those conferences, or that conference?

32 A. Yes.

33

34 Q. But, equally, in terms of your conference, that is,
35 the union-organised safety conference, I imagine you would
36 hope that given we're talking about Anglo Grosvenor, let's
37 talk about Anglo Grosvenor - you would hope that Anglo
38 Grosvenor management would tell their SSHRs about the union
39 safety conference - yes?

40 A. Yes.

41

42 Q. And you would hope that they would offer for them, in
43 fact, invite them to go?

44 A. Yes.

45

46 Q. And you would hope that they would offer them leave on
47 that basis so that they weren't suffering financially?

1 A. Yes.

2

3 Q. And I take it you would be pleased to know from me -
4 and there will be material in this inquiry later - that
5 that's exactly what happened, that the SSHRs at Grosvenor
6 are offered to attend and given leave in order to do so?
7 So you would be pleased to hear that, I would imagine?

8 A. Yes.

9

10 Q. Thank you. Dealing, then, with this issue of the
11 relationship between the ISHRs, or you in particular, and
12 the SSHRs at Grosvenor, you note in your statement that you
13 haven't developed contacts with them, as you did not have
14 contacts for them and they didn't seem interested. That's
15 what you have said in your statement?

16 A. Yes.

17

18 Q. You also say that the SSHRs - and this is in the bit
19 about Grosvenor - are frequently changing and you have been
20 unable to keep up with those changes?

21 A. Yes.

22

23 Q. Again, that last statement, that they have frequently
24 changed and you have been unable to keep up with the
25 changes, I'm wondering what the evidence base is for that
26 proposition. Who are you talking about, and when did they
27 change?

28 A. Well, in between inspections, I didn't know that
29 Reece, Mr Campbell, had changed and taken up the role of
30 SSHR.

31

32 Q. Between which inspections, Mr Woods?

33 A. When I did inspections at the mine.

34

35 Q. I understand that. I'm talking about when?

36 A. Oh, without looking at some documents, I can't --

37

38 Q. So is that the single example - and I will come back
39 to whether it is accurate or not in a moment. Is that the
40 single example which is the basis for the proposition that
41 SSHRs are frequently changing and you have been unable to
42 keep up with the changes?

43 A. Yes.

44

45 Q. You also say of the relationships with the SSHRs at
46 Grosvenor that the SSHRs who are labour hire are
47 problematic because of turnover, lack of experience in the

1 role, and it can be difficult to keep up with who has the
2 role?

3 A. Yes.

4
5 Q. Tell me this: let's take 6 May because of the way the
6 terms of reference are framed. Prior to 6 May, were you
7 aware of who the SSHRs were at Grosvenor?

8 A. No.

9
10 Q. That was a fact that would have been pretty easy for
11 you to find out, who the SSHRs were in fact at Grosvenor?

12 A. Yes.

13
14 Q. And you never attempted to find out who they were?

15 A. No.

16
17 Q. So I'm interested, then, when you said "they didn't
18 seem interested in engaging with me", if you didn't know
19 who they were, how is it that you were able to form the
20 view that they weren't interested in engaging with you?

21 A. Oh, that's probably from the event on 6 May.

22
23 Q. We will come back to that in a moment. In any event,
24 you have attributed, again as a matter of impression at
25 least or opinion, status as a labour hire workforce, in
26 effect, or a labour hire employee or contractor, to this
27 high turnover and lack of interest by the SSHRs in a
28 relationship with you and Grosvenor; is that right?

29 A. Can you just repeat that question?

30
31 Q. Sure. You have indicated in your affidavit that one
32 of the reasons why you consider you've been unable to
33 establish a relationship was because the SSHRs are
34 frequently changing - 3yes?

35 A. Yes.

36
37 Q. As I understand it, you attribute that to their status
38 as labour hire folk rather than as employed Anglo folk?

39 A. Yes.

40
41 Q. Now, given that you didn't know who the SSHRs were,
42 may we take it that you also didn't know anything about
43 what their status in fact was?

44 A. Yes.

45
46 Q. So if I told you that of the two relevant SSHRs at
47 that time, one was a labour hire person, Mr Reece, and the

1 other was in fact an Anglo employee, you can suddenly see
2 that we have both examples there -yes?

3 A. Yes.

4
5 Q. But you in fact indicate you had no joy in
6 establishing a relationship with them, either of them?

7 A. Yes.

8

9 Q. But you didn't know who they were?

10 A. Yes, that's correct.

11

12 Q. Equally also, by the way, given you didn't know who
13 they were, you probably didn't know that each of them had
14 in fact been employed by Anglo at Grosvenor since April
15 2014?

16 A. No. I didn't know that.

17

18 Q. Did you also know or not know that each had been
19 appointed SSHRs by vote in accordance with the statutory
20 regime since September 2018?

21 A. No, I didn't know that.

22

23 Q. And had maintained those roles from 2018 right through
24 until the events that we are concerned about here, indeed,
25 right through until now?

26 A. No, I didn't know that.

27

28 Q. So now that you know those things, would you accept
29 that there is at least a significant risk borne out by what
30 we have just been discussing of you having impressions of
31 people and their motivations and their roles and even the
32 facts of their employment which might not be borne out in
33 reality?

34 A. I suppose you could say that.

35

36 Q. Thank you. Again, I'm not trying to deprecate for
37 a moment the critical importance of the Board understanding
38 how coal mine workers are in fact perceiving these issues -
39 that's really important, right? But you would also
40 understand that it is critically important to be factually
41 accurate about those things?

42 A. Yes.

43

44 Q. Thank you. On that note, I suppose, you have made
45 some claims in your statement about more generalised views
46 of the workforce at Grosvenor and the way in which they
47 felt about talking to you when you came to site - yes?

1 A. Yes.

2

3 Q. Can we just tease that out. You explained I think to
4 Mr Rice earlier that you try and do inspections of coal
5 mines annually?

6 A. We try, yes.

7

8 Q. In terms of Grosvenor, then, from the records that we
9 have and which are before the board, the previous
10 inspection - that is, prior to the May incident - had
11 occurred in January of this year, January 2020?

12 A. Not by me, no.

13

14 Q. No, I was going to say that. Not by you; in fact, by
15 Mr Watts?

16 A. Yes.

17

18 Q. So prior to that, then, just so we've got a sense of
19 your experience actually on the site, which appears to be
20 the basis for some of the views you've expressed, how long
21 before that were you on the site?

22 A. I can't - it would be a guess if I said it.

23

24 Q. Would you mind giving us a ballpark, recognising that
25 it's not going to be a day or a time or whatever
26 specifically. If we take January 2020 as a marker when
27 Mr Watts was on the site, how long before that was it when
28 you were on the site gaining the impressions that you have
29 discussed with us?

30 A. No, I wouldn't guess.

31

32 Q. A year, six months?

33 A. Like I said, I wouldn't guess. I don't know. I would
34 have to have a look at my - our records.

35

36 Q. Sure. Can we get a sense, then, just so we understand
37 the evidence base for the opinions you have expressed about
38 the views of coal mine workers at Grosvenor, say if we
39 take May of this year as a marker, if we can go back from
40 there within that previous, I don't know - let's go back to
41 September 2018, when the new SSHRs were appointed. In that
42 time, would you have visited that mine zero times, once,
43 twice, what are we talking about?

44 A. I would say zero in that time.

45

46 Q. So when you describe, then, in your statement things
47 like having - I will just make sure I get the language

1 right. I apologise. Just give me a moment. "People
2 I know personally who work at the mine won't go near me
3 when I attend the site" - that's an experience that is at
4 least further back than September 2018?

5 A. Yes.

6
7 Q. You mentioned something in your evidence to Mr Rice
8 about that issue as well. You talked about attending -
9 I had a note - their branch meetings as a place where those
10 views were being expressed to you?

11 A. That was a general term with all - with mines.

12
13 Q. No, I don't think it is. What do you mean by - what's
14 a branch meeting?

15 A. Like - well, if there was a branch of the CFMEU at the
16 site, they sometimes hold meetings, and that was a general
17 term in relation to different mines, and we've attended
18 branch meetings.

19
20 Q. You've described the site safety health officers not
21 accompanying you on coal mine inspections; do you recall
22 that?

23 A. I said there was a safety rep that accompanied me
24 prior.

25
26 Q. Yes, but that wasn't my question. You were asked -
27 you explained before that SSHOs - and it seemed to be part
28 of the basis of your opinion for why Grosvenor was somehow
29 different, that SSHOs didn't accompany you on site
30 inspections; do you recall saying that?

31 A. Sorry, what?

32
33 Q. You were saying that SSHOs weren't accompanying you on
34 site inspections and you were pointing that out as a way in
35 which the relationship wasn't working between you and them?

36 A. Yes, I said there was a safety rep that did go with
37 us.

38
39 Q. You were talking - sorry, I apologise. SSHRs. You
40 were specifically talking about SSHRs not accompanying you
41 on site visits. You were being asked by Mr Rice about that
42 relationship.

43 A. Yes.

44
45 Q. And you said they didn't accompany you.

46 A. Prior to 6 May?

47

1 Q. Yes.

2 A. Yes - yes.

3

4 Q. So prior to 6 May, we now know that there was an
5 inspection in January that you didn't conduct - yes?

6 A. That I wasn't there for, yes.

7

8 Q. So you don't know what happened there?

9 A. No.

10

11 Q. Can I tell you the SSHR, according to the mine record
12 entry, was present at the invitation of the SSE and met
13 with Mr Watts both before and after the underground visit -
14 would you accept that?

15 A. Yes, I would accept that.

16

17 Q. As I understood your evidence just a moment ago, you
18 think you conducted zero inspections between that date and
19 right back to at least September 2018?

20 A. Yes.

21

22 Q. In other words, you have no experience at all of the
23 SSHRs who have been appointed by statutory process from
24 September 2018 and whether or not they accompany on trips
25 at all?

26 A. Yes.

27

28 Q. Can we talk, then, for a moment, please, about advice
29 about HPis and the way in which - I'm sorry, I withdraw
30 that. Let me just come back to another topic. We were all
31 asked at the outset of this inquiry by the Chairperson to
32 look closely at the people involved, at their own processes
33 and their own issues. Is there anything in the comments or
34 the questions that Mr Rice was asking you that has caused
35 you to think about how you might do better in terms of
36 engaging with non-union coal mine workers?

37 A. I probably haven't thought about it since Mr Rice -
38 because I'm up here, but - yes.

39

40 Q. That's fair. That's an entirely reasonable answer.
41 Now, HPis. You understand, don't you, that HPis have to be
42 reported to both the inspectorate and then to you, that is,
43 to a person in your role?

44 A. That's correct.

45

46 Q. If I said that the records that we have indicate that
47 from an Anglo perspective, at least, that advice to you

1 following the advice to the inspectorate happens usually
2 within minutes, certainly no more than an hour, would that
3 be consistent with at least your understanding of the way
4 in which things have worked for you?

5 A. From all Anglo mines?

6
7 Q. Well, let's take the ones that you are involved in,
8 obviously enough.

9 A. Okay. No, that's not my experience. Some I get in
10 excess of some time.

11
12 Q. In excess of some time?

13 A. Yes.

14
15 Q. After the event's occurred?

16 A. Yes, yes.

17
18 Q. No, I'm talking about from the point at which the
19 inspector is told, because you understand there is a joint
20 responsibility or a dual responsibility?

21 A. Yes.

22
23 Q. So the mine has to tell the inspector and you?

24 A. Yes.

25
26 Q. You understand that effectively happens at about the
27 same time - yes? Sorry, we have a transcript, so --

28 A. Sorry. Yes.

29
30 MR HOLT: Thank you, Mr Martin.

31
32 THE CHAIRPERSON: Mr Roney?

33
34 **<EXAMINATION BY MR RONEY:**

35
36 MR RONEY: Q. Mr Woods, my name is Peter Roney. I'm
37 appearing for One Key. You might be aware of that. Just
38 picking up on a question that Mr Holt asked you a moment
39 ago, which he perhaps moved on from a little too early, he
40 asked you whether you had given consideration to how you
41 might do better in engaging with non-union members, and he
42 framed it by reference to thinking about that since Mr Rice
43 started asking you questions today. But it is fair to say,
44 isn't it, that the point that you have sought to make in a
45 number of places in your affidavit is that you do have
46 significant difficulty in engaging with non-union
47 membership on the mine sites that you have referred to?

1 A. Yes, yes.

2

3 Q. And no doubt the opportunity to consider why that is
4 has arisen for you on many occasions?

5 A. It's arisen, yes, but on the amount of occasions
6 I couldn't tell you.

7

8 Q. It is true to say, isn't it, that in the course of
9 expressing your impressions and opinions as they have been
10 described, you have not gone back to any data or
11 documentary records or any other kinds of records to see
12 whether there is any record which corroborates your
13 opinions about these matters that you have told us about?

14 A. Yes, that would be correct.

15

16 Q. Does the CFMEU, or its new name these days - does it
17 keep records of the source from which complaints are made,
18 for example, whether it is a union member or a non-union
19 member, whether it is a labour hire person or not a labour
20 hire person?

21 A. No, I don't - I don't believe so.

22

23 Q. So we couldn't find that information by looking at
24 CFMEU records?

25 A. No, that's correct.

26

27 Q. On any occasion whilst you have had the role of an
28 ISHR, have you ever communicated with any labour hire
29 supplier, so the company that supplies the labour hire, to
30 try to liaise with them about your relationship with their
31 workers?

32 A. I have had reason to write to another labour hire
33 company, WorkPac.

34

35 Q. I'm not here for them --

36 A. No, no.

37

38 Q. -- but I can ask you a question about it. Did you
39 find that in your dealings with WorkPac, they were willing
40 to engage with you about whatever it was that you were
41 engaging about?

42 A. It was actually - yes, they answered the issue that
43 was at hand.

44

45 Q. I know that this was already asked of you this morning
46 concerning the percentages of union membership and so on,
47 and you weren't able to give us any data about that, but

1 are there statistics kept within the CFMEU about what
2 proportion of labour hire employees are union members?

3 A. I can't --

4

5 Q. That's something you wouldn't know?

6 A. No, I don't know.

7

8 Q. But do you agree that it's likely or unlikely -
9 perhaps help us out with that. Is it likely that the union
10 will have kept those statistics?

11 A. I think we keep membership by employer, so, yes,
12 maybe, but I'm not in that department. I'm not in that
13 department.

14

15 Q. But obviously some of these individuals might, in a
16 given month or year, be under labour supply, and in another
17 year they might be an employee of a mine?

18 A. That's probably correct, yes.

19

20 Q. From the perspective of an outside observer, unless
21 you saw the documentation that changed hands about who
22 their employer was, for all intents and purposes they would
23 look like a coal mine worker who had worked in that mine
24 for a considerable period?

25 A. Yes, probably.

26

27 Q. So in those circumstances, how would the CFMEU be
28 aware of whether they were a labour hire supply or a mine
29 employee?

30 A. I don't - I don't know how they are aware of it, no.

31

32 Q. You have told us some of your opinions and impressions
33 about the way in which labour hire employees perform their
34 tasks. Is the reality of the matter that you don't
35 actually know whether a particular individual is of labour
36 hire supply or a mine employee on a given occasion?

37 A. No, no, I wouldn't know unless they wanted to tell me.
38 I suppose Grosvenor is a bit of a different circumstance
39 because the majority of coal mine workers at Grosvenor are
40 employed by One Key.

41

42 Q. I don't know what the number of employees is at
43 Grosvenor, perhaps someone else can help us with this, but
44 do you have any idea what the number of coal mine workers
45 at Grosvenor mine is?

46 A. No.

47

- 1 Q. When you say "coal mine workers", do you mean just
2 those who are at the lower echelons of the employment
3 hierarchy or do you include everyone up to the SSE?
4 A. No, I would say that coal mine workers, by definition,
5 is everyone up to the SSE.
6
7 Q. I accept that. So you're referring to everyone who
8 works on the mine?
9 A. Yes.
10
11 Q. I can tell you that there are 406 One Key employees,
12 or there were at the time of the incident in May this year,
13 at Grosvenor. Can you tell us how it is that you arrive at
14 the conclusion that the majority at Grosvenor mine were
15 One Key employees or other labour supply employees? You
16 can't, can you?
17 A. No.
18
19 Q. Do you know whether there were any other employees on
20 that mine site on that date or before that date, in the
21 relevant months preceding it, who were of labour hire from
22 some other organisation other than One Key?
23 A. I'm not aware.
24
25 Q. You can't tell us that?
26 A. No.
27
28 Q. You told the Chairperson - I think I have the right
29 questioner there - that there was prioritisation of the
30 complaints that were received, whether they were from union
31 or non-union membership; you gave priority to those that
32 came from union members. That's what you said, isn't it?
33 A. Yes, yes. If they come at the same time as such, you
34 know what I mean?
35
36 Q. I see. And do they often come at the same time?
37 A. No, not necessarily.
38
39 Q. Is there some directive or some understanding within
40 the union that there is that priority given to union
41 memberships' complaints?
42 A. Oh, no, it's probably a personal thing.
43
44 Q. A personal thing?
45 A. Yes.
46
47 Q. That's the way you do it, is it?

- 1 A. Yes.
2
- 3 Q. Is that the way the other officers of the union that
4 you know of do it?
5 A. You'll have to talk to them.
6
- 7 Q. I will have to talk to them?
8 A. Yes.
9
- 10 Q. So you don't know what they do about it?
11 A. No, no.
12
- 13 Q. You were also asked some questions by counsel
14 assisting about the way in which you might be perceived as
15 a union representative.
16 A. Yes.
17
- 18 Q. You have told us that you're wearing your CFMEU kit
19 when you go to mine site on any occasion?
20 A. Yes.
21
- 22 Q. Is that right?
23 A. Yes.
24
- 25 Q. Do you actively promote yourself as a member of the
26 union to union community?
27 A. Yes, I will - yes.
28
- 29 Q. And also to the actual civilian community, if I can
30 call it that, the towns and so on around these mines - do
31 you promote yourself as a CFMEU official?
32 A. I wear clothes that - if that's what you call
33 "promote", yes.
34
- 35 Q. No, I mean you tell people that that's who you are?
36 A. Yes, yes.
37
- 38 Q. That's the way you are seen, isn't it?
39 A. Yes.
40
- 41 Q. To your knowledge, you are the CFMEU rep?
42 A. Industry safety and health rep for the CFMEU, yes.
43
- 44 Q. You tell us in paragraph 4 of your statement that you
45 have actually been president of the North Goonyella lodge
46 of the union for two years, two or three years, and
47 vice president for five years, and you have been an SSHR

- 1 for two; right?
2 A. Yes.
3
4 Q. So it is the last two years that you have been an
5 SSHR, is it?
6 A. The last two years at North Goonyella?
7
8 Q. Well, you have only been an SSHR for two years in the
9 entirety of your career; correct?
10 A. Yes.
11
12 Q. So it has been the last two years you have had that
13 job?
14
15 THE CHAIRPERSON: Sorry, are you talking about the site
16 rep or the industry rep?
17
18 THE WITNESS: I'm an industry safety and health rep, not
19 an SSHR. That was when I worked at North Goonyella.
20
21 MR RONEY: Q. I'm sorry, my mistake. I'm also now
22 confusing my acronyms. So you were an SSHR for two years.
23 When was that?
24 A. Oh, I couldn't work - I couldn't give you the dates,
25 but --
26
27 Q. Which years, roughly?
28 A. Oh, I don't know.
29
30 Q. Can't help us at all with that?
31 A. No, no. You would have to go back through the honour
32 board and have a look.
33
34 Q. So you have been an ISHR since 2012 until when, and
35 then you were re-elected?
36 A. From 2012 to 1 July 2016.
37
38 Q. So you have been continuously there since 2012?
39 A. Yes.
40
41 Q. So these years that you were the president of the
42 union lodge and vice president, so seven or eight all up -
43 did they coincide with the period that you were the ISHR?
44 A. No, they can't.
45
46 Q. You can't?
47 A. No, you can't work at the mine and work at - and be in

1 those roles, if that's what "coincide" means, at the same
2 time?

3

4 Q. No, what I mean is - perhaps we are at cross-purposes,
5 perhaps we are on the same page, but the years that you
6 were president and vice president of the lodge, when
7 roughly were they?

8 A. Well, I was vice president, would have been in 1993.

9

10 Q. So a long time ago?

11 A. 1995. Then I was lodge president for the last two,
12 2010 to 2012.

13

14 Q. But notwithstanding that you have not had any formal
15 position as a president or a vice president, you have
16 certainly been an active member of the union and promoted
17 yourself as such since 2012; correct?

18 A. Yes.

19

20 THE CHAIRPERSON: Mr Roney, will you be a little while
21 longer yet?

22

23 MR RONEY: No, I will be very short. Just checking
24 whether I have missed anything.

25

26 THE CHAIRPERSON: Okay.

27

28 MR RONEY: Q. Have you ever investigated or been
29 involved in an investigation - and I don't mean a formal
30 one - have you looked into the question of the reason that
31 the mines that you work with use labour hire companies for
32 the supply of labour?

33 A. No, I haven't, no.

34

35 Q. In the mines that you have discharged your statutory
36 role in, it is certainly the case, isn't it, that an
37 extremely highly priority is given to managing safety in
38 those mines?

39 A. Yes, I - yes.

40

41 Q. Indeed, in the modern era - that is, at the present
42 and probably for some time now - it has been obvious,
43 hasn't it, that the mining industry generally has been
44 extremely concerned about ensuring safety in the mines, not
45 just because the legislation requires it but because that's
46 their policy; correct?

47 A. Yes. I'm not sure what happens behind boardroom

1 doors, but, yes, they put a high priority on safety, yes.

2

3 Q. And within the mines themselves - and you would know
4 this, I suggest, from your having worked as an ERZ
5 controller, deputy, et cetera, and also in your formal role
6 now - reporting safety concerns is a matter given high
7 priority within the mines that you work in? In other
8 words, individuals are heavily encouraged to report any
9 safety concerns they have?

10 A. Yes. Yep.

11

12 Q. And it would be an extraordinary thing if there were
13 any penalty of any kind imposed on a person who raised
14 a safety concern within a coal mine? That's right, isn't
15 it?

16 A. That's not my experience.

17

18 Q. One of the things that you mentioned in your evidence
19 earlier - I am nearly finished, Mr Chair - was about the
20 risk or possibility or actuality of an SSHR being moved for
21 raising safety concerns. Can you give us any example, or
22 to use Mr Holt's expression, the evidentiary basis for that
23 proposition? What SSHR was moved around or, to your
24 understanding, put at risk of being moved around for
25 raising safety concerns?

26 A. In particular an SSHR, I couldn't identify one, but
27 other coal mine workers I can.

28

29 Q. And are you talking about coal mine workers who were
30 employed by the mine?

31 A. Yes.

32

33 Q. Not labour hire staff; correct?

34 A. No.

35

36 Q. Is that correct?

37 A. Oh, well, no, I'm aware of coal mine workers that were
38 labour hire that have been moved around, yes.

39

40 MR RONEY: I may be a little bit longer, in light of those
41 questions.

42

43 THE CHAIRPERSON: We might have the break, I think. We
44 will adjourn for 15 minutes.

45

46 **SHORT ADJOURNMENT**

47

1 MR RONEY: Q. I had just asked you whether you would be
2 able to give us an example of a labour hire employee who
3 had been moved for raising a safety concern, and your
4 response was words to the effect, "I can tell you about
5 coal mine workers who were moved around." So do you have
6 particular examples in mind?

7 A. I do.

8

9 Q. Which mine were they at?

10 A. Well, Caval Ridge.

11

12 Q. And any others?

13 A. There was a coal mine worker at Grosvenor that was
14 removed.

15

16 Q. Any more?

17 A. They're the two that come to mind.

18

19 Q. So the one at Caval Ridge, when did that happen?

20 A. Last year.

21

22 Q. Do you know the name of the employee?

23

24 MR CRAWSHAW: I object. I object.

25

26 THE CHAIRPERSON: It's all right, Mr Crawshaw. That's all
27 right. There won't be any naming, yes.

28

29 MR RONEY: I just asked him if he knew the man's name.

30

31 THE CHAIRPERSON: I know. And that's the objection.

32

33 MR RONEY: With respect, you can't object to a question
34 that doesn't have an objectionable element to it, but since
35 the witness doesn't know the person's name and I didn't ask
36 him the person's name, we can move on.

37

38 THE CHAIRPERSON: We may have to have a more substantial
39 argument about that later, if it comes to it, Mr Roney.

40

41 MR RONEY: Q. The incident was reported to you, was it,
42 or you have just heard about it?

43 A. I have heard about it.

44

45 Q. As you understood what had occurred, can you tell us?

46 A. Yes, he put a danger tag on a part of the equipment
47 and it wasn't actually in a place that was marked, and it

- 1 didn't go 100 per cent with the procedure.
2
- 3 Q. Sorry, it didn't what?
4 A. He didn't put it in the same place that the procedure
5 says.
6
- 7 Q. The outcome for him putting it in the place that the
8 procedure - for him not putting it in the place the
9 procedure required was what?
10 A. Sorry, what was that?
11
- 12 Q. What was the outcome? What happened to this employee?
13 A. He was moved from one mine to another.
14
- 15 Q. So he didn't raise a safety concern per se; he was, in
16 effect, penalised for not doing what the procedure
17 required?
18 A. Well, he - and he raised other issues as well as that.
19 But, like I said, I only heard about it, so - yes.
20
- 21 Q. So the Grosvenor example, when was that?
22 A. Last year, I believe.
23
- 24 Q. Again, that was reported to you by someone else or
25 told to you by someone else?
26 A. Yes, yes.
27
- 28 Q. Not reported to you in your official capacity?
29 A. No, no, no.
30
- 31 Q. You agree?
32 A. Yes.
33
- 34 Q. As best you understand what you were told about that,
35 what was the incident?
36 A. He was the ERZ controller in the longwall and was
37 moved from the longwall to an outbye location.
38
- 39 Q. What was the incident that led to him being moved
40 outbye?
41 A. Generally just - I'm not aware of the details of that,
42 but - yes.
43
- 44 Q. You are not able to tell us whether either of these
45 individuals that you have just described was a mine
46 employee or a labour hire supplied employee?
47 A. One was a labour hire supplied employee.

- 1
2 Q. Which one was that?
3 A. The Caval Ridge one.
4
5 Q. The Grosvenor one was an employee of the mine, was it?
6 A. I assume so, yes.
7
8 MR RONEY: Thank you, those are my questions.
9
10 THE CHAIRPERSON: Thank you. Ms Holliday?
11
12 **<EXAMINATION BY MS HOLLIDAY:**
13
14 MS HOLLIDAY: Q. Mr Woods, my name is Deborah Holliday.
15 I'm one of the barristers appearing for Resources Safety
16 and Health Queensland. You were asked by Mr Rice very
17 early on this morning in relation to how you were appointed
18 to the position of industry safety and health
19 representative --
20 A. Yes.
21
22 Q. -- and it is by a ballot of union members, and you
23 made the point that you were elected unopposed?
24 A. That's correct.
25
26 Q. That's found in section 109 of the Act; you knew that?
27 A. I will take your word for it, yes.
28
29 Q. It also provides for the competency you must hold to
30 be eligible to be in an industry safety and health
31 representative?
32 A. That's correct.
33
34 Q. You can either have a first class ticket, a second
35 class ticket or what they call a third class ticket,
36 a deputy's ticket; that's correct, isn't it?
37 A. Yes, that's correct.
38
39 Q. And you hold the third class ticket; that's right?
40 A. Yes, that's correct.
41
42 Q. Section 27 of the Act talks about the meaning of an
43 ISHR for the purposes of the Act?
44 A. Yes.
45
46 Q. You know that?
47 A. Yes.

- 1
2 Q. It says that you are to represent coal mine workers on
3 safety and health matters?
4 A. Yes, that's correct.
5
6 Q. And to perform the functions and exercise the powers
7 of the ISHR mentioned in provisions of the Act?
8 A. That's correct, yes.
9
10 Q. You know that section 27 doesn't distinguish between
11 union members and non-union members, don't you?
12 A. That's - yes.
13
14 Q. So you are tasked, as an ISHR, to represent coal mine
15 workers?
16 A. Yes, yes.
17
18 Q. And as you've said to Mr Roney, that extends all the
19 way up to SSE?
20 A. Yes, yes.
21
22 Q. You have honestly said in your evidence in response to
23 questioning from Mr Rice that you prioritise complaints
24 from union members when they come in at around the same
25 time?
26 A. Yes.
27
28 Q. Do you accept that that's not something that should
29 happen?
30 A. I suppose, yes.
31
32 Q. Well, you must, mustn't you, Mr Woods?
33 A. Yes.
34
35 Q. When you are tasked to be an ISHR, that's your
36 responsibility --
37 A. Yes.
38
39 Q. -- and it's to represent coal mine workers. There is
40 nothing in the Act that says you should be prioritising
41 union members over non-union members, is there?
42 A. No, no.
43
44 Q. In fact, that would be quite wrong?
45 A. Yes.
46
47 Q. It exposes a potential conflict, doesn't it?

- 1 A. I suppose so, yes.
2
- 3 Q. Are you aware of persons that hold a position of
4 district workers representatives under the Mining and
5 Quarrying Safety and Health Act?
6 A. I'm vaguely aware of it, yes.
7
- 8 Q. Do you know that those people - you don't have to be
9 a union person; you can be a non-union person or a union
10 person and put your name forward to be a district workers
11 representative?
12 A. I will take your word for it. Yes, I don't know, yes.
13
- 14 Q. And were you aware that those persons are appointed by
15 the minister?
16 A. No, I didn't know that.
17
- 18 Q. And they're funded by the government?
19 A. Yes, I'm aware that they're funded by the government,
20 yes.
21
- 22 Q. Because you must accept that when you go out to a mine
23 site, one reason why persons may not be talking to you is
24 in fact because they recognise you as the union?
25 A. Well, I - I can't answer that because I'm not them,
26 but, yes, you may be correct, yes.
27
- 28 Q. Indeed, you yourself have admitted the fact that if
29 complaints come in at the same time, you prioritise the
30 union members first?
31 A. Yes.
32
- 33 Q. Your shirt is underneath your jacket at the moment,
34 Mr Woods?
35 A. Yes.
36
- 37 Q. And it has "CFMMEU" written on it?
38 A. Yes, that's correct.
39
- 40 Q. In relation to the functions of inspectors, you know
41 that they are set out in the Act as well, don't you --
42 A. Yes.
43
- 44 Q. -- at section 128, and they are extensive; there's
45 10 of them?
46 A. Yes.
47

- 1 Q. Two of their functions are to enforce the Act and to
2 investigate serious accidents and high potential incidents
3 at coal mines?
4 A. Yes, yes.
5
- 6 Q. You would also know that there are very tight time
7 frames that the Act provides for in terms of commencing
8 prosecutions?
9 A. Yes, yes.
10
- 11 Q. Ordinarily, that's 12 months?
12 A. Yes.
13
- 14 Q. So time is of the essence when the inspectorate is
15 conducting an investigation?
16 A. Yes.
17
- 18 Q. Being one of their functions under the Act?
19 A. Yes.
20
- 21 Q. You would accept, just as you are, that inspectors are
22 very busy in carrying out their functions?
23 A. Yes.
24
- 25 Q. Indeed, you have heard Mr Smith say that inspectors
26 are on the road three to four days a week?
27 A. Yes.
28
- 29 Q. Section 118 of the Act provides for your functions?
30 A. Yes.
31
- 32 Q. Subsection (1)(d) tasks ISHRs with the function of
33 participating in investigations?
34 A. Yes.
35
- 36 Q. You have heard discussion from Mr Rice this morning in
37 relation to the functions of the inspectorate in conducting
38 the investigation versus the function of the ISHRs in
39 participating in the investigation?
40 A. Yes.
41
- 42 Q. You would well know that it doesn't limit you in
43 relation to which investigations, does it? In other words,
44 it could be various forms of investigations, including the
45 section 201 investigations being conducted by the SSE?
46 A. There was a letter put out by the previous chief
47 inspector that said we can't sit on the company's ICAM,

1 which is an incident cause analysis method. It's a type of
2 investigation process that the companies use to investigate
3 events, and there was one put out - a letter put out by
4 him, a clarification letter, I don't know the date of it,
5 but put out by him that says that we can't be involved in
6 their process.

7
8 Q. That you can't be involved in a 201 investigation?

9 A. That's not what their letter is - he was clarifying
10 what he had said in a previous letter.

11
12 Q. So do you accept that there is no letter that says
13 that you are prohibited from participating in a
14 201 investigation?

15 A. I can't remember the exact words of that previous
16 letter that I was talking about from the chief, but it does
17 say something to the effect, words to the effect that it
18 doesn't intend for us to sit on their - the company's
19 investigation.

20
21 Q. In fact, I suggest to you, and I can show you the
22 document, if necessary, to make sure we are talking about
23 the same one, that it actually says, "There is no
24 impediment to ISHRs participating in an investigation by an
25 SSE as required by section 201 of the Coal Mining Safety
26 and Health Act." It says exactly the opposite.

27 A. Can I have a look at that letter?

28
29 Q. You can. It wasn't envisaged that this would occur.
30 Firstly, we will show the letter just to make sure that we
31 are talking about the same letter.

32 A. Okay, I must have misread it.

33
34 Q. You must have misread it?

35 A. Yes. That's the same letter, yes.

36
37 MS HOLLIDAY: Mr Martin, I'm going to throw everything
38 into disarray by tendering that as an exhibit, because of
39 the fact - I will get the witness to identify it some more,
40 but because it is a document that he had the impression
41 that it said, in 2015, which was during the period of him
42 being an ISHR, that - he had the impression at least that
43 the investigation meant something different to what in fact
44 is conveyed in that letter.

45
46 THE CHAIRPERSON: Unless anyone has an objection, I don't
47 see any problem with it being part of the evidence. It is

1 just a matter of how we deal with it. It will get on to
2 a list somehow, Mr Rice?

3
4 MR RICE: If it is accepted, it will be marked and it
5 might then go on to the tender list. That might be the
6 easiest thing. That has been the formal mechanism by which
7 documents have been introduced into evidence.

8
9 THE CHAIRPERSON: Yes. That letter will be admitted into
10 evidence, and we will worry about putting it on the list
11 a little later.

12
13 MS HOLLIDAY: Could I just have the return of it for
14 a moment?

15
16 Q. Just so that it is identified for the record, it is
17 a letter, isn't it, Mr Woods, of 20 August 2015? It is
18 under the hand of the former Chief Inspector of Coal Mines,
19 Russell Albury?

20 A. Yes, that's correct.

21
22 Q. It is headed "By email: to all SSEs, ISHRs and SSHRs"
23 and then has the subject title of "Participation by ISHRs
24 in investigations, section 118(1)(d)"?

25 A. Yes.

26
27 Q. If I read out the relevant portion, it says:

28
29 *There is no impediment to ISHRs*
30 *participating in an investigation by a site*
31 *senior executive as required by section 201*
32 *of the Coal Mining Safety and Health Act.*

33
34 A. Yes, that's what it says. Was there a subsequent
35 letter to that?

36
37 Q. Not that I'm aware of, and not that we are aware of.

38 A. Okay, thanks.

39
40 MS HOLLIDAY: I will hand that now to Mr Rice.

41
42 THE CHAIRPERSON: Thank you.

43
44 MS HOLLIDAY: Q. Returning to participating in
45 investigations, you obviously referred to that letter that
46 you had a different impression of, but you would also know,
47 wouldn't you, that from the decision of Applegarth J, where

1 you took a matter to the Supreme Court, he also indicated
2 that investigations take many forms; there are various
3 forms of investigations?

4 A. Yes.

5

6 Q. I take it, though, from your response, that you have
7 never sought to engage yourself, in terms of participating
8 in an investigation, to be in the 201 investigation?

9 A. I have done that once before, yes, at a totally
10 different mine to the ones that we're talking about here.

11

12 Q. You accept that the Act draws a distinction between
13 the functions of the inspectors to conduct the
14 investigation and the functions of the ISHR to participate
15 in that investigation?

16 A. Yes.

17

18 Q. And you accept that the powers in the Act for
19 inspectors are more extensive than the powers for the
20 ISHRs?

21 A. Yes.

22

23 Q. And that in fact it is the inspectors that are given
24 the power to investigate serious accidents?

25 A. Yes.

26

27 Q. And they are the ones given the power to enter the
28 place, to search any part?

29 A. Yes.

30

31 Q. To seize evidence, to compel a person to attend and
32 answer questions?

33 A. Yes.

34

35 Q. To inspect, to measure, to test, to take test samples?

36 A. Yes.

37

38 Q. All of those are functions and powers that are given
39 to inspectors?

40 A. Yes.

41

42 Q. And not to yourself, as an ISHR?

43 A. That's correct.

44

45 Q. I am going to move on to a different topic, and that's
46 section 121 of the Act.

47 A. Yes.

- 1
2 Q. That's something where the legislature has seen fit to
3 give ISHRs a power; that's correct?
4 A. Yes.
5
6 Q. If you are not satisfied that the SSE is taking the
7 action necessary in relation to its safety and health
8 management system, you advise an inspector under
9 section 121(2)?
10 A. Yes.
11
12 Q. And they must investigate the matter; that's correct?
13 A. Yes.
14
15 Q. And they report the results of that investigation to
16 you?
17 A. Yes.
18
19 Q. In fact, there is an example of that having happened
20 recently, in January 2020, involving yourself, isn't there?
21 A. Yes.
22
23 Q. I will take you through that, but it, can I suggest to
24 you, is an example of that 121 system working?
25 A. Yes.
26
27 Q. Indeed, it shows the fact that the inspectorate and
28 yourselves engaged for the purpose of that process?
29 A. Yes.
30
31 Q. It came to an outcome that was satisfactory in terms
32 of safety and health for coal mine workers?
33 A. Yes.
34
35 Q. Mr Operator, could you bring up ACM.004.002.0025. I'm
36 going to show you a number of documents - this is the first
37 one - just so the Board gets the sequence of events that
38 happened in relation to this 121 process, Mr Woods. This
39 was the letter of 15 November 2019 - this is your
40 inspection report. You can see the date in the top
41 left-hand corner?
42 A. That's correct, yes.
43
44 Q. It refers to an inspection that you had at Grasstree
45 mine?
46 A. Yes, that's correct.
47

1 Q. On 1 November 2019. It refers - and this is at 0028 -
2 that:

3

4 *There is a formal inquiry MRE attached with*
5 *this report.*

6

7 A. Yes.

8

9 Q. You were dissatisfied with some matters when you
10 conducted your inspection, weren't you, Mr Woods?

11 A. That's correct, yes.

12

13 Q. So then in terms of the attached MRE - Mr Operator,
14 could we bring up ACM.004.002.0029. That's also dated
15 15 November 2019?

16 A. That's correct.

17

18 Q. That documents, does it not, the issues that you had
19 during the course of your inspection?

20 A. That's correct.

21

22 Q. So then the next step, isn't it, is to write to the
23 SSE?

24 A. Yes.

25

26 Q. Under section 121(1) of the Act?

27 A. That's correct.

28

29 Q. Mr Operator, can we bring up ACM.003.001.0129. And
30 that's exactly what you did. You wrote to the SSE --

31 A. Yes.

32

33 Q. -- on 22 November 2019. You refer back to your
34 inspection of 1 November 2019 --

35 A. Yes.

36

37 Q. -- and your inquiries of 15 November 2019. You ask
38 him, don't you, a series of questions, and then this is
39 Anglo American's response to that?

40 A. Yes.

41

42 Q. You were still dissatisfied with the response?

43 A. Yes.

44

45 Q. So then you wrote again to the mine; that's correct?

46 A. That's correct.

47

- 1 Q. Mr Operator, could we bring up ACM.003.001.0062.
2 That, then, is your formal notification to the mine, isn't
3 it, under section 121(1)?
4 A. That is correct.
5
- 6 Q. It informs the mine of the areas of your
7 dissatisfaction --
8 A. Yes.
9
- 10 Q. -- in terms of the safety and health management system
11 of the mine; that's correct?
12 A. Yes, that's correct.
13
- 14 Q. Because, of course, section 121 of the Act is limited
15 to the safety and health management system of the mine.
16 That's the power that you get?
17 A. That's correct.
18
- 19 Q. In terms of the safety and health management system.
20 You set out there in your 121(1) notification the
21 continuing areas of concern in relation to the safety and
22 health management system. By virtue of section 121(1), the
23 mine has to respond to you, don't they?
24 A. That's right.
25
- 26 Q. And that's exactly what they did, isn't it?
27 A. That's correct.
28
- 29 Q. Can we bring up ACM.003.001.0143, please, Mr Operator.
30 This is dated 18 December 2019?
31 A. Yes, that's correct.
32
- 33 Q. The SSE has again responded to you but this time
34 formally under section 121(1) of the Act; that's correct?
35 A. Yes, that's correct.
36
- 37 Q. He refers back to all of your previous correspondence
38 in relation to this issue?
39 A. Yes.
40
- 41 Q. As well as the inspection on 1 November 2019; that's
42 correct?
43 A. Yes, that's correct.
44
- 45 Q. So you considered that response, and you still weren't
46 satisfied with the explanation that was proffered; that's
47 correct?

- 1 A. That's correct.
2
3 Q. So then you wrote to the inspectorate?
4 A. Yes.
5
6 Q. That's under section 121(2) of the Act, isn't it?
7 A. That's correct, yes.
8
9 Q. Can we bring up RSH.002.084.0001, please. This is the
10 mine record entry recording the fact that the inspectorate
11 had received from yourself, if you read the first
12 paragraph there, the section 121(2) letter?
13 A. That's correct.
14
15 Q. That letter was sent, can I suggest, on 20 December
16 2019. That's the date that you sent it to the
17 inspectorate?
18 A. Yes.
19
20 Q. Will you take my word for that?
21 A. Yes.
22
23 Q. We will show it in the next document, but that's when
24 it was.
25 A. Yes.
26
27 Q. You will see that this activity date is three days
28 later.
29 A. Yes.
30
31 Q. 23 December. So a prompt response --
32 A. Yes.
33
34 Q. -- and consideration of the section 121 issue by the
35 inspectorate?
36 A. Exactly.
37
38 Q. On 22 December - so just above the heading, if we can
39 scroll down, Mr Operator, just above the bold heading of
40 "The concerns are in relation to the following", you can
41 see the words:
42
43 *On 22nd December 2019 Inspector Smith*
44 *forwarded correspondence to SSE Damien*
45 *Wynn ...*
46
47 You can see that written there?

- 1 A. Yes.
- 2
- 3 Q. So in fact, even though the mine record entry is dated
- 4 23 December, there was action taken by the inspectorate
- 5 even earlier, on 22 December, following your notification
- 6 under section 121(2)?
- 7 A. Yes.
- 8
- 9 Q. Can we bring up the next document, RSH.002.085.0001.
- 10 This is another mine record entry. You will see that it
- 11 has an activity date of 24 December 2019 in the top
- 12 right-hand corner; that's correct?
- 13 A. That's correct.
- 14
- 15 Q. It records that Inspector Keith Brennan was directed
- 16 by the Mines Regional Inspector Stephen Smith to review
- 17 your submission that had been sent?
- 18 A. Yes, yes.
- 19
- 20 Q. And that Mr Brennan had conducted a review, an
- 21 investigation, as required by 121(3)?
- 22 A. Yes.
- 23
- 24 Q. And he agreed with you?
- 25 A. Yes.
- 26
- 27 Q. He agreed that there needed to be action taken in
- 28 relation to the safety and health management system at the
- 29 mine; that's correct?
- 30 A. Yes.
- 31
- 32 Q. If we can go to 0002, Mr Operator, the next page, in
- 33 fact, a directive was issued to Grasstree to suspend
- 34 production, mining operations in tailgate 910 face roadway?
- 35 A. That's correct.
- 36
- 37 Q. So when Mr Martin asked you before in terms of what
- 38 your daily tasks involved, you probably sold yourself a bit
- 39 short because you didn't even mention section 121, but
- 40 clearly that's an important function you perform; that's
- 41 correct?
- 42 A. Yes.
- 43
- 44 Q. So you know that that directive was in fact issued to
- 45 Grasstree?
- 46 A. Yes.
- 47

- 1 Q. Could we bring up the final document, Mr Operator,
2 RSH.002.086.0001. That's that final mine record entry,
3 closing it off, if you like, that on 2 January 2020 the SSE
4 was verbally advised that he had met the directive that was
5 given to him on 24 December 2019?
- 6 A. That's correct.
- 7
- 8 Q. At the very commencement of showing you these
9 documents, you agreed with me that this was an example of
10 the system working?
- 11 A. Yes.
- 12
- 13 Q. And it is, isn't it?
- 14 A. Yes.
- 15
- 16 Q. It shows the functions that you have under the Act
17 working?
- 18 A. Yes.
- 19
- 20 Q. It shows the inspectorate's functions under the Act
21 working; that's correct?
- 22 A. Yes, yes.
- 23
- 24 Q. And it shows the interaction that's necessary by
25 virtue of the Act between the inspectorate and, in this
26 case, yourself?
- 27 A. Yes.
- 28
- 29 Q. You heard Mr Newman's evidence, the chief inspector,
30 on Tuesday and Wednesday, I think it was?
- 31 A. Yes, yes.
- 32
- 33 Q. You were sitting in the back of the court whilst he
34 was giving his evidence; that's right?
- 35 A. Yes.
- 36
- 37 Q. So you knew, and you would have already known, that
38 there was a meeting that took place between Mr Newman and
39 the ISHRs?
- 40 A. Yes.
- 41
- 42 Q. At the CFMEU offices in Mackay very shortly after he
43 commenced in his role?
- 44 A. 17 December, yes.
- 45
- 46 Q. He started at the end of November. So what he spoke
47 about being within the first 100 days --

- 1 A. Yes.
- 2
- 3 Q. -- and meeting with stakeholders --
- 4 A. Yes.
- 5
- 6 Q. -- and you would have heard him say that he recognised
- 7 you as a very important stakeholder in that process?
- 8 A. Yes.
- 9
- 10 Q. He introduced himself at that meeting?
- 11 A. He did, yes.
- 12
- 13 Q. He outlined his background?
- 14 A. Yes, he did.
- 15
- 16 Q. You would have learnt at that meeting or at another
- 17 time that Mr Newman holds a first class ticket?
- 18 A. Yes.
- 19
- 20 Q. And that he has decades of experience working in
- 21 underground coal mines?
- 22 A. Yes.
- 23
- 24 Q. Mr Newman also gained an understanding of the ISHRs'
- 25 background?
- 26 A. Yes.
- 27
- 28 Q. And you would have told him a bit about yourself?
- 29 A. Yes.
- 30
- 31 Q. There was the issue raised in relation to the
- 32 quarterly meetings, as I understand it?
- 33 A. Yes, we informed him that we currently held quarterly
- 34 meetings with regional inspectors, and - yes. So that was
- 35 raised, yes.
- 36
- 37 Q. You detail that in your statement?
- 38 A. Yes.
- 39
- 40 Q. You would have heard Mr Newman's evidence that he did
- 41 see there being a need and a requirement for the
- 42 inspectorate and the ISHRs to get together, albeit that
- 43 might be about every six months because of the
- 44 inspectorate's demands?
- 45 A. I don't remember any frequency being discussed.
- 46
- 47 Q. I prefaced that question by, "You would have heard in

- 1 his evidence". Because you were sitting in the back of the
2 court, you heard Mr Newman's evidence in relation to that?
3 A. Yes.
4
5 Q. So in a normal year, without COVID-19 that we are all
6 enduring, the CFMMEU hosts an SSHR conference?
7 A. That's correct.
8
9 Q. You gave evidence about that earlier to Mr Rice and to
10 Mr Holt. The chief inspector had accepted the invitation
11 of the ISHRs?
12 A. I believe so, yes.
13
14 Q. To present at that conference and obviously interact
15 with the SSHRs at that forum?
16 A. Yes.
17
18 Q. You're present there too, as well, the ISHRs?
19 A. Yes.
20
21 Q. As you say, such forums are important?
22 A. Yes.
23
24 Q. They are to share knowledge and to train?
25 A. Yes, yes.
26
27 Q. There is also interaction with the chief inspector,
28 isn't there, in CMSHAC?
29 A. Yes, I don't sit on CMSHAC as a member. I'm an
30 observer, because I'm a proxy for one of the blokes if he
31 can't make it, that's all. But, yes, I've attended
32 a couple of meetings, but not - since I've been in the
33 role, no.
34
35 Q. What do you mean, not since you have been in the role?
36 You have been in the role for over eight years.
37 A. Yes, well, I haven't - I wasn't a proxy for the
38 first - it's only been recent that I've become - with the
39 retirement of one of our senior ISHRs, that after that date
40 I have become a proxy, yes.
41
42 Q. You know that at those meetings, there is a discussion
43 of the HPIs in the three months previous?
44 A. That's not my experience. The last meeting, yes. But
45 prior to that, no.
46
47 Q. Certainly at the last meeting, that's what occurred?

- 1 A. That's - yes.
2
3 Q. There is also the Board of Examiners?
4 A. Yes, I'm not on that.
5
6 Q. But the CFMMEU --
7 A. We have a person that sits on it, yes.
8
9 Q. There is clearly an opportunity for dialogue at those
10 forums?
11 A. Yes, I assume so.
12
13 Q. There is also a recognised standards committee?
14 A. Yes.
15
16 Q. And the CFMMEU ISHRs have an involvement in that?
17 A. Yes, we do.
18
19 Q. There are also subcommittees that both the ISHRs and
20 the inspectorate participate in?
21 A. Yes.
22
23 Q. Again, more opportunity for dialogue, most of it in
24 relation to the functions that need to be performed at
25 those meetings --
26 A. Yes.
27
28 Q. -- but nonetheless dialogue and chances otherwise for
29 a chat. You also on occasion phone the inspectors?
30 A. Yes.
31
32 Q. And you discuss through issues with the inspectors?
33 A. Yes.
34
35 Q. For example, we've just used that 121 process to
36 provide a really good example of how that works?
37 A. Yes, yes.
38
39 Q. And you've got access to them by phone and email, the
40 inspectors?
41 A. Yes, generally, yes.
42
43 Q. You heard in Mr Newman's evidence on Tuesday that any
44 decisions that have been made are not personal and that,
45 rather, the decisions are made to ensure that an inspector
46 is fulfilling his functions under the Act? You know that?
47 A. Yes, that's what he said, yes.

- 1
2 Q. We've already spoken about the fact that prosecutions
3 have to be commenced within 12 months?
4 A. Yes.
5
6 Q. That clearly is a very important timeline that has to
7 be met?
8 A. Yes.
9
10 Q. And that the inspectorate is tasked with conducting
11 investigations into serious accidents and finding the
12 nature and cause? They are tasked?
13 A. Yes, yes.
14
15 Q. Have you received ICAM training in relation to an
16 investigation?
17 A. I have, yes.
18
19 Q. So you would know, then, that you have to conduct an
20 investigation in a way to ensure, as far as you can, that
21 any future prosecution isn't compromised?
22 A. Yes.
23
24 Q. You have to secure the scene?
25 A. Yes.
26
27 Q. You have to start collecting evidence?
28 A. Yes.
29
30 Q. On occasion, that would necessarily mean, wouldn't it,
31 that you can't wait for persons to arrive, persons such as
32 ISHRs who are participating but nonetheless not conducting
33 or carrying out the investigation?
34 A. Yes, yes. Yes.
35
36 Q. To use an example that you provided in your statement,
37 there may be occasions where you have to cover the evidence
38 with something like a tarpaulin if it is going to rain?
39 A. Yes, well - yes.
40
41 Q. You would also recognise that continuity of evidence
42 is vital?
43 A. Yes.
44
45 Q. And preservation of the scene?
46 A. Yes.
47

1 Q. You also recognise that in modern-day Australia, in
2 Queensland in particular, there are many hurdles to
3 a successful prosecution, many of them legal?

4 A. Yes.

5

6 Q. You accept that? And in the case of large mining
7 companies, prosecutions are often heavily contested?

8 A. Yes.

9

10 Q. You know that. And many legal points are taken?

11 A. Yes.

12

13 Q. Some of these could be around contamination of
14 evidence?

15 A. Could be, I suppose, yes.

16

17 Q. Or trying to have interviews that have been conducted
18 excluded on many bases?

19 A. Yes, okay, yes.

20

21 Q. So the inspector and the principal investigations
22 officer, those people that are tasked with carrying out the
23 investigation, have to do all they can, when conducting an
24 investigation, to ensure the integrity of that
25 investigation is maintained; you would accept that?

26 A. Yes.

27

28 Q. So you recognise that if you are informed by an
29 investigator - this is you as an ISHR - that you must
30 attend the site one at a time, the reason for that isn't
31 personal; it's just that the investigator is trying to
32 ensure the integrity of the investigation?

33 A. Yes, okay, yes.

34

35 Q. And the same in relation to taking the evidence for
36 testing. If the ISHRs, who have no power under the Act to
37 take that particular piece of evidence for testing, nor is
38 it your function to conduct an investigation - there could
39 be real issues, couldn't there, in terms of, in the future,
40 things being raised in relation to contamination of
41 evidence?

42 A. I don't understand the legal process, but, yes, yes.

43

44 Q. The same could be said in relation to interviews. To
45 use an example, Mr Harris, who is the SSHR at Grasstree --

46 A. Yes.

47

- 1 Q. Have you read his statement?
2 A. No.
3
4 Q. We don't need to bring it up, but he says at
5 paragraph 17 - he gives you a wrap, basically. He says
6 that he had you represent him in an interview that he had
7 with the inspectorate on a voluntary basis and that you did
8 a good job. Do you remember representing him in that
9 interview?
10 A. Yes.
11
12 Q. Were you wearing your ISHR hat then or were you CFMMEU
13 representative or friend/support person?
14 A. When I went there, I was the ISHR.
15
16 Q. You were the ISHR, so you were representing him in
17 that interview as ISHR; is that what you saw your role as?
18 A. Yes, yes.
19
20 Q. So if you are representing him in an interview as an
21 ISHR, that means you've got his interests, doesn't it;
22 that's what you were doing - it's his interests?
23 A. Yes.
24
25 Q. So you then couldn't go and sit in on any other
26 interviews during the course of that particular
27 investigation, could you, as ISHR, because you would be in
28 a conflict position? You would have to be, Mr Woods?
29 A. Yes, yes, okay, yes.
30
31 Q. Because you have represented one individual --
32 A. Yes.
33
34 Q. -- and the investigation is continuing?
35 A. Yes.
36
37 Q. So you can see that these sorts of issues
38 investigators and inspectors have to be alive to, because
39 otherwise, in the future, that might jeopardise a future
40 prosecution. So, again, it's nothing personal, Mr Woods,
41 if the ISHRs are informed that they can't sit in on an
42 interview?
43 A. Yes.
44
45 MR CRAWSHAW: Is my friend making a speech or asking
46 a question?
47

1 MS HOLLIDAY: It was a question, because the answer was
2 "Yes".
3

4 THE CHAIRPERSON: Probably both, but it was framed in a
5 question, and the answer has been given. Yes, carry on,
6 please.
7

8 MS HOLLIDAY: Q. Moving on, then, to another topic, your
9 function under the legislation is to participate in an
10 investigation, not to conduct it; we have recognised that?

11 A. Yes, yes, righto.
12

13 Q. You answered in your evidence I think to Mr Rice that
14 you would speak to witnesses as part of participating in
15 that process?

16 A. Yes.
17

18 Q. Do you provide notes of that to the inspectorate?

19 A. No, never been - never been asked, and I haven't come
20 forth and given them notes, no.
21

22 Q. They wouldn't even know that you had spoken to those
23 persons, would they?

24 A. Maybe not, no.
25

26 Q. In terms of your participation in an investigation, in
27 terms of participation that wouldn't jeopardise any future
28 prosecution, you speak about the fact that you access the
29 scene; that's correct?

30 A. Yes.
31

32 Q. You give advice to inspectors on occasions?

33 A. Yes, rarely, but yes, yes, yes.
34

35 Q. And you perhaps nominate witnesses that should be
36 spoken to?

37 A. Yes, I've never done that, so - yes.
38

39 Q. But that's available to you to do?

40 A. I suppose, yes.
41

42 Q. In relation to mine records, you know that section 68
43 of the Act says that the mine record is held by the mine?

44 A. Yes.
45

46 Q. And that just as its name suggests, it's the mine
47 record?

- 1 A. Yes.
2
- 3 Q. It's not RSHQ's record; it's the mine record?
4 A. Yes.
5
- 6 Q. When you go to the mine, you would no doubt examine
7 that mine record?
8 A. Yes, what's available of it on the noticeboards and
9 stuff, yes.
10
- 11 Q. You could actually request it, couldn't you, and ask
12 for a copy of it, though?
13 A. Of certain documents, yes.
14
- 15 Q. You spoke about what information you get from the
16 inspectorate presently, and you spoke about safety
17 bulletins and alerts?
18 A. Yes, yes.
19
- 20 Q. You made the comment that the website is hard to
21 navigate?
22 A. Yes.
23
- 24 Q. Firstly, at paragraph 48 of your statement, you say
25 that you still get those safety bulletins and alerts direct
26 from the inspectorate, so you wouldn't need to go to the
27 website?
28 A. No, that's correct, yes.
29
- 30 Q. And just while you were saying it, if one actually
31 just Googled "DNRME safety alerts", would you know it is in
32 fact the first thing that comes up, so you can just click
33 on it and see those safety alerts?
34 A. No, well, when I type, I type in "DNRME", go "home",
35 then go "mining safety and health" and that process.
36
- 37 Q. So perhaps in the future, if you just typed in "DNRME
38 safety alerts" --
39 A. Thanks for your assistance.
40
- 41 Q. No doubt that will soon have to be "RSHQ safety
42 alerts", but if you typed in "DNRME safety alerts", it will
43 pop up, you can click on it, and there they all are. But
44 you get those, anyway?
45 A. Yes.
46
- 47 Q. Mr Rice asked you in relation to your statement about

1 particular provisions about participating versus conducting
2 investigations, and we have gone through that already. At
3 paragraph 98 you say that the powers in the Act make it
4 virtually impossible to conduct a thorough investigation,
5 but, Mr Woods, you are participating in an investigation.
6 That's your function under the Act, isn't it?

7 A. Yes.

8

9 Q. Not to conduct a thorough investigation, and you are
10 not resourced for that; you would accept that?

11 A. Yes.

12

13 MS HOLLIDAY: I have finished, thank you, Mr Martin.

14

15 THE CHAIRPERSON: Mr Downes, I notice that you have joined
16 the inquiry. Leave was given on the basis that you weren't
17 asking questions. Is that still the situation?

18

19 MR DOWNES: That is the situation.

20

21 THE CHAIRPERSON: Yes, thank you. Mr Crawshaw?

22

23 MR CRAWSHAW: No questions, Mr Chair.

24

25 THE CHAIRPERSON: Yes, thank you. Mr Rice?

26

27 MR RICE: Nothing from me, thank you.

28

29 THE CHAIRPERSON: Mr Clough?

30

31 MR CLOUGH: No questions from me, thank you.

32

33 THE CHAIRPERSON: Mr Woods, thank you for your attendance
34 today. You are excused.

35

36 <THE WITNESS WITHDREW

37

38 MR RICE: I call Jason Hill.

39

40 <JASON HILL, sworn: [12.40pm]

41

42 <EXAMINATION BY MR RICE:

43

44 MR RICE: Q. Is your name Jason Hill?

45

46 A. That's correct.

47

47 Q. You are employed by the CFMMEU as elected industry

- 1 safety and health representative?
2 A. That's correct.
3
4 Q. You work out of the Rockhampton office; am I right?
5 A. That's correct.
6
7 Q. Of the mines that the inquiry is principally concerned
8 with, in the rough division of duties, the mines of
9 Oaky North and Grasstree fall more within your area of
10 responsibility; is that correct?
11 A. That would be correct, yes.
12
13 Q. You have prepared an affidavit with assistance from a
14 solicitor, I think, have you not?
15 A. That's correct, yes.
16
17 Q. Could Mr Hill see his affidavit, and perhaps it could
18 be brought up, Mr Operator, HLJ.001.001.0001. Have you got
19 a copy there, Mr Hill?
20 A. Yes.
21
22 Q. Can I just start by asking you about your interaction
23 with SSHRs, a subject you deal with commencing from
24 paragraph 17. You do mention in relation to both
25 Oaky North mine and Grasstree mine that you have a good or
26 very good relationship with the SSHRs at those mines?
27 A. Yes, I believe that.
28
29 Q. Are they full-time employees?
30 A. Yes, that's correct.
31
32 Q. Are they, in the case of both mines, members of the
33 union?
34 A. I believe so, yes.
35
36 Q. In terms of the value to you, as an ISHR, of the SSHR
37 function, I take it that you take the same approach as we
38 have heard from Mr Woods, that being on site, they are your
39 eyes and ears on the ground?
40 A. They can be, yes.
41
42 Q. You explain in your own words what value that SSHR
43 function has to the carrying out of your function?
44 A. Like, they obviously - I believe they are a bit more
45 than eyes and ears on the ground. They can deal with a lot
46 of complaints. So if a mine does have good, functioning
47 SSHRs that have a reasonable relationship with management,

1 they can deal with a lot of the complaints before they
2 either get to us or the inspectorate. They might ring up
3 and ask for advice or help, and, like, the complaint can
4 stay on site without being escalated as such.

5
6 If they need assistance, obviously they can either
7 ring us or the inspector to get that assistance. It helps
8 with our workload, too, if you have good, functioning SSHRs
9 that are on site.

10
11 Q. Just in terms of the kind of dialogue that might come
12 from them to you, you mentioned a few things. Can we just
13 recap. They might ask you for assistance; correct?

14 A. Yes.

15
16 Q. They might inform you of a particular issue at a mine,
17 a safety issue?

18 A. Yes, that's correct.

19
20 Q. Other categories, anything else?

21 A. We might just get an update on where the mine is at
22 from them, just in passing. You know, like, if they have
23 had an issue and dealt with it, they might call us and let
24 us know what they have done and how they've dealt with it,
25 and if there's any advice we can give them about if it was
26 getting dealt with, they did the right thing or if they
27 were on the right path, that sort of stuff, or just give us
28 an update about where the mine is at.

29
30 Q. Could you express a view, how important is it to have
31 a good line of communication with the SSHR for your
32 function to reach its full potential?

33 A. Oh, it does help a fair bit, because, like, if I'm
34 having - if someone raises or I get a complaint from a mine
35 and I'm not fully aware where that mine's up to, it creates
36 more - you know, I suppose I've got to do more homework
37 down the line, where if I've got a fair idea of where the
38 mine is up to at that stage and what has been happening at
39 that mine in the past, I haven't got to do as much
40 homework. So, again, it does help in the workload.

41
42 Q. Could I ask you about paragraph 22 of your affidavit.
43 You have told us about the position of the SSHRs at
44 Oaky North and Grasstree.

45 A. Yes.

46
47 Q. What is your experience that you refer to in

1 paragraph 22? You have told us that you have a productive
2 relationship with those two mines and it so happens that
3 the SSHRs are union members.

4 A. Yes, correct, yes.

5
6 Q. Have you had experience of interaction with SSHRs who
7 are, firstly, not union members?

8 A. Yes.

9
10 Q. And how did you find that experience in terms of the
11 kind of productive dialogue you have described, for the two
12 mines that I mentioned?

13 A. Oh, the interaction is way less, I suppose. For one
14 is - you know, like ISHR Woods spoke about before, unless
15 we know who they are, it is hard to gather, and I suppose
16 when you are talking about 60-odd mines, we can't always
17 tend to keep up with the changes, even though they are
18 elected for three years.

19
20 But I have had communications, and just as recently as
21 probably March, with one SSHR who wasn't a union member at
22 a mine, wanted a bit of help, wanted me to write him
23 a letter, which I did, but that's the first time I've
24 actually - other than being out there doing an inspection
25 and talking to him where I met him, that's, like, the only
26 time like he's required my help.

27
28 Q. Do SSHRs who are not union members - do they contact
29 you? You have given one example, but from what you have
30 said, that was not a common occurrence?

31 A. It's not overly common, no.

32
33 Q. Is there less dialogue between you and the SSHRs who
34 are not union members?

35 A. Oh, I would have to say I agree with that, but there
36 are some SSHRs who are members who we probably don't have
37 as much dialogue either with, but depending on the
38 personality of that person as well.

39
40 Q. You can understand, we sort of need to tease out --

41 A. Yes, I understand that, it's just - it comes back to
42 personality as well, some people like to deal with stuff on
43 site on their own and feel comfortable doing that, even if
44 they are members or non-members, and don't want to have -
45 or don't see the need to have the dialogue with us,
46 I suppose.

47

1 Q. Well, accepting that there can be variations according
2 to personality, as you point out, if we put them into two
3 categories, SSHRs who are union members and those who are
4 not, are you able to compare the value of the interaction
5 that you have with the respective groups?

6 A. It is definitely more dialogue with the union members
7 than what there is without the union members.

8

9 Q. Do you find that those who are members are more
10 inclined to contact you?

11 A. Yes.

12

13 Q. With more regularity?

14 A. Yes.

15

16 Q. And in terms of those who may not be union members,
17 what steps do you take to try to cultivate a relationship
18 with them that would assist you to function?

19 A. Obviously, as spoken about before, we run training
20 seminars, conferences, once a year. Actually, we run two,
21 except there is only going to be one this year. We
22 normally run one for the open-cuts and a separate one for
23 the undergrounds. Obviously we try and invite - we send
24 a letter, try and send a letter to all the SSEs, but - if
25 we've got the details and that for them, to invite the
26 SSHRs.

27

28 Q. That's the annual conference?

29 A. Yes.

30

31 Q. Anything else, in an educational category?

32 A. We've run one-off training seminars or training
33 programs for when people have been elected and they want
34 help. You know, they might ring up and say, "I need a bit
35 of help with this", so we can - obviously we've got a bit
36 of resource there where we can spend a day with them,
37 organise a day or half a day and try to run - and help
38 through that period.

39

40 Q. Yes, but to come back to my question, do you tend to
41 get that sort of interaction with those who are not union
42 members?

43 A. Probably not, no.

44

45 Q. Is it difficult to keep track of who is an SSHR
46 because there are so many mines?

47 A. Generally, if they are union members, it is not hard

1 to keep track, because normally we will have a process in
2 that, you know, obviously - and they have a full
3 understanding of who we are and what we do, so they will -
4 if there is an election happening, they will notify us when
5 they have been elected. If there is an election happening
6 and it is non-union, they probably don't notify us to let
7 us know that there has been a change in that role.

8
9 Q. But I am wondering what you could do to try to improve
10 the quality of relationships with those who are not union
11 members. Have you sought to engage with them, make phone
12 calls, visit them, when you are out on the mine site?

13 A. Well, obviously as ISHR Woods spoke about, when you go
14 to the mines you put the notice out there and you want the
15 SSHRs there regardless of their membership or not. But
16 other than that, you know, to chase up every mine and ask
17 them, because you have nearly - you need the SSE to send
18 through the details every time there is a change, which is
19 not a legislative requirement, but there is no legislative
20 requirement for the SSE to - or the mine operator to give
21 us a notification when there is a change of SSE so that we
22 know who to send our correspondence to, so it does take
23 a bit of time. Like, if there has been a change of SSE at
24 a certain mine and we don't know who it is and we send
25 a notification or correspondence to them, you can send it
26 to the wrong person, but then you get notified, "Well, no,
27 I'm not the SSE here anymore", so then you've to go and do
28 a bit more homework to find out who that is.

29
30 Q. So there is no mechanism by which, for example, you
31 would be informed of the outcome of site elections?

32 A. No.

33
34 Q. So you wouldn't even know when there is an election to
35 be held, would you?

36 A. No, not unless we are contacted by someone.

37
38 Q. So you don't know who might be elected and whether it
39 is a new one or not?

40 A. That's correct.

41
42 THE CHAIRPERSON: Q. Mr Hill, the inspectorate, though,
43 would know of elections, I take it, for the site rep?

44 A. Under the current process, and the way the elections
45 are held, yes, the returning officer has to notify the
46 chief inspector of the outcomes of the election.

47

1 Q. Have you ever asked the inspectorate to be notified in
2 relation to any outcome of an election for a site
3 representative?

4 A. I haven't personally, no.

5
6 Q. Do you know of any such request?

7 A. No, I don't. There is only - the process that was
8 under the previous chief inspector was that if someone put
9 forward or notified them that they wanted to conduct an
10 election at a mine, he would actually contact us and have
11 a discussion about if there is a problem, who - you know,
12 if there is a problem about what entity runs it under the
13 prescribed way of the election, because it is so - the
14 a process of running the SSHR election at the moment is
15 very involved, very complicated and it creates a lot of
16 drama for no reason, I believe. So, yes, so that was the
17 way it was. We used to have those discussions, so we sort
18 of did know that there was an election happening at
19 a certain site, but currently, no.

20
21 Q. But it would hardly be a secret: if the inspectorate
22 knew that there was an election and the result of the
23 election, there would be no reason not to include you in
24 the notification?

25 A. No, well, that would be excellent, actually, yes,
26 because that would give us direct contact with them and
27 direct invitations to stuff that we are doing, instead of
28 going through the SSE.

29
30 MR RICE: Q. It would be helpful, would it, to have some
31 mechanism at least by which you knew who was the SSHR from
32 time to time at a given mine site?

33 A. That would be excellent, yes.

34
35 Q. And if you knew that information, if you saw a new
36 name come up on the list, would you take some action to try
37 to cultivate a relationship with that - that is to say to
38 initiate the kind of relationship which you find productive
39 at Oaky North and Grasstree?

40 A. Definitely, because you need that - I find in our
41 role, with our resources, you need that help to do the job.

42
43 Q. So given the way it is set up, you don't necessarily
44 even know who the SSHR is?

45 A. No.

46
47 Q. You don't tend to initiate action to find out and

1 create a relationship; would that be fair to say?

2 A. It has never crossed my mind, no.

3

4 Q. And, likewise, do the SSHRs who are not members tend
5 not to contact you to initiate the cultivation of
6 a relationship from their perspective?

7 A. Oh, I would say it's rare.

8

9 Q. So, to sum up, is it fair to say that the productive
10 relationship which you find with SSHRs who are members
11 tends not to grow or develop with those who are not
12 members?

13 A. Mmm. The majority of times I would say, yes.

14

15 Q. So it may not be a matter of the particular experience
16 level of the SSHR, it is just really a breakdown, or not
17 even a breakdown, it is the non-existence of a genuinely
18 productive working relationship; is that the situation?

19 A. Yes, and I think it could lead into more than that as
20 well, it's - you know, how many coal mine workers actually
21 know who we are and what we do? You know, obviously there
22 are obligations about training and understanding and people
23 understanding different roles underneath the Act, but, you
24 know, how many coal mine workers actually out there know
25 what an ISHR is and what our functions - our powers and
26 functions and our roles are?

27

28 Q. Indeed. And on that subject, do you find that union
29 members know of you and of your availability?

30 A. Yes, I - majority of them would, yes, I would say.

31

32 Q. Well, what about those who are not, which we don't
33 know the exact figures, but they are probably at least in
34 the majority, those workers who are not union members?

35 A. Mmm.

36

37 Q. How do you promote your availability and potential
38 service to that large group?

39 A. Well, actively promoting myself out there, I don't
40 know if I actually do. I just - I just go and do my job,
41 and I have never thought about promoting myself or my
42 position in that way before, to be honest with you. I just
43 go and do my job. You know, you're relying on - you've got
44 the Act there, with where we sit, and the SSEs training the
45 people or their coal mine workers in what the requirements
46 of those Acts are.

47

1 Q. You wouldn't, for example, sit down and think, "Well,
2 there is a lot of non-union members, whether they be
3 employees or contract at a given mine, I don't see much of
4 them, I need to go out and show them that I'm around"?

5 A. Well, that's part of doing the inspections, is
6 integrating with the people at the mine sites, so, you
7 know, like, you always try to get to a crib room and talk
8 to people there, and hopefully that you can do that on your
9 own so that they are not scared to raise concerns, but --

10

11 Q. Just on that, in terms of interacting with workers,
12 you mentioned the crib room. Is that a place you would go
13 for that very purpose, to speak to people?

14 A. Yes.

15

16 Q. That's a meeting point which is convenient for that
17 purpose?

18 A. Yes.

19

20 Q. Is there any other place or way in which you try to
21 engage with workers when you do a visit?

22 A. No, it's pretty bloody hard, actually, because
23 obviously they are out working, you are there doing an
24 inspection, and as part of the inspection, this is
25 obviously not environmental, but depending on what you are
26 looking for and looking at, you know, it's about the works,
27 how the procedures and the works are done as well. But,
28 you know - it's - yes, it --

29

30 Q. You probably just can't wander down to the longwall,
31 either, can you?

32 A. Oh, we can go down to the longwall face and inspect
33 that as well, yes.

34

35 Q. To talk to workers? That's not the place to go for
36 that purpose?

37 A. You might have a discussion with them. Depends what
38 tasks they are doing and that sort of stuff, but you might
39 have a five-minute discussion with them, ask them if there
40 are any issues, what's going on.

41

42 Q. Do you wear branded clothing when you go out there
43 like Mr Woods does?

44 A. I wear the clothing that my employer gives me, yes.

45

46 Q. Apart from going around and talking to workers in the
47 course of your inspections, would you be hopeful that word

- 1 of mouth might make your presence known and your
2 availability known? Is that the way you go about it?
- 3 A. Yes, I suppose we send - I try and send
4 a notification, and I will do that through an MRE and give
5 the SSE notification, reasonable notice, depending on what
6 I've got planned or what comes up. So if something comes
7 up and I want to go that mine tomorrow, the notice is
8 going to be shorter. Then they've got an obligation to put
9 that on the noticeboard, and the noticeboard has to be - it
10 has to be placed on a noticeboard that comes to the
11 attention of coal mine workers, so I'm hoping that people
12 read it and then know that my presence is going to be
13 there, and if they want to speak to me, they will come.
14
- 15 Q. When you do inspections, say at Oaky North and
16 Grasstree, does the SSHR, or one of them, accompany you
17 when you do inspections at those places?
- 18 A. It's good if they can. I try to arrange so that,
19 depending on the situation, whenever I've got to be there -
20 like the last inspection I did there wasn't going to be one
21 available, but I didn't have a time slot to work around
22 him, so I went without one.
23
- 24 Q. Is it desirable, from your point of view, that the
25 SSHR come with you?
- 26 A. It is, yes.
27
- 28 Q. Because they can point out things to you?
- 29 A. Yes.
30
- 31 Q. And you can learn from them; correct?
- 32 A. That's correct. And plus the other coal mine workers
33 probably feel more comfortable talking to someone with an
34 identity they know than an identity that they don't know.
35
- 36 Q. When you inspect mines where the SSHRs are not union
37 members, do you find that you are accompanied by the SSHRs
38 at those places?
- 39 A. I have done in the past, yes.
40
- 41 Q. With the same sort of regularity as you would for
42 a mine whose SSHR is a member?
- 43 A. Probably not as regular.
44
- 45 THE CHAIRPERSON: Mr Rice, I take it you will be a while
46 longer yet?
47

1 MR RICE: A little bit longer, yes.

2

3 THE CHAIRPERSON: We will adjourn until 2.15.

4

5 **LUNCHEON ADJOURNMENT**

6

7 THE CHAIRPERSON: Yes, Mr Rice.

8

9 MR RICE: Mr Martin, before resuming with Mr Hill, I have
10 a list of documents from yesterday's proceedings, being
11 either those directly referred to in evidence or otherwise
12 relevant to a witness's evidence. It has been circulated,
13 and I am in a position now to tender the documents on this
14 list dated 6 August 2020,

15

16 THE CHAIRPERSON: Thank you. The documents on that list
17 will be admitted into evidence.

18

19 MR RICE: Q. Mr Hill, we were talking before lunch about
20 promotion of your function to workers. Are you aware of
21 a form of generic induction that workers are required to
22 undergo and, as I understand, it's based on a recognised
23 standard number 11?

24 A. Standard 11, as it is generally called, yes.

25

26 Q. It appears not to include any information concerning
27 your function or the SSHR function. Would I be correct
28 that you could see no disadvantage in some package of
29 information concerning both those functions being included
30 in the mandatory induction?

31 A. I think it would be vital, yes.

32

33 Q. Thank you. Your position is a full-time one, as
34 required under the legislation; am I right?

35 A. That's correct.

36

37 Q. So even though you work out of the union office and
38 the union has business other than that which you are
39 concerned with, is there any question of your wearing two
40 hats, or is it correct to say that you are devoted, in
41 terms of everything you do, to that ISHR function?

42 A. That's right, I'm full-time health and safety.
43 I don't cross the lines, don't attempt to cross the lines.
44 I think that currently they do a good job of keeping the
45 lines separated as well.

46

47 Q. Well, do you from time to time receive either

1 complaints or requests for assistance from workers at coal
2 mines?

3 A. For health and safety purposes, yes.

4

5 Q. Yes?

6 A. Yes.

7

8 Q. Insofar as you do receive either complaints or
9 requests for information, they must by definition be in
10 your capacity as an ISHR; am I right?

11 A. That's correct.

12

13 Q. Just in terms of the position concerning those two
14 categories, do you receive complaints or requests from
15 workers who are not members?

16 A. Yes.

17

18 Q. How do they compare in volume to complaints or
19 requests from members?

20 A. I don't count them, to be honest with you, but I deal
21 with the complaints as they come through. Obviously they
22 are in the minority, but - yes. To give you an example,
23 back in - earlier in the year, I was driving down, I was
24 leaving Moranbah. I was driving and I got a phone call
25 from a miner who worked at a mine near Moranbah and asked
26 me for some advice. Now, I didn't check whether she was
27 a member or not a member. I just gave her the advice and
28 asked her, if she wanted any more help, to ring me. So,
29 yes, to put a figure on it, I couldn't say, maybe a
30 quarter, might be a bit less.

31

32 Q. I think you used the expression "in the minority",
33 whatever that figure might actually be; correct?

34 A. Yes. Yes, it's not something that I keep tabs of
35 specifically.

36

37 Q. When you get a complaint or a request, other than in
38 that kind of scenario where you are caught on the road, so
39 to speak, but if you have an opportunity to check your
40 database, would you look up and see whether the person
41 forwarding a complaint or a request is a member?

42 A. Sometimes if I don't know who they are, just to find
43 out a bit more.

44

45 Q. Is it for the purpose of establishing that they are
46 a member or not a member?

47 A. It is, and depending on the complaint I get, because

1 like - and at the mine, whether, you know, if there's - oh,
2 you know, like, if the mine had SSHRs, why didn't they go
3 through that - follow a process of going through the SSHRs
4 first, that sort of stuff. So just to - you know, because
5 like, obviously, the SSHRs are there, and if someone's come
6 to me from their mine, I would want to contact them to let
7 them know that there's an issue there, that obviously there
8 is a member there that has come through to me.

9

10 Q. How would knowing whether they are a member or not
11 assist?

12 A. Well, I think they would want to understand why that
13 member didn't come through to them.

14

15 Q. I'm sorry, I don't understand you.

16 A. Oh, because I'd like to give them the opportunity,
17 especially if we've got a good working relationship, not to
18 engage in probably issues at their mine.

19

20 Q. The SSHR you are talking about?

21 A. Yes, without their knowledge.

22

23 Q. But what relevance to that question does it have
24 whether the person complaining or asking for information is
25 a member?

26 A. It's probably got no relevance, really. It's just
27 something that I do. I don't know.

28

29 Q. Is it reasonable to say that you want to know whether
30 the person who is asking you for assistance is a member or
31 not, and that applies across the board; is that right?

32 A. Yes, sometimes. But sometimes, like I said, that lady
33 I dealt with, I didn't even bother.

34

35 Q. Is there priority treatment for members for that kind
36 of scenario, when you receive complaints?

37 A. I do it on severity of the complaint.

38

39 Q. That's your criterion?

40 A. To me, I look at it that if someone is making
41 a complaint about health and safety reasons, you know,
42 there's issues there, and you don't want to see people
43 hurt. And if you want to say, well, if you've got members
44 there or non-members, that complaint could still hurt
45 members, so it's not about the person; it's about the
46 issue. The severity of it - you know, it depends how busy
47 we are, so you deal with it on severity.

- 1
2 Q. Turning to HPIs, one of the issues for you, which you
3 refer to at page 76 of your affidavit, is that there are so
4 many notifications that you get.
5 A. Mmm-hmm.
6
7 Q. You mention a figure of about 1,500 --
8 A. Annually.
9
10 Q. -- that the union would receive over the course of
11 a year.
12 A. Yes.
13
14 Q. And you would get - does it average out? Would you
15 get about a third of them, or do you get more than someone
16 else?
17 A. Never really did a count, I suppose, before. I know
18 that we did do a count for the month of June. I received
19 over 70 for that month.
20
21 Q. How did that compare with the others?
22 A. ISHR Woods, I think he told me he got around 100, and
23 ISHR Watts was around 20-odd.
24
25 Q. How do you manage the volume of them? Seventy a month
26 is about 18 a week.
27 A. Oh, it's just part of your job. You just manage it.
28 I don't know. I don't understand the question. It's your
29 job to do it, so you do it.
30
31 Q. Just talk us through, what do you do with the
32 notifications when you get them? Firstly, there is
33 a verbal notification, I take it?
34 A. Yes.
35
36 Q. Are you satisfied that you get them routinely, as you
37 are --
38 A. The majority of times. There's times, for example,
39 like, oh, sitting here yesterday, I'll get a voicemail and
40 I'll leave - but they won't answer the phone, they won't
41 answer me back. They won't call you back. They just leave
42 a voicemail. You get those incidents the same as
43 underground. Like, I can be doing an inspection at a mine,
44 where you're not answering your phone, so you just get that
45 voicemail and you have to deal with it that night.
46
47 Q. What was the voicemail you got yesterday?

- 1 A. A report on an HPI.
2
- 3 Q. Giving you some details of it?
4 A. Yes, but that's - so I got one - I got two yesterday
5 that I had to deal with when I finished here. One was
6 really good - he left a voicemail, sent a text, told me
7 he'd ring me later. I tried to ring him back. He was on
8 another call. This was about 6.30, 7 o'clock last night.
9 Then he rang me back. I appreciate that, I respect that.
10 But then you get one who leaves a voicemail but won't
11 return your call. I don't respect that.
12
- 13 Q. Let's assume you do get to speak to a person.
14 A. Yes.
15
- 16 Q. What's the purpose of your communication? What are
17 you looking to achieve from it?
18 A. I want a bit more detail, because obviously they've
19 got to give you a certain amount of detail, primary
20 information under the legislation, and then I like to
21 satisfy myself that I am happy with the information they
22 gave me and --
23
- 24 Q. The amount of it or the quality of it?
25 A. The quality. You want the quality, yes. You don't
26 want all the waffle and stuff that goes on, but I want to
27 be happy that the quality is there, that I understand the
28 explanation, is the biggest thing. Like, sometimes you've
29 got to ask different questions to get an understanding of
30 what they're talking about, where they're at, and then
31 hopefully you will be able to find out what they're doing
32 to rectify it.
33
- 34 Q. What do you do with that information? Do you keep
35 a record of it?
36 A. I try to keep a good record in my diary, but, again,
37 like, when you're on the road and you're taking them,
38 sometimes it's hard to keep all the information down, but
39 I do note, say, whether a mine had a misfire, that sort of
40 stuff.
41
- 42 Q. Has there been any instance, having received a verbal
43 notification, that you've felt the need to engage some
44 power that you have?
45 A. Oh, I've attended a few mines, gone and done
46 inspections after receiving HPIs. I've also made inquiries
47 of mines, of the findings of investigations around

1 different HPIs at times. There's been a couple of - a few
2 times, I suppose, where there's incidents, where certain
3 incidents have happened throughout the industry, and I'll
4 engage with those certain mines about these incidents and
5 want to know - want to find out what the findings of
6 their - I don't want the full investigations, but I chase
7 the findings of the investigations to see if there is
8 a similar - well, what's causing the similar incidents to
9 happen.

10

11 Q. The focus here is, I suppose, more on gas exceedances.

12 A. Yes.

13

14 Q. If you have a look at paragraphs 122 and 123 of your
15 declaration, you deal with it there. You make the point
16 that the occurrences arise quickly and can be resolved just
17 as quickly.

18 A. Yes.

19

20 Q. Do you find the forms 1A informative of the cause of
21 it and the action that the mine is proposing to be taken?

22 A. Generally speaking, most mines, talking probably the
23 two that I'm dealing with here, they do a fairly good
24 reporting scenario.

25

26 Q. Is it right to say that for the vast majority, no
27 further intervention is required by you from these
28 notifications that you get?

29 A. If I get the explanation that I want from the phone
30 and I'm sort of - and I'm happy and I've satisfied myself
31 that everything has been done, yes.

32

33 Q. You make two points in those two paragraphs. One is
34 that you are probably a four-hour return drive away.

35 A. Yes.

36

37 Q. So you would be looking to resolve it on an exchange
38 of information basis, if you can?

39 A. Mmm-hmm.

40

41 Q. Correct?

42 A. Yes.

43

44 Q. And that's mostly the case?

45 A. Yes.

46

47 Q. Secondly, the feature of it is the generally quick

1 resolution of it so that there is actually no point in
2 taking the time to go to the mine, in any case?

3 A. Generally, and especially if they've understood the
4 reason for the exceedance prior, before they notify you,
5 and they can give you a decent explanation, that's right.
6 For an example, we're sitting here today. If we get one
7 today, you know, by the time we get back up to central
8 Queensland, it's all done, isn't it? Plus you're also
9 relying on that they notify the inspector, and the
10 inspector's also satisfied to release the scene as well,
11 aren't they? So you've got that in the back of your mind
12 as well.

13

14 Q. What about a situation where it's not a one-off event
15 but there might be a number of notifications from the same
16 mine for similar or related causes? You've probably been
17 listening earlier in the week. We've been discussing
18 a series of incidents from Grastree.

19 A. That's right.

20

21 Q. Do you have the capacity to identify that there is
22 a trend and go back and review past HPIs for what they
23 might reveal?

24 A. The capacity - what, our system are you talking about,
25 or just my --

26

27 Q. In terms of your workload but also whether you have
28 a system in place for that to occur?

29 A. Currently, that's - well, the system that we've had in
30 place is, you know, whoever takes them takes them, and then
31 you file them. I suppose we've all got different filing
32 systems. I have my filing system, how that works. Again,
33 if - I sort of keep 12 months running HPIs on my filing
34 system.

35

36 Depending on the issue, who is dealing with it,
37 whatever - like, for gas exceedances, the conversation that
38 we - or the correspondence we went into, being with the
39 inspectors since 2017, roughly, since the gas issues were
40 highlighted and that the inspectors were dealing with those
41 issues. Back then we obviously knew what was happening at
42 each mine, because we were actually receiving the
43 directives and the MREs. And with our resources, I just
44 thought, well, they were dealing with it; why would I deal
45 with it when - you know, why would I waste my resources, or
46 our resources, on dealing with that when the inspectors
47 were dealing with it?

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Q. Understood. So, as you think about it, can you recall any instance where you have gone back and - in your mind, you know there has been a set of HPIs and you go back and review the whole set? Any occasion like that?

A. No, I was aware - and don't get me wrong, if I thought that there was something that I was really concerned about, I would have done something about it.

THE CHAIRPERSON: Q. But how would you know, if you haven't got a system in place to review the series of HPIs or exceedances?

A. It's probably not so much the series, that comment. It was about, like, if I got a report from the SSE or his delegate about an HPI and he couldn't satisfy me that I was happy - he couldn't satisfy me that what they were doing was at an acceptable level of risk, then I would chase - I would do something about it, whether it meant going out there straightaway or soon as possible or - you know.

Q. But is there any system or process that you have where you look back at a mine and see whether or not there has been a series of exceedances and you have a closer look and want to know whether there's some explanation or a problem?

A. No, we haven't got a system in place like that. It's only off your memory generally of what you've been getting.

THE CHAIRPERSON: Thank you.

MR RICE: Q. Is it fair to say that you would put a fair bit of reliance on the inspectorate to pick up that kind of information and deal with it; is that right?

A. That's right. They are the regulator.

Q. Is your function, then, more responsive to issues that are brought to your attention by workers?

A. Oh, I wouldn't say that.

Q. The question was asked of your colleague what a typical day might look like for you. Could you explain it in your case?

A. Well, you know, obviously we've got - we do inspections at mines. We receive reports. So, start off, we do inspections. We have to write reports for those inspections. We receive complaints. We receive documents. So you've got to deal with the complaints. You've got to review the documents as well.

1
2 Other than that, we've got reports we've got to write
3 for certain aspects. You know, like, we've got to do
4 quarterly board reports, convention reports. As well as
5 that, I'm part of the advisory committee, part of the
6 recognised standard committee, part of subcommittees on
7 that, so there's all those minutes, documents and that,
8 that have got to be reviewed as well.
9

10 And just typically, last financial year, I think it
11 was, I had 100 nights away from home, as a minimum. That's
12 on the road as well. An inspection is not just a
13 half-a-day job; it's a full-day job. And when you're out
14 and you're attending a meeting - you know, we're only
15 supposed to work five days a week. If you want to go into
16 more depth, I can, but --
17

18 Q. Your day is some mix of those various things as you've
19 described?

20 A. Yes.
21

22 Q. A site visit might be a whole day?

23 A. And that's without, obviously, taking phone calls for
24 HPIs, you know, if someone wants to ring and wants
25 information, and all that compels [sic] on the side of it.
26

27 Q. I don't think the allocation of ISHRs, being three for
28 the State, has changed for a long time?

29 A. No, not since - oh, I might be corrected here, around
30 early 2000s, I think.
31

32 Q. Is three sufficient? Do you find you are coping? Do
33 you feel that you are satisfactorily coping with that
34 workload you have described?

35 A. Well, I think three is - you know, obviously we
36 probably need to take a step back and review how we work,
37 but I think, you know, three is probably a good number.
38

39 Q. Does anybody do that once a year, whether it is
40 a performance review or whatever you want to call it, just
41 to do an annual review and see how the function has been
42 performing?

43 A. Oh, I'm not aware of it happening, and if you're
44 relying on us, it's probably something that we get a bit
45 tied up in our day-to-day job and don't look at it. You've
46 got to remember, the last 18 months or so has been pretty
47 devastating throughout the industry, which has had us tied

1 in knots pretty substantially, you know.

2

3 MR RICE: That's all I have, Mr Martin.

4

5 THE CHAIRPERSON: Thank you. Yes, Mr Holt?

6

7 MR HOLT: No questions, thank you.

8

9 THE CHAIRPERSON: Mr Roney?

10

11 MR RONEY: I have nothing at present.

12

13 THE CHAIRPERSON: Ms Holliday?

14

15 **<EXAMINATION BY MS HOLLIDAY:**

16

17 MS HOLLIDAY: Q. Mr Hill, I'm not going to take you
18 through step by step like I did with Mr Woods, you will be
19 relieved to know.

20 A. Thank you.

21

22 Q. In relation, though, to section 118(1)(d) of the Act,
23 you will be well aware that the function of an ISHR is to
24 participate in investigations?

25 A. That's correct.

26

27 Q. That section is drafted such that it doesn't limit you
28 to which investigation?

29 A. That's correct.

30

31 Q. And that there are various forms of investigations,
32 including the SSE's 201 investigation?

33 A. That's correct, yes.

34

35 Q. When I say "201", I mean section 201 of the Act.

36 A. Yes, that's correct.

37

38 Q. Indeed, participating in the SSE's 201 investigation
39 may assist in relation to section 32 of the Act. Are you
40 aware of section 32 of the Act?

41 A. Mmm-hmm. Can you enlighten me, but?

42

43 Q. I will. It talks about cooperation to achieve the
44 objects of the Act.

45 A. Yes, cooperation, yes.

46

47 Q. Subsection (1) says:

1
2 *This Act seeks to achieve cooperation*
3 *between coal operators, site senior*
4 *executives and coal workers to achieve the*
5 *objects of the Act.*

6
7 A. Yes.

8
9 Q. Then subsection (2) goes on:

10
11 *Cooperation is an important strategy in*
12 *achieving the objects of the Act and is*
13 *achieved -*
14 *(a) at an industry level by ...*

15
16 And it includes the appointment of industry health and
17 safety representatives under part 8. So do you accept that
18 if the determination was made to participate in a
19 201 investigation, it may assist in that industry
20 cooperation?

21 A. It may. It may do. I don't know. I haven't been
22 down that path. But then again, you would probably have to
23 ask an SSE if they would - how much they would let us
24 participate as well.

25
26 Q. Do you accept that the Act draws that distinction
27 between the inspector carrying out an investigation and
28 yourself as an ISHR participating in that investigation?

29 A. Participating, and the legislation also lets us
30 investigate complaints. So if we get a complaint about
31 a certain incident, that draws a distinct difference as
32 well, doesn't it?

33
34 Q. I should have prefaced that question by "serious
35 accidents".

36 A. Yes, oh, that's right, but we can also get a complaint
37 from a coal mine worker about that serious accident or
38 fatality.

39
40 Q. Sure. You accept that the powers under the Act for
41 inspectors are more extensive than the powers under the Act
42 for ISHRs in terms of that investigatory capacity?

43 A. Yes.

44
45 Q. And that the Act has given the inspectors the powers
46 that are required to investigate serious accidents and
47 HPIs?

1 A. Yes.

2

3 Q. In relation to section 121 of the Act - and I took
4 Mr Woods through that --

5 A. Yes.

6

7 Q. -- and provided an example and put the relevant
8 documents up on the screen, it is an example, isn't it, of
9 how the inspectorate and ISHRs work together to satisfy or
10 achieve section 121 of the Act?

11 A. Well, I wouldn't say "work together"; it's how that
12 part of the Act is satisfied, and if we have an issue about
13 the safety and health management system or we form a belief
14 that the safety and health management system is inadequate
15 or ineffective, how we deal with that issue, which is
16 obviously you've got to make the SSE aware of the issues.
17 And if they can't please us that they are dealing with it
18 to make the safety and health - or that part of the safety
19 and health management system adequate and effective, then
20 we must inform an inspector, who must investigate.

21

22 Q. That's right. If you choose to take it to that next
23 level, you have to notify an inspector, and then the
24 inspector investigates?

25 A. Must investigate.

26

27 Q. Must investigate, that's right, and that is working
28 towards achieving section 121 of the Act in terms of the
29 function that you are provided with under the Act?

30 A. Yes.

31

32 Q. On occasions, the inspector will undertake that
33 investigation and agree with the view of the ISHR; that's
34 correct?

35 A. Yes.

36

37 Q. On occasions, they will investigate and not agree with
38 the view of the ISHR; you would agree with that?

39 A. That's correct.

40

41 Q. That's an example of, again, that process being
42 undertaken as the legislature has intended?

43 A. That's right. That's how the legislation describes
44 it, yes.

45

46 Q. You heard Mr Newman's evidence in recognition of the
47 ISHRs being one of the very important stakeholders. He had

- 1 the meeting in Mackay on 17 December 2019?
2 A. Mmm-hmm.
3
4 Q. And you were present?
5 A. Yes, that's correct.
6
7 Q. He introduced himself?
8 A. That's correct.
9
10 Q. And we know that from speaking to Mr Woods.
11 A. Yes.
12
13 Q. And you would have told him a bit about yourself as
14 well?
15 A. Yes, it was just a bit of a meet and greet, where we
16 were, where we'd been, and how, you know - it was a meet
17 and greet because it was the first time we'd met Mr Newman.
18
19 Q. You would have heard Mr Newman's evidence, I think it
20 was Tuesday, in relation to these quarterly meetings and
21 that he did see a need and a requirement for that to occur
22 but more at a six-monthly interval; you heard that
23 evidence?
24 A. I heard the evidence, not that I agree with it.
25
26 Q. In relation to you not agreeing with it, you
27 understand that the inspectorate has a number of functions
28 to perform?
29 A. Yes.
30
31 Q. And you understand that interaction with the ISHRs
32 occurs on other occasions with the inspectorate?
33 A. Doing our job, yes.
34
35 Q. Indeed, you email inspectors, don't you?
36 A. In what way?
37
38 Q. You email inspectors about issues such as under
39 section 121 of the Act?
40 A. Yes.
41
42 Q. Indeed, even as late as Monday of this week, you were
43 speaking to an inspector about an issue; that's correct?
44 A. Not on Monday, I wasn't.
45
46 Q. As a result of that, there is then an inspection at
47 a mine later this week?

1 A. I'll tell you honestly I never spoke to an inspector
2 on Monday.

3
4 Q. All right. In relation to the other opportunities to
5 speak to inspectors, you have their telephone numbers to
6 call if you wish to do that?

7 A. Yes.

8
9 Q. There is also what you spoke about, being the
10 conferences that happen yearly?

11 A. Yes.

12
13 Q. The chief inspector was invited to speak at that
14 conference?

15 A. That's correct.

16
17 Q. He accepted that invitation?

18 A. That's correct.

19
20 Q. But unfortunately, COVID-19 intervened in that
21 process?

22 A. That's correct.

23
24 Q. You, as one of the most experienced ISHRs, are on some
25 of the subcommittees?

26 A. I'm on the advisory committee, recognised standard
27 committee, and - well, that will cover it, yes.

28
29 Q. And so you have interaction with the inspectorate at
30 those subcommittees as well?

31 A. I obviously have interaction, but I wouldn't say it's
32 like sitting down and given the time to discuss issues that
33 are evolving around or if we have issues here or if they
34 have issues with us; it's not that sort of dialogue.

35
36 Q. When you say "issues" with you, you understand that
37 Mr Newman has said that nothing is personal; it's all just
38 the professional relationship?

39 A. Oh, no, I was talking about - yeah, I wasn't talking
40 about the relationship, like, with me personally. I was
41 talking about if they think that we're doing something
42 wrong, or, you know, if there is an issue that we dealt
43 with over here and they didn't believe it was right or -
44 you know, that sort of stuff, if we had problems with them,
45 you know, that sort of dialogue. We don't have that
46 dialogue there, you know, if there was an issue - incidents
47 that were happening.

- 1
2 Q. So "problems with them" - it's just the way that you
3 are expressing that.
4 A. Yes, sorry.
5
6 Q. You both have important functions to perform under the
7 Act?
8 A. Mmm.
9
10 Q. You accept that?
11 A. Yes.
12
13 Q. And that in relation to interaction, there may be
14 occasions in a robust relationship where you agree and
15 sometimes when you disagree?
16 A. That's right, and to be challenged makes you better.
17
18 Q. Indeed, in relation to the example you provide in your
19 statement of the election process at Oaky North mine --
20 A. Yes.
21
22 Q. -- that was an occasion where you and the chief
23 inspector agreed to disagree?
24 A. I never agree to disagree, but obviously I raise my
25 issues with the chief inspector and he will deal with them
26 how he feels.
27
28 Q. So in terms of you not agreeing to disagree, is that
29 why you categorise it as a dispute?
30 A. Well, yes - well, that's probably a wrong word.
31
32 Q. Because the way in which the Act is structured and,
33 indeed, the role that you have to perform and the role that
34 the inspectorate has to perform, there will be occasions
35 where you have to agree to disagree; do you accept that?
36 A. Well, if that is the terminology you want to use, but
37 I don't like that terminology.
38
39 Q. Your view is not going to be accepted 100 per cent of
40 the time?
41 A. That's right, yes. Sometimes I'm wrong, sometimes I'm
42 right.
43
44 Q. It's not even a question of being wrong or right, is
45 it? It's just the fact that in anything, law, in any
46 profession, there are going to be times where persons have
47 different opinions and views?

- 1 A. Yes.
2
- 3 Q. But the aim is, under the Act, to achieve the objects
4 of the Act, isn't it?
5 A. Yes, that's to keep everyone safe.
6
- 7 Q. Exactly, exactly. So in relation to looking at, then,
8 the functions that the inspectorate performs and the
9 functions that the ISHR performs, can we focus for a moment
10 in relation to the investigation of serious accidents?
11 A. Yes.
12
- 13 Q. In your affidavit, you talk about it as being "our
14 investigation into serious accidents". Correct me if I am
15 wrong, it does appear that there is this separate
16 investigation that you consider is being undertaken by the
17 ISHR?
18 A. Well, you know, obviously things have changed, but
19 it's been changed without communication, because when
20 I talk about that and the processes that we used to do, and
21 the letter from Chief Inspector Albury when he was at the
22 helm, and the agreement how we did things and how we
23 processed and investigated these things has obviously
24 changed - and if we agree to disagree, or however you want
25 to put it, it might be for the right or the wrong reasons,
26 I don't know, but it has never been communicated to us,
27 until Tuesday, why these things had changed. All we do is
28 turn up and get abused.
29
- 30 Q. We will look at that. Again, looking at it
31 professionally --
32 A. Yes, that's right.
33
- 34 Q. The functions of the Act haven't changed, have they?
35 A. No.
36
- 37 Q. The function of the Act under 118(1)(d) has been for
38 you to participate --
39 A. Yes.
40
- 41 Q. -- in a serious accident investigation?
42 A. And we had an understanding of how we did that under
43 the previous chief inspector, Mr Albury.
44
- 45 Q. You have undertaken ICAM training yourself?
46 A. Yes.
47

1 Q. You would have listened to what I took Mr Woods
2 through in terms of concerns to ensure that the integrity
3 of an investigation is maintained; do you accept that?

4 A. Yes.

5

6 Q. Things like securing a scene and starting to collect
7 evidence are of fundamental importance to the initial
8 stages of an investigation?

9 A. Yes.

10

11 Q. So, again, if the inspectorate commences an
12 investigation and doesn't wait for an ISHR to arrive, you
13 accept that that's because they are fulfilling the function
14 that they have to perform under the Act?

15 A. Yes.

16

17 Q. It's not personal?

18 A. No.

19

20 Q. Similarly, you provide an example in relation to
21 a recent fatality - we won't name what that is - where
22 there was a tarpaulin put over the evidence when you first
23 arrived, because it was raining?

24 A. That's correct, yes. Inclement weather. It looked
25 like it was going to rain, and we didn't have a problem
26 with that, anyway, because I did ask if we could come back
27 tomorrow, and we were told "Yes".

28

29 Q. When you went back, you were informed that the access
30 to the site was one person at a time, one ISHR at a time,
31 and, indeed, Mr Woods went on to the site?

32 A. No, that's not to my recollection. At first, they
33 wouldn't allow any of us on the site. And then, after
34 a long period of time, Mr Watts, who was our leading
35 investigator, was allowed on site.

36

37 Q. So Mr Woods is wrong in his affidavit, then, that he
38 attended the site as well?

39 A. He did after a period of time, yes. Not --

40

41 Q. So the point you are distinguishing me on is how long
42 it took to access the site; is that it?

43 A. For them to, and I wasn't allowed there at all
44 afterwards.

45

46 Q. Mr Hill, again, it is the functions that the
47 inspectors have to perform to ensure that the investigation

1 is conducted properly?

2 A. That's right, but --

3

4 Q. You used the word before that you were being "abused".

5 A. Well, I did, I did get abused at that time, and
6 because - like, I'll go back and I'll explain again that we
7 had a process that we used to follow under the previous
8 chief inspector, and for whatever reason, and I'm not
9 saying it's right or wrong, I don't know why it's changed,
10 but obviously it's changed, but it had never been
11 communicated to us the reasons it's changed or why it's
12 changed, and the only time we found out about it was on
13 Tuesday, for that reason.

14

15 Q. Mr Hill, I went through with Mr Woods numerous reasons
16 why there may be occasions where you are not permitted to
17 take evidence and test it or you can't be informed in
18 relation to coercive interviews. You accept that those are
19 all reasons to ensure that the inspector is performing its
20 functions under the Act?

21 A. That's right, so --

22

23 Q. So the issue that you are having is because of the
24 fact that you feel that with the change of the helm, to use
25 your words, you think that there has been some shift in how
26 things are --

27 A. Well, yes, the process has changed. But, again, some
28 communication about how the process has changed might have
29 stopped a lot of the angst. We didn't know why or how the
30 process has changed, or the system has changed.

31

32 Q. But you would understand that there is necessity for
33 that change to ensure that the inspectorate is performing
34 its functions?

35 A. I can understand what the inspectors do and why they
36 do it, to ensure that the scenes and everything are - the
37 integrity and everything is done right, yes.

38

39 Q. Exactly.

40 A. But, you know, do they involve us or do they let
41 management in there before they let us in there?

42

43 Q. Sorry, are you asking me a question?

44 A. Oh, sorry.

45

46 THE CHAIRPERSON: Q. Mr Hill, I've been listening to
47 your answers. It seems that what is of concern to you is

1 that you had no communication that the process had changed;
2 is that right?

3 A. That's correct.

4

5 Q. And no communication as to what the process had
6 changed to?

7 A. That's correct.

8

9 Q. You recognise the importance of the inspectorate's
10 investigation and that it be untainted and in no way
11 prejudiced for a successful prosecution; your complaint
12 relates to the absence of communication in relation to
13 this?

14 A. That's correct.

15

16 THE CHAIRPERSON: Yes, Ms Holliday.

17

18 THE WITNESS: Can I just add a bit? It's not just about
19 the prosecution; it's about getting the evidence there,
20 making sure that the evidence is there so that you get the
21 proper nature and cause to prevent it from happening again
22 as well. Sorry.

23

24 THE CHAIRPERSON: Yes, Ms Holliday.

25

26 MS HOLLIDAY: I have no other questions, Mr Martin.

27

28 THE CHAIRPERSON: Mr Crawshaw?

29

30 **<EXAMINATION BY MR CRAWSHAW:**

31

32 MR CRAWSHAW: Q. Could the operator bring up on the
33 screen document CMU.001.001.0001. Mr Hill, do you
34 recognise that as the latest annual report of the Coal
35 Mining Safety and Health Advisory Committee?

36 A. Yes, I do.

37

38 Q. That's the advisory committee that you were referring
39 to in a shorthand way when you earlier gave evidence?

40 A. Yes, I do. Yes, that's correct.

41

42 Q. Could I ask the operator to scroll down to 0007 of
43 that document. Do you see in that document, in terms of
44 the workers' representative, there is Greg Dalliston from
45 the CFMEU?

46 A. Yes.

47

- 1 Q. And Stephen Evetts from the ETU?
2 A. Yes.
3
- 4 Q. The ETU being another union with membership in the
5 coal mining industry?
6 A. Yes.
7
- 8 Q. If the document could be scrolled down slightly, do
9 you see at that time there were two substitute members, one
10 of which was you?
11 A. That's correct.
12
- 13 Q. And it has you going to - well, it has next to "Number
14 of meetings", six meetings for you. Does that indicate
15 that you went to six meetings of the committee, albeit as
16 a substitute?
17 A. That would be correct, yes.
18
- 19 Q. Can you tell me how the representation of - the
20 workers' representatives have changed since this annual
21 report came out?
22 A. Can you just repeat that question, please?
23
- 24 Q. Can you tell me how the workers' representatives have
25 changed on the committee since this annual report came out?
26 A. Okay. Greg Dalliston has retired from the role as an
27 ISHR and has resigned from the advisory committee. Also,
28 the advisory committee memberships ran out last year, so we
29 had to reapply, which then I was appointed to take
30 Greg Dalliston's spot. You've got Stephen Smyth, who's
31 still on there. Stephen Woods has come on, has taken my
32 spot as the substitute member. And Stephen Evetts is still
33 there as the ETU representative.
34
- 35 Q. You gave some evidence about a - or at least I think
36 you were asked, and you agreed, that you had some
37 interaction on a recognised standard committee?
38 A. Yes, I also sit on the recognised standard committee.
39
- 40 Q. Is that a subcommittee of the Coal Mining Safety and
41 Health Advisory Committee?
42 A. That's correct.
43
- 44 Q. In brief, can you tell me what that body does, what
45 that subcommittee's function is?
46 A. Basically, it's tasked with reviewing and developing
47 recognised standards that the coal mining safety and health

1 committee requests them to do.

2

3 Q. Have you had any particular involvement in that
4 committee over and above others in any area?

5 A. Which committee are you talking about, sorry?

6

7 Q. Sorry, the recognised standards subcommittee.

8 A. Yes, I've been on that committee since it reformed,
9 I think - oh, I believe it was probably around 2015,
10 something like that, it was reformed, so I've been on there
11 since then.

12

13 Q. Could we just scroll back, Mr Operator, to page 0004
14 of this document. We see on 0004 there is an introduction
15 by the Chair. If we could just scroll down in the
16 document, you will see in the last paragraph there is
17 a mention of Mr Dalliston's contribution and imminent
18 retirement. Could we just go down to the next page, 0005.
19 It is then stated that he was there since the year 2000.
20 In the second paragraph on that page, the Chair states:

21

22 *His commitment has not only been through*
23 *his attendance at the many advisory*
24 *committee meetings over the past 20 years,*
25 *but also through his participation in the*
26 *advisory committee's recognised standards*
27 *subcommittee and the many working groups*
28 *for the development of other technical*
29 *materials. He has dedicated countless*
30 *hours to examining the findings of fatality*
31 *and high potential incident investigations,*
32 *coroner's inquests, case law and other*
33 *legal precedents, as well as participating*
34 *in legislative reviews and the training and*
35 *development of coal mine workers.*

36

37 Putting the time of Mr Dalliston's involvement in that work
38 to one side, are there any of those tasks and functions
39 that you do not carry out?

40 A. I suppose they all cross our desk at some time.

41

42 Q. If we could scroll down to page 10 of the document,
43 0010, you see there is a reference there to the
44 introduction of industrial manslaughter and other
45 legislative amendments - do you see that?

46 A. Yes, yes.

47

1 Q. Was that done through the committee, the advisory
2 committee, in the annual report, or external to the
3 operations of the committee?

4 A. No, it was done through our Coal Mining Safety and
5 Health Advisory Committee and the mining advisory committee
6 for the other mines, so both advisory committees did it
7 jointly.

8
9 Q. Was there action taken by the union outside these
10 committees in relation to seeking such laws?

11 A. Undoubtedly, yes, there was some. I can't think of
12 the word now, but there was some - obviously there was
13 a push to introduce the laws.

14
15 Q. What about other legislative and regulatory reform,
16 has there been engagement by the union in other legislative
17 and regulatory reform in recent times?

18 A. Obviously to do with statutory officials, the union
19 had a major push on that as well, to make sure that all
20 statutory officials are employed by the operator.

21
22 Q. In carrying out those issues that we have just
23 discussed, including those that Mr Dalliston engaged in,
24 does the union and, indeed, you, in carrying out your job
25 as an ISHR, only take those issues up in relation to union
26 members?

27 A. No, that's to improve the health and safety across -
28 for every coal mine worker at the mine, in the coalfields.

29
30 Q. You were asked some questions about Mr Newman's
31 evidence. Can I ask the operator to bring up the
32 transcript of Mr Newman's evidence on Wednesday. It is
33 TRA.500.002.0003. You will see at lines 29 to 36 there is
34 a reference to ISHRs having the opportunity to engage as
35 members of the advisory committee that we have just talked
36 to, as members of the Board of Examiners and those sorts of
37 forums. Do you have any comment about that?

38 A. Obviously there's a little bit of opportunity to
39 engage, but I wouldn't say there's - like I just explained
40 before, it's not a forum where you would actually bring
41 issues up about a mine or SSE in front of everyone, or
42 other issues that you probably just want to be able to sit
43 down with the regulator and talk about. It's not a forum
44 where you're going to have a serious conversation at
45 a lunch break. Generally the meetings start early and
46 finish late, so there's no time after the meeting to
47 finish - to have that correspondence, either.

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Q. If we could go down to page 6 of that transcript, you will see on page 6 [T110], starting at line 4, going down to line 20, there is the description of what I think you called a meet and greet with Mr Newman on 17 December 2019.

A. That's correct.

Q. Do you agree with Mr Newman's account of that meet and greet?

A. No, my recollection is that he wanted to keep the meetings running as they currently were at the time.

Q. I think you said to my learned friend Ms Holliday that you disagreed with Mr Newman's evidence. Do you remember saying that?

A. Yes.

Q. I think my learned friend might have taken it as meaning that you disagreed with what he was saying at the meeting. Are you saying you actually disagreed with part of his account of that meeting?

A. That's correct.

Q. Which part of the account do you say you disagree with?

A. That he didn't want to have the quarterly meetings any more, you know, which were possibly too frequent. My recounts are that he was happy to continue on with them and wanted to keep meeting.

Q. If we could go down to page 8, [T112] lines 7 to 15, you have to look at the question Ms Holliday asked Mr Newman:

If it was the case that the inspectorate didn't allow the ISHRs to gather evidence, why would that be?

This issue about compromising prosecutions and compliance, which she has also raised with you in the witness box, was raised. Do I understand from your evidence today that that was the first time you have heard that as an explanation as to why you shouldn't be allowed to have the same involvement in investigations as you had had in the past?

A. That's correct.

Q. If we go down the same page to lines 32 to 37 -

1 I think it's the same point. If we could go over to the
2 next page - I'm sorry, are we on page 0013 [T117] here?
3 Yes, sorry. You will see on that page, at lines 6 to 22,
4 there is this solution put forward. Oh, I think I have
5 tricked myself here. I won't ask you to look at the
6 transcript.

7
8 Do you remember that it was put forward as a solution
9 in relation to the mine record of entries and your no
10 longer receiving them that you would be able to get them
11 when they were posted on the noticeboard on site; do you
12 remember that evidence being given on Tuesday?

13 A. Yes.

14
15 Q. What do you say about that as a solution?

16 A. Oh, it's not practicable. It's a throw-away line.
17 You know, like, we're busy enough as it is now, let alone
18 trying to drive around the mines to find out what MREs or
19 directives are being given to mines by going there and
20 looking at their noticeboards. That's not practicable at
21 all.

22
23 Q. I think it was also suggested that you could get it
24 from the SSHRs?

25 A. Well, the SSHRs don't have the power to copy, and I'm
26 assuming that if they got caught copying an MRE, they would
27 surely be fronting the Chief Inspector or the Commissioner
28 and being asked to explain why.

29
30 Q. You obviously go to mine sites, and do you look at
31 noticeboards when you go to mine sites?

32 A. Generally I do, yes.

33
34 Q. On those occasions, do you see documents such as the
35 MREs that we're talking about?

36 A. From time to time, you find that they aren't up to
37 date, yes.

38
39 Q. Do I understand that answer to mean that you do see
40 them, but they're not always up to date; is that what you
41 are trying to say?

42 A. Yes, that's right.

43
44 MR CRAWSHAW: Yes. That's the end of my questioning,
45 Mr Hill. Thank you, Mr Chair.

46
47 THE CHAIRPERSON: Thank you. Mr Rice?

1
2 MR RICE: Nothing, thank you.
3
4 THE CHAIRPERSON: Mr Clough?
5
6 MR CLOUGH: No more questions from me, thank you.
7
8 THE CHAIRPERSON: Q. Just before you go, Mr Hill, do you
9 see any merit, when you go to a mine site, that your attire
10 actually discloses that you are the industry rep rather
11 than a CFMMEU rep?
12 A. I've never thought about it, to tell you the truth.
13 Maybe it does. My counterpart, Steve Woods, had "ISHR" on
14 his helmet, so that disclosed that it was him. I know that
15 inspectors have inspectors stickers on their helmets.
16 Maybe we could do something the same.
17
18 Q. But also on your clothing, I mean, instead of the
19 CFMMEU logo, perhaps actually that you are an industry rep?
20 A. I'm sure we could get something put on the back of it
21 to say as such, yes.
22
23 Q. Anyway, no downside to it that you can see?
24 A. No, it wouldn't be hard for me to organise to get my
25 work clothes to have "ISHR" on the back.
26
27 THE CHAIRPERSON: All right. Thank you, Mr Hill, and you
28 are excused.
29
30 **<THE WITNESS WITHDREW**
31
32 MR RICE: Mr Martin, I call Kelvin Sloan.
33
34 MR DOWNES: Might I be excused?
35
36 THE CHAIRPERSON: Yes. Thank you.
37
38 **<KELVIN SLOAN, affirmed: [3.16pm]**
39
40 **<EXAMINATION BY MR RICE:**
41
42 MR RICE: Q. Is your name Kelvin Sloan?
43 A. Yes, it is.
44
45 Q. Are you employed at Moranbah North coal mine?
46 A. Yes, I am.
47

- 1 Q. For how long have you been employed there?
2 A. I started my employment on 9 September 2013.
3
4 Q. I don't know much about you. Do you have some
5 relevant qualifications, could you outline?
6 A. A fitter by trade. Certificate IV in engineering, S1,
7 S2, S3 and G2. No statutory qualifications.
8
9 Q. No statutory qualifications?
10 A. No.
11
12 Q. Tertiary education?
13 A. No.
14
15 Q. I think you are aware we are going to discuss an event
16 that occurred at the mine on 20 July 2019?
17 A. Yes.
18
19 Q. The interest in your appearance lies in the fact that
20 you were apparently a lead team member of the LFI
21 investigation team?
22 A. Yes, that's correct.
23
24 Q. Let's put that before you. Could Mr Sloan see
25 document AAMC.001.001.0824. You've probably had a chance
26 to have a look at that before coming into the courtroom,
27 have you?
28 A. Yes, that's correct.
29
30 Q. The document describes you as "Longwall coordinator".
31 A. Yes.
32
33 Q. Is that still your job?
34 A. Yes, that is.
35
36 Q. Could you explain briefly what your responsibilities
37 are in that job?
38 A. Yes. From the operational side on a day-to-day
39 running of the longwall and usually out to six to eight
40 weeks of day-to-day planning.
41
42 Q. What do you mean, what's involved in day-to-day
43 running?
44 A. Yes, so obviously we're surfaced based, but we do go
45 underground, plan the day-to-day activities of safely
46 cutting coal.
47

- 1 Q. Is it a planning-type role?
2 A. Yes, that's correct.
3
- 4 Q. Just looking at page 3 of that document, which has
5 0826 on it, one notices in a list of the investigation team
6 members that there are quite a few?
7 A. Yes.
8
- 9 Q. Was there some reason for that?
10 A. Yes. We had a cross-section - because of the nature
11 of the incident, we had a cross-section of all parties that
12 were involved in that exceedance. We included each team
13 member so we could obviously try and get the outcome that
14 we desired to get to --
15
- 16 Q. We might come back to that. Let's get what happened
17 first. Okay?
18 A. Yes.
19
- 20 Q. If the top half of the page could be enlarged, please,
21 apparently there was a power trip at 11.50 that day;
22 correct?
23 A. Yes, that's correct.
24
- 25 Q. The features that were evident seemed to be that the
26 ERZ controller identified CH4 blowers in the floor at
27 a particular location on the longwall?
28 A. Yes, that's correct.
29
- 30 Q. The other thing which apparently is evident from the
31 second paragraph is that a goaf well, designated S0670A was
32 in standby mode?
33 A. Yes, that's correct.
34
- 35 Q. And therefore not assisting with extraction of goaf
36 gas?
37 A. Yes, that's correct.
38
- 39 Q. It looks as though the immediate response is described
40 in the third paragraph. When I say "immediate", what was
41 done that particular day was to use brattice sails and
42 something called cool tubes to direct ventilation to deal
43 with the situation?
44 A. Yes, that's correct.
45
- 46 Q. Do we understand that for immediate purposes, that was
47 a sufficient response to enable production to resume?

- 1 A. Yes, that's correct.
2
- 3 Q. Just to get a quick timeline on that, if we could go
4 to page 0833, the top half of the page, that's a brief
5 timeline of the events, I gather, showing the power trip at
6 11.50, then apparently some four hours assessing the
7 position and rectifying with brattice sails; am I right?
8 A. Yes, that's correct.
9
- 10 Q. Production resumed at 5.30, meaning there was a loss
11 of more than five and a half hours of production?
12 A. Yes, that's correct.
13
- 14 Q. Plus an HPI to contend with?
15 A. Yes, that's correct.
16
- 17 Q. It seems as though you were on duty that day yourself?
18 A. Yes, that's correct.
19
- 20 Q. If we can go to page 0844, on the bottom half of that
21 page there is an email from Mr O'Hara to a range of people,
22 including yourself?
23 A. Yes.
24
- 25 Q. At 1.46pm that very day; correct?
26 A. Yes, that's correct.
27
- 28 Q. Just to note some features about that, we know that
29 the power tripped at 11.50. Picking it up from there, you
30 apparently did something at 11.52?
31 A. Yes. So I rang the control room. Obviously the CH4
32 trip occurred at 11.50, so I rang the control room to ask
33 what they could do with the gas drainage, so that process
34 is to give gas drainage a call.
35
- 36 Q. To try to get some more suction?
37 A. Suction, that is correct. That was the purpose of my
38 phone call.
39
- 40 Q. Was there any positive response about that, do you
41 remember?
42 A. No, there wasn't, because as we spoke about earlier in
43 regards to hole S0670A, it was in yellow TARP, so it
44 obviously couldn't be turned on.
45
- 46 Q. We saw from the description on the earlier page that
47 that particular hole was in standby mode, meaning it wasn't

- 1 working; correct?
2 A. That's correct.
3
4 Q. And the reason is said to be that it was due to low
5 methane and high oxygen?
6 A. That's correct.
7
8 Q. Are you able to explain how those features combine to
9 produce the result that the borehole was in standby mode?
10 A. In regards to why it was in standby mode?
11
12 Q. Yes.
13 A. Obviously we have a TARP system on site that the
14 cross-section of the workforce generates, comes to
15 a document, which - no matter who is on site can follow
16 that TARP, and obviously depending on what readings they
17 get with not only oxygen, methane, but all your other
18 gases, they can make a decision on what they need to do
19 with that well, whether it be on standby mode or in
20 production.
21
22 Q. Is it the relativity of those two gases - low methane
23 and high oxygen?
24 A. At that point in time, it was.
25
26 Q. So it was on standby through deliberate action?
27 A. Yes.
28
29 Q. Because of the relative concentrations?
30 A. That is correct.
31
32 Q. And that was a TARP response to that situation?
33 A. Yes, that's correct.
34
35 Q. Understood. Going back to the timeline, it looks as
36 though the tailgate drive sensor failed?
37 A. Yes, that's correct.
38
39 Q. But two other sensors recorded readings in excess of
40 3 per cent, being the tailgate inbye sensor and the
41 tailgate outbye sensor?
42 A. That's correct.
43
44 Q. Both of which are in the tailgate return roadway?
45 A. That's correct.
46
47 Q. Then at 12.30 we see reference again to that

- 1 particular borehole where flow is said to have increased?
2 A. Yes.
3
- 4 Q. Do we take it from that that it was no longer in
5 standby mode?
6 A. That's correct.
7
- 8 Q. So the inference is that the mixture of gas which was
9 putting it in standby mode earlier had altered sufficiently
10 for it to be put into production; right?
11 A. That's correct.
12
- 13 Q. So in this case, it wasn't a case that the borehole
14 was - there was something wrong with it. It was working
15 properly; it was just a question of getting the right
16 mixture of gas to enable it to perform its function?
17 A. Yes, that's correct.
18
- 19 Q. You get a mention at 13:27, "booking out brattice"?
20 A. Yes, that's correct.
21
- 22 Q. It sounds as though some assessment had already been
23 made that that was the responsive action to the situation?
24 A. That's correct.
25
- 26 Q. And you were involved in securing the equipment?
27 A. Yes, that's correct.
28
- 29 Q. If we go, then, to page 0829, we might just discuss
30 some of the features which were discovered as part of this
31 incident. If we look at the factors under the
32 "Environment" heading, you notice halfway down "Close
33 proximity of the GML seam"?
34 A. Yes.
35
- 36 Q. How was that a relevant environmental factor?
37 A. So because there is another seam - we mine the
38 GM seam, which is the Goonyella Middle seam. We have
39 a seam underneath us, so it's the Goonyella Middle - the
40 lower seam. Obviously with Mr Fraser's findings with the
41 gas blowers, in discussions with the under-manger on duty,
42 himself and myself came to the conclusion that it was the
43 Goonyella Lower seam where we were seeing the gas issues.
44
- 45 Q. Is it the proximity of that seam which produced the
46 floor heave, which is mentioned as another one of these
47 factors?

- 1 A. That is correct.
2
- 3 Q. And the floor blowers are associated with the floor
4 heave; am I right?
5 A. Yes, that's correct. That's what allowed the CH4 to
6 release.
7
- 8 Q. And just to confirm, so far as the goaf well is
9 concerned, there was no failing of operation; it was just
10 deliberately put into standby because the gas was at
11 a certain mixture?
12 A. That is correct.
13
- 14 Q. But that was a contributing factor to the accumulation
15 of gas?
16 A. It didn't help the situation.
17
- 18 Q. If we could go to page 0836, this is a portion of
19 Mr Fraser's hazard and incident report form. The
20 reproduction of that is not great quality, but he seems to
21 have described it under the "Environment" section as "High
22 CH4 in seam below goaf hole not yet on suction", which he
23 identified that same day?
24 A. Obviously he ascertained that the GML seam was the
25 cause by seeing the blowers, and obviously in liaising with
26 myself, the under-manger and himself, came to the
27 conclusion that the 6070A was not online.
28
- 29 Q. This form was completed - at least it's dated the same
30 day, 20 July?
31 A. Yes, that's correct.
32
- 33 Q. Mr Fraser has signed off on it?
34 A. Yes.
35
- 36 Q. Mr Gibson was the under-manger?
37 A. That is correct.
38
- 39 Q. It looks as though, from looking at the "Action
40 Description", someone had already identified what should
41 occur in addition to the immediate response with brattice
42 and so forth?
43 A. Mmm-hmm.
44
- 45 Q. Two tasks are identified and have your name against
46 them?
47 A. Yes, that is correct. At the point of time of filling

1 out the incident report, the ERZ controller, or in this
2 case Mr Fraser that's filling it out, will fill out the
3 action that he believes to stop that issue from happening
4 again, but obviously down the fact of the LFI process --
5

6 Q. It is a little difficult to read, but can I suggest it
7 reads, "Investigate UIS drainage options for lower seams"?

8 A. Yes, that is correct.
9

10 Q. The second one is, "Investigate goaf hole spacing are
11 adequate"?

12 A. That is correct.
13

14 Q. Did you get a say in the attribution of those tasks to
15 you?

16 A. What we did, we identified that in the LFI process.
17 So if we go back to the comment before in regards to the
18 people on the LFI, we had the gas drainage department,
19 technical service department, geotechnical people, and
20 obviously the people involved in the incident, so we'd come
21 up, as a team, with those controls and actions to come out
22 of it.
23

24 Q. In all the circumstances described, with a floor
25 heave, proximity of the lower seam, it raised a question of
26 appropriate drainage of that lower seam, did it not?

27 A. At that point in time, it did, yes.
28

29 Q. That's what was apparently identified by Mr Fraser?

30 A. That's correct.
31

32 Q. And that was pursued, was it not?

33 A. Yes, it was.
34

35 Q. You mentioned the constitution of the team. How were
36 the various team members to contribute to the assessment of
37 what needed to be done?

38 A. Obviously they are all the content experts from other
39 departments, so to get the best result out of the
40 investigation, we sought that - we needed someone that had
41 that knowledge with regard to what was going on.
42

43 Q. Could we go back to page 0829. In the bottom half of
44 that page, there is a list of contributing factors as found
45 by the process. There is no elaboration, but we see that
46 one of the contributing factors was rates of retreat versus
47 gas drainage capabilities. Can you elaborate on what the

1 team's conclusion was about that?

2 A. Obviously because we didn't know the full extent or
3 the outcome of our actions that we put in at the end of the
4 document, that was one of the points that came up with one
5 of the team members, was that a contributing factor of why
6 this incident occurred.

7
8 Q. So has that effectively got a question mark next to
9 it?

10 A. At that point in time, yes.

11
12 Q. The LFI is normally done, is it, within about 14 days
13 of the incident?

14 A. That is correct. It has 30 days to have final
15 sign-off from on site.

16
17 Q. Beg your pardon?

18 A. Thirty days, sign-off from on site.

19
20 Q. On the front page, it says "Report date 20 July", but
21 that can't be right. That was the incident date?

22 A. That's correct. The incident date was the 20th. We
23 did the LFI on the Tuesday the following week, so it's
24 three days after the incident.

25
26 Q. We can take it that this document is, effectively,
27 produced three days after the incident?

28 A. That is correct.

29
30 Q. Are you saying at that stage, although this statement
31 was made, "Rates of retreat versus gas drainage
32 capabilities", that was more of a question mark to be
33 determined?

34 A. That is correct.

35
36 Q. I see that that particular box is headed "Possible
37 Causational Factors", but if we move over to the next page,
38 0830, we come to the conclusions at section 9. We see
39 those same features repeated - the borehole being in
40 standby mode, plus close proximity of the lower seam.

41
42 Now, moving to the next page, 0831, that identifies,
43 does it not, the outcome by way of actions to be taken
44 consequent upon the LFI process; is that right?

45 A. That is correct.

46
47 Q. Is that the product of the collaborative team effort

- 1 for this LFI?
2 A. Yes, that's correct.
3
4 Q. I would like you to explain, if you would, what each
5 of those items consisted of?
6 A. Yes. So obviously in regards to the first one, the
7 underground in-seam strategy was a check from the gas
8 drainage coordinator at that point in time to make sure
9 that there was adequate drainage in the GML seam. Prior to
10 that, we had no issues. That was the first incident we had
11 of a GML gas blower that I'm aware of. And now with that
12 action, we'd do more drainage of the GML seam and we --
13
14 Q. Was more required, is that the issue --
15 A. Yes, that's what we've done to mitigate the risk.
16
17 Q. -- whether more was required?
18 A. That's what we've done to mitigate the risk, yes.
19
20 Q. The task was to revise the strategy. Was
21 a consequential action taken in relation to UIS strategy?
22 A. Yes. Yes, we now do more --
23
24 Q. Can you describe what it was?
25 A. We do more floor touches. In the process of UIS
26 drilling, we now drain more out of the GML seam as
27 a consequence of this incident.
28
29 Q. Tell me, was this process of review and investigation
30 one of, effectively, comparing what pre-drainage there had
31 been done?
32 A. Not from myself it wasn't. It would have been from
33 the technical service department.
34
35 Q. But was that assessment part of the LFI team process?
36 A. Can you repeat that question, please?
37
38 Q. Well, I take it that certainly one, if not the main,
39 contributing factor was the proximity of the GML seam, and
40 it is correct, isn't it, that there had been a certain
41 amount of pre-drainage of that seam before this incident?
42 A. Yes, that's correct.
43
44 Q. Was the process one of review of the adequacy of that
45 pre-drainage?
46 A. Yes.
47

- 1 Q. Is that what was done?
2 A. That's correct.
3
4 Q. And you were in the course of describing, and if you
5 wouldn't mind saying again, what consequential action was
6 taken upon that review?
7 A. Yes. What we've done - sorry, it was the technical
8 department, they put some more floor touches in to drain
9 that gas out of the GML seam to stop that event from
10 occurring again.
11
12 Q. I'm going to ask you to try to explain to laypeople,
13 including me, what floor touches are?
14 A. When we do our UIS gas drainage, it's done in seam,
15 and they can veer off and go to a roof touch or a floor
16 touch, so that's modifying the drilling to get that gas
17 drainage into the floor.
18
19 Q. At the risk of oversimplifying, was the result of the
20 review to undertake more pre-drainage?
21 A. Yes, that's correct.
22
23 Q. On that longwall?
24 A. No, in future blocks.
25
26 Q. Future blocks?
27 A. Yes.
28
29 Q. What was done, then, to prevent the likelihood of
30 recurrence on this block apart from putting up brattice
31 sails?
32 A. We did some infill holes as well.
33
34 Q. I'm sorry?
35 A. We did some infill holes on the gas drainage in the
36 tailgate.
37
38 Q. In field?
39 A. Infill, normally anywhere from 50 to 100 metres of the
40 gas drainage holes. We were just about to move into the
41 100 metre gas drainage holes, and they went back to
42 50 metres.
43
44 Q. Now, what are we talking about here? Are we talking
45 about --
46 A. The goaf wells.
47

- 1 Q. -- the surface to seam?
2 A. Yes, that's correct, the goaf wells.
3
4 Q. So the surface goaf holes were at 100 metres distance,
5 were they?
6 A. They were at 50 at that point in time, at the time of
7 the incident, and they were moving to 100, but the A is an
8 infill hole, so they were at the 50s.
9
10 Q. Is there a difference between infill holes and the
11 holes that were originally driven at 50 metres apart?
12 A. No, they're exactly the same, just the spacings.
13
14 Q. Excuse me if I don't understand, but was the product
15 of this to drill more holes?
16 A. Yes.
17
18 Q. From the surface?
19 A. Yes, that's correct.
20
21 Q. In the same fashion as holes had originally been
22 drilled as part of the pre-drainage set-up?
23 A. Yes, that's correct.
24
25 Q. Which was likely to have been done quite a while
26 before even production started?
27 A. Yes, that's correct.
28
29 Q. So what distance between boreholes was achieved
30 through these new infills?
31 A. We stayed at 50 metres.
32
33 Q. Stayed at 50?
34 A. Yes, that's correct.
35
36 Q. And for the future, can you explain, for future
37 panels, what decision was made?
38 A. That's reviewed from the technical service department.
39 So depending on what the gas quantity is when they take the
40 core samples is what path they go down with spacings.
41
42 Q. Did this process determine that any pre-drainage that
43 had been undertaken for future panels would be revised and
44 put into the same order as had been recommended as
45 a consequence of this exercise?
46 A. Yes, that's correct.
47

- 1 Q. Are you able to say, for the purpose of this longwall,
2 how many infill holes were drilled?
3 A. I don't know off the top of my head.
4
- 5 Q. How big a task is that, excuse my ignorance again, but
6 can you explain?
7 A. Yes, it would be a couple of weeks process for the
8 surface drill team to obviously mobilise and drill.
9
- 10 Q. Are they contracted from outside?
11 A. Yes.
12
- 13 Q. Presumably there was a risk assessment done before the
14 second workings for this panel, and it would have included
15 assessment of the appropriate level of pre-drainage; am
16 I right?
17 A. That is correct.
18
- 19 Q. Is it the case that arising from this incident,
20 a decision was made to depart from the pre-drainage as it
21 was planned and approved in the permit to mine, et cetera,
22 to a different plan as a consequence of this event?
23 A. What we have done, we've changed the permit to mine
24 now to include the GML floor touches and floor gases,
25 et cetera, which - the previous permit to mine didn't have
26 the GML in there.
27
- 28 Q. Why would that be? Why would it not have included it?
29 A. We've never had any issues, since I've been there,
30 with floor gas out of the GML.
31
- 32 Q. Perhaps I misunderstood. There had been a degree of
33 pre-drainage of the GML seam, had there not?
34 A. Only minimal.
35
- 36 Q. Minimal?
37 A. Yes.
38
- 39 Q. Was minimal drainage originally undertaken - well,
40 perhaps you explain, why was minimal pre-drainage
41 undertaken?
42 A. Obviously with the concentration of the gas in that
43 GML seam and documents reviewed from core samples taken,
44 that was the decision made by the team at that point in
45 time, that there was an acceptable level of risk.
46
- 47 Q. Who informs the risk assessment committee -

1 "committee" might not be the right word - the group of
2 people who participate in the risk assessment?

3 A. In the second workings risk assessment?

4

5 Q. Yes. Who contributes by way of the planning and
6 predictions for pre-drainage what needs to be done?

7 A. That's part of our technical service team, and I would
8 believe that is at a corporate level as well.

9

10 Q. Who is in charge of technical services?

11 A. Wes Noble.

12

13 Q. We're still on that page, and we've been discussing
14 the first of those tasks. Could you explain the activity
15 reflected in the task descriptions for the next item?

16 A. Yes. The next one, because we changed drives, the
17 procedure also changed, and we didn't pick that up at the
18 time of the implementation of the new equipment. So it was
19 known that when we went to degas the equipment as per the
20 degassing procedure, it didn't reflect the new modus, so
21 that was the action for our electrical coordinator to
22 review the degassing and purging procedure for longwall
23 components.

24

25 Q. That's a much smaller task than the first one; is that
26 fair to say?

27 A. Yes, that's correct, yes. It's just an administrative
28 task. Number 3 was "Review geotechnical goaf caving around
29 tailgate 604". That was more just to see if the
30 geotechnical department believed there were any differences
31 in the caving models. It was proven that there was no
32 difference in those models. And number 4 is obviously what
33 we've already talked about, "Review the GML gas content to
34 ensure that the strategy is effective".

35

36 MR RICE: Thank you, Mr Sloan.

37

38 THE CHAIRPERSON: Q. Mr Sloan, are you employed by
39 Anglo?

40 A. I am.

41

42 THE CHAIRPERSON: Mr Roney?

43

44 MR RONEY: No questions.

45

46 THE CHAIRPERSON: Mr Crawshaw?

47

1 MR CRAWSHAW: No questions, Mr Chair.

2

3 THE CHAIRPERSON: Thank you. Ms Holliday?

4

5 MS HOLLIDAY: No questions.

6

7 THE CHAIRPERSON: Mr Holt?

8

9 <EXAMINATION BY MR HOLT:

10

11 MR HOLT: Q. Good afternoon Mr Sloan. I just have a few
12 questions for you about the things that Mr Rice has been
13 asking you about.

14 A. Yes.

15

16 Q. If we could retain the LFI document that was just on
17 up on the screen, I would be very grateful. If we could
18 just roll back a moment to the day itself, because your
19 involvement was obviously on the day, as you've already
20 explained, with some decision-making with others?

21 A. Yes.

22

23 Q. Then you were heavily involved, indeed leading the
24 learning from incidents process and the drafting of that
25 report and so on?

26 A. That is correct.

27

28 Q. And then, obviously enough, you also had a significant
29 role in the steps, some of which you have been taken
30 through, that followed up this incident?

31 A. Yes, that's correct.

32

33 Q. If we can step out of the detail for a moment, in
34 terms of the period of time that the Board is concerned
35 with, Moranbah North, this is the only gas exceedance HPI
36 on the longwall, so this is the one that we are exploring;
37 do you understand that?

38 A. Yes, that's correct.

39

40 Q. Thank you. You have explained that in terms of the
41 day, although you weren't down underground on the day, it
42 became clear pretty quickly, didn't it, from those who were
43 down there, and particularly the deputy, that the immediate
44 cause, if I can put it that way, was what is called a floor
45 blow?

46 A. That's correct.

47

1 Q. You understand that what happened was that the deputy
2 who went down when the trip happened, who was there when
3 the trip happened, firstly, as you would expect, removed
4 the men from the longwall?
5 A. That's correct.
6
7 Q. Back to the safe space - I think the crib room on this
8 occasion?
9 A. Maingate, I believe.
10
11 Q. And then once comfortable that it was safe to do so,
12 goes down with his personal gas monitor?
13 A. Yes, that's correct.
14
15 Q. And was able, in fact, you know from the LFI process,
16 to hear the - I think he described it almost as a hiss that
17 was coming from the floor in a certain location?
18 A. That's correct.
19
20 Q. And there were clear indications of a floor blow, that
21 is, methane that is coming from a seam below?
22 A. That's correct.
23
24 Q. I understood you correctly to say that a floor blow is
25 something, obviously, that is known in underground mining;
26 they happen?
27 A. That's correct.
28
29 Q. But you hadn't had a significant one here?
30 A. No.
31
32 Q. Following on from the work that you did then on the
33 day, you then I think pretty quickly convened the learning
34 from incidents team?
35 A. That's correct.
36
37 Q. What was your reasoning for convening that team so
38 quickly?
39 A. Because we have so many different crews and different
40 rosters, so if we didn't catch the team involved, the crew
41 involved for that incident, we wouldn't have seen them for
42 another two weeks, being days off, even time roster, so it
43 would have been a minimum two weeks before we actually got
44 to get that crew together again, and obviously three days
45 post incident they would still have a good recollection of
46 exactly what happened.
47

1 Q. In terms of actually how you run this at Moranbah,
2 that is, a learning from incident process, is it done by
3 email or phone or are you all getting together; how does it
4 work?

5 A. We are all in the same room. In our longwall
6 department, we have the three coordinators in one office,
7 and we have also got a meeting room with a big screen,
8 touchscreen. So we all sit in a boardroom type - we all
9 sit in there together and obviously have all the data
10 collated. Each team member gets a copy of the data and we
11 go through from start to finish of the LFI process.

12
13 Q. Could we go to page 0826, please, Mr Operator, and
14 down to the investigation team members. We have you there
15 as the longwall coordinator, also noted as the
16 investigation lead?

17 A. Yes, that's correct.

18
19 Q. Then Tim Johnson, who is an HSE coordinator, who is
20 noted as the facilitator?

21 A. That's correct.

22
23 Q. Then a number of other people from different
24 departments - ERZ controller, geologist, drilling
25 supervisor, two mine technicians, the shift under-manger,
26 ventilation officer and mine technician?

27 A. That's correct.

28
29 Q. Our learned friend Mr Rice commented on the fact that
30 that seemed to be a lot of people. For an LFI process at
31 Moranbah North for an incident of this kind, is that the
32 kind of team you would want to assemble?

33 A. It sure is, because you need the teams that are
34 involved - or, sorry, the departments with the knowledge of
35 exactly what happened to get the best out of the LFI.

36
37 Q. Is it also making sure that you are approaching what
38 someone with a particular frame because of their role might
39 think about in a particular way - is it also about making
40 sure that you get people from different perspectives
41 looking at a problem?

42 A. That's correct.

43
44 Q. In fact, I think we will see some of that in the
45 outcomes here, that you can see the things that likely came
46 from the ventilation folk and likely came from the
47 geologist, and so on?

- 1 A. That's correct.
2
- 3 Q. Again, just on process, before we get into just a
4 little bit of detail about what occurred and the steps that
5 were taken following it, the LFI process is something, as
6 you well know, which is mandated through an Anglo process?
7 A. Yes, that's correct.
8
- 9 Q. And there is a standard, a learning from incidents
10 standard, that applies?
11 A. Yes.
12
- 13 Q. Had you been trained in that?
14 A. Not particularly in the LFI process, but previously
15 trained in the ICAM process, sat in on multiple LFIs prior
16 to that.
17
- 18 Q. That's exactly what I was going to ask, because the
19 LFI process had replaced the ICAM process?
20 A. That's correct.
21
- 22 Q. I'm really interested in Tim Johnson's role as
23 facilitator. How does that play out in a process like
24 this? What's that person's function?
25 A. Obviously just to keep the LFI on track, and his
26 safety knowledge, as well, was why we chose him as
27 a facilitator.
28
- 29 Q. We know that the LFI process includes - if we can go
30 to the next page, please, Mr Operator, 0827, down to
31 "Methodology and Tools Used", we can see there a series of
32 tools that are noted as having - the investigation having
33 been conducted in accordance with the Anglo American
34 investigation methodology. Those tools were obviously
35 available for the LFI team to use?
36 A. That's correct, all tools were available.
37
- 38 Q. We have noted there choices to use here, "Change
39 Analysis" and "Why Analysis"?
40 A. Yes.
41
- 42 Q. Was there a reason why those were chosen as the two
43 primary methods for analysing this problem?
44 A. Because we believed we would get the best result out
45 of those two, and obviously the top two had no impact on
46 the incident or getting the result out of the incident.
47

- 1 Q. Just so that the Board understands the way in which
2 those kinds of processes work - because as I understand it,
3 they are intended to be helpful but not too complicated, so
4 that they can actually be used in a practical way?
5 A. That's correct.
6
- 7 Q. Could we have a look, please, at page 0834,
8 Mr Operator, and we might have to swing it round. This is
9 just a visual depiction, is it, of the consequence or
10 result of the why analysis?
11 A. Yes, that's correct.
12
- 13 Q. Am I right, is the essence of it to just ensure that
14 you are constantly asking, on every subconclusion that you
15 come to, the question "Why?", so that you drill into any
16 possible reasons that might exist for a particular issue or
17 circumstance to have arisen?
18 A. That is correct.
19
- 20 Q. So if we look at this one, we can see there that the
21 start point is that there was a methane exceeding
22 2.5 per cent in the general body concentration in the
23 longwall tailgate roadway?
24 A. Yes.
25
- 26 Q. Effectively, you are asking why? "Goaf drainage
27 unable to manage gas make from the longwall." Why?
28 Because there was "Residual gas from seam/floor blowing
29 out", and so on?
30 A. That's correct.
31
- 32 Q. Is that a process that on this occasion, but also in
33 your experience with the LFI process, is taken seriously by
34 the team, that is, you are really using these tools, or is
35 it kind of a check box to complete kind of a thing?
36 A. No, it is used in a serious nature.
37
- 38 Q. Similarly, if we go back a page to the time series
39 event chart, that's a mandatory thing you have to do; you
40 have to identify a sequence of events and chronology?
41 A. That's correct.
42
- 43 Q. Then if we could go to the bottom of that page,
44 Mr Operator, there we can see again a visual depiction of
45 the change analysis tool that you had chosen to use?
46 A. Yes.
47

1 Q. Which identifies normal practice, what the practice
2 was at the time of the incident, the gap between those two
3 things, and then the impact of the difference?

4 A. That is correct.

5

6 Q. Again, are these tools just designed through the Anglo
7 system and the way that you operated them here to attack
8 a problem from lots of different ways to ensure that you
9 are not missing something?

10 A. That is correct.

11

12 Q. Again, just dealing with process for a moment, how is
13 the report actually drafted after - you've talked about
14 this meeting with the smart board and everything else. Do
15 you draft the report?

16 A. We draft the report up. Then it goes into the SLT
17 department. Obviously, it has to be signed off within the
18 month. Every morning at our 8 o'clock meetings, they will
19 come up - investigations that are still outstanding, how
20 many days they are outstanding for and who they are sitting
21 with as well. So that process is taken quite seriously.

22

23 Q. I want to drill in there to the way in which a review
24 is done by the SLT, which is the senior leadership team?

25 A. Yes.

26

27 Q. On that site, who are the key members of that?

28 A. All managers are classed as the SLT team. With the
29 sign-off process, we have to - so, me being the
30 investigation lead has to present that to the SLT as well.

31

32 Q. When you talk about presenting it to the SLT, is that
33 just emailing it to them or is this actually a presentation
34 to the whole of the senior leadership team at Moranbah?

35 A. A presentation.

36

37 Q. Is that an easy process or is it one where you are
38 being challenged by the SLT?

39 A. No, you are being challenged, so it can be quite
40 daunting.

41

42 Q. Is it a question of them just going, "Yeah, that's
43 great. Let's get on with it", or --

44 A. No, there's always questions asked from start to
45 finish of the LFI. You go through the whole process and
46 there is quite a few questions from the SLT.

47

- 1 Q. So from your perspective, given your unique role in
2 this, if I asked you to comment on how seriously management
3 at Moranbah take this learning from incidents process, that
4 is, through the senior leadership team, what would you say?
5 A. I think it's taken quite seriously.
6
- 7 Q. Again, we will go back to the detail, but there is
8 then, of course, a series of tasks which arise from the
9 LFI?
10 A. Yes, that's correct.
11
- 12 Q. Or actions that are going to be taken?
13 A. Actions.
14
- 15 Q. You are familiar with the Enablon process?
16 A. Yes, that's correct.
17
- 18 Q. Those tasks go into Enablon?
19 A. Yes, that's correct.
20
- 21 Q. If you have been allocated a task in Enablon, how easy
22 is it to avoid your responsibility in terms of doing it?
23 A. There is no way to avoid it.
24
- 25 Q. Can you explain how that is enforced?
26 A. Yes. If you get an Enablon action, you have a certain
27 time to close it out. If you can't meet that deadline for
28 any reason, it has to be approved by an SLT member as well
29 and has to be a good reason.
30
- 31 Q. How easy is it to get extensions from your current
32 SSE?
33 A. Not very easy. They do hold you to account on those
34 dates, obviously Enablon being the safety side of things.
35 Once it is closed off, there is an audit process afterwards
36 as well, that your action that you close off can be
37 reviewed randomly.
38
- 39 Q. We see that one of the actions out of the LFI in this
40 case that we will go and see is not just to do the tasks
41 that Mr Rice took you to, but there is also a task which is
42 yet to be closed off, unsurprisingly, because of the time
43 involved, which is to go back and see how effective they
44 were?
45 A. That's correct.
46
- 47 Q. Thank you. Again, let's deal with process and then

1 come back to detail. As a result of this incident and then
2 the LFI process you have taken us through and the SLT
3 sign-off on that and the tasks that follow, I'm interested
4 to understand now how those learnings from that incident,
5 that conclusion, is communicated so that others at Moranbah
6 and then more broadly in the Anglo community can hear those
7 and understand them.

8 A. Yes.

9
10 Q. So on site, how was this LFI and this process
11 communicated and the things that were taken from it?

12 A. So for this instance, there was a PowerPoint
13 presentation that was generated by Wes Noble, that was
14 presented to obviously the SLT and obviously the workforce
15 as well.

16
17 Q. You say "obviously the workforce as well". Can you
18 explain how that is presented to the workforce, through
19 what processes?

20 A. We run start-of-shift talks, so start-of-shift talks
21 every day, to the crew. Every time they come to site, they
22 will get a start-of-shift talk with incidents, what has
23 happened in each area.

24
25 Another type is that start-of-tour talk. So every
26 time a crew will come back after their break, we will get
27 them in in individual departments. So me being the
28 longwall will get the longwall crew in with a PowerPoint
29 presentation, start with the incidents that happened whilst
30 they were off, go into the production side of things, and
31 then electrical, mechanical, and then the last page is
32 a sign-off page which each of them have to sign off on
33 prior to going underground.

34
35 Q. Can we just rewind back a moment to talk about the
36 first page. What is the first page of every one of those
37 tour start talks on the PowerPoint? What's the first
38 page of that?

39 A. Safety.

40
41 Q. Let's have a quick look at that PowerPoint, which we
42 have available to us. It is AMN.004.001.0003. Is this the
43 PowerPoint that was put together, as far as you can recall?

44 A. Yes, it is.

45
46 Q. You said it was put together by Wes Noble. It might
47 be obvious, but the purpose of it was just for the purposes

1 of the SLT, or was it always intended that this would be
2 presented also to the workforce?

3 A. For everybody, open and transparent.
4

5 Q. If we can just go to the next page, please, what we
6 can see there is a summary of the HPI that is put with
7 a diagram as to where it occurred?

8 A. Yes, that's correct.
9

10 Q. There are some pages we will come back to. Can we go
11 to the next page, please. That continues to occur, and to
12 the next page, and then we start seeing some technical
13 data?

14 A. Yes, that's correct.
15

16 Q. Is this intended so that the people who are receiving
17 it, whether it is SLT or coal mine workers, can actually
18 see the data that underlies it as well as just being told
19 what happened?

20 A. That's correct.
21

22 Q. Because it will help me segue into another topic that
23 I have, could we go, please, to page 14, by which I meant
24 0014, I apologise, which you now have. We have a summary
25 here. This was a summary of exactly one of the topics that
26 our learned friend Mr Rice was asking you about, that is,
27 the question of the task that arose out of this LFI process
28 to revise the UIS strategy in similar areas to ensure
29 adequate drainage of the GML. Can you see that?

30 A. Yes, that's correct.
31

32 Q. There is a description there:
33

34 *In 2019 there was minimal experience in*
35 *drilling and draining the GML seam. The*
36 *drilling contractor ... had attempted to*
37 *drill in the GML previously with limited*
38 *success. The UIS floor touch strategy was*
39 *implemented to drain the gas from the GML*
40 *seam.*
41

42 Then there is some detail about amounts and costs, and so
43 on, of that.

44 A. Yes.
45

46 Q. Again, without going through the detail of it, that
47 explains, doesn't it, the background, and so on, to that

1 issue?

2 A. That's correct.

3

4 Q. Go to the next page, please. You are going to need to
5 explain this to me in terms of what this shows, but,
6 obviously enough, it is attempting to show the drainage
7 design for the GML floor touch process?

8 A. Yes, that's correct. If you look at the red line, the
9 wishbones that go down towards the bottom of the page are
10 the floor touches, and the wishbones that go to the top of
11 the page are the roof touches, and the line in the centre
12 is from the GM seam, which is your standard UIS drilling.
13 As you can see with the wishbones that go in both
14 directions, there is quite a few floor and roof touches.

15

16 Q. Thank you. Without taking the time to go through
17 every page of this PowerPoint, it goes through, doesn't it,
18 the HPI that occurred, the learnings from the LFI process
19 and helps to explain the data that underpins those?

20 A. That's correct.

21

22 Q. Could we come back, then, please, to the - no, just
23 before we leave that issue, could we go, please, as an
24 example, to one of the Enablon task close-outs. That's
25 AMN.004.001.0001. You can see here - we are now familiar
26 with these - this is the Enablon task page, which indicates
27 by way of the 100 per cent with the green box that it has
28 been closed out?

29 A. That's correct.

30

31 Q. The task is, "Revise the UIS strategy in similar areas
32 to ensure adequate drainage of the GML", so we all know
33 what we are talking about. Then there is a completion
34 comment:

35

36 *All UIS boreholes in area of GML within*
37 *2-4m of GM are designed to conduct floor*
38 *hits at regular intervals to assist in*
39 *draining GML.*

40

41 So is that a comment, effectively, about the way in which
42 that task is being carried out?

43 A. That is correct.

44

45 Q. Can we then just return briefly to the incident
46 itself. I just want to understand a little bit about the
47 way in which the thinking developed about the issues that

- 1 arose. Obviously enough, as you have explained, it was
2 pretty clear, and I imagine you would still agree, that the
3 kind of acute issue, if I can put it that way, was the
4 floor blow, that is, methane coming from the seam below?
5 A. That is correct.
6
7 Q. That was something you hadn't seen before and which
8 you put in a strategy to remedy from that point forwards?
9 A. That is correct.
10
11 Q. In addition, we can see, as Mr Rice took you through,
12 some of your strategies or the things that the LFI team
13 were looking at from its different perspectives were not
14 associated with floor blows. One, for example, was looking
15 at the caving modelling to see how the goaf was falling;
16 that's right?
17 A. That is correct.
18
19 Q. In addition, there were tasks and inquiries into the
20 question of how the goaf drainage was functioning?
21 A. That is correct.
22
23 Q. Is that because, obviously, you have this acute entry
24 of methane through the floor blow, but, in addition, the
25 question of how well the gas environment is otherwise being
26 managed is relevant to the interaction between those two
27 things?
28 A. That is correct.
29
30 Q. And so you weren't just looking at the floor blow as
31 a kind of stand-alone thing; you were looking at it in the
32 context of the whole gas management system?
33 A. The overall picture, that's correct.
34
35 Q. Now, a couple of specific issues. The goaf well that
36 was identified as being on standby, you explained on
37 multiple occasions that the reason it was on standby was
38 because it was required to be on standby by operation of
39 one of the TARPs?
40 A. Yes, that's correct.
41
42 Q. The reason why that mix between methane and oxygen is
43 important is because if you get the wrong mix of methane
44 and oxygen, you get an explosive atmosphere?
45 A. That is correct.
46
47 Q. So that was a sensible safety mechanism from the

- 1 monitoring of the gas that is coming up through the goaf
2 well?
3 A. Yes, that's correct.
4
5 Q. Obviously enough, you don't have sensors back in the
6 goaf, so that's the only way you know what gas is actually
7 coming out of the goaf?
8 A. That's correct.
9
10 Q. You are obviously aware of who is in your team and who
11 are operating in various teams on the site?
12 A. Yes, that's correct.
13
14 Q. And you would be aware that some people in teams are
15 Anglo employees and others are contractors, whether
16 workforce contractors through One Key or other contractors
17 who are contracted in a more traditional way - I'm sorry,
18 with Mastermyne?
19 A. That's correct, yes.
20
21 Q. From your perspective, in terms of any team that you
22 are running or group of coal mine workers that you are
23 dealing with, is it the case, in fact, that regardless of
24 what their status is in that regard, they are all part of
25 the team?
26 A. Yes, that's correct.
27
28 Q. Integrated into the team?
29 A. Yes.
30
31 Q. Expected to conduct risk assessments on a daily,
32 weekly and monthly basis in the same way as Anglo
33 employees?
34 A. That is correct.
35
36 Q. Tell me this: from your experience in your leadership
37 role, have you observed any difference between the
38 willingness of staff and contractors to report safety
39 issues or to raise concerns or complaints about safety
40 issues with you or with others in management?
41 A. No, I've seen no issues.
42
43 MR HOLT: Yes, thank you, Mr Chair.
44
45 THE CHAIRPERSON: Thank you. Mr Rice?
46
47 MR RICE: Just one thing.

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<EXAMINATION BY MR RICE:

MR RICE: Q. You were taken to the methane exceedance PowerPoint.

A. Yes.

Q. Do I understand you correctly that one of the purposes of its production was to inform the SLT team?

A. Not of the PowerPoint presentation, but of the LFI process. I presented the LFI process to the SLT team.

Q. Yes. I may have misunderstood you, but the document itself was not prepared for the information of the SLT team?

A. Yes.

Q. Because that had already been done by the LFI process?

A. That is correct.

Q. Likewise, insofar as workers were to be informed, that document was not put together for that purpose, was it?

A. To communicate to the crews exactly what happened, yes, I believe so.

Q. Well, can I suggest it couldn't have been, if it is dated correctly in June 2020.

A. I was unsure of the date, sorry.

Q. Well, I'm just looking at the first page of the document. It gives its title and gives a date of June 2020. This event having occurred in July 2019, it couldn't realistically have been put together for the information of workers more than a year after the event, could it?

A. I would suggest that the date may be wrong. I can't answer that question. That would be something for the bloke that put it together.

Q. You can't account for the date appearing on the front in bold type?

A. That's correct.

Q. June 2020?

A. That's correct.

Q. You adhere to the view, do you, that this document, notwithstanding the date that is on it, was in fact

- 1 prepared for the information of workers proximate to the
2 time of the event?
3 A. That was my belief.
4
5 Q. Based on what?
6 A. That's what we usually do in regards to communicating
7 to the workforce.
8
9 Q. Are you saying a document of that type --
10 A. Yes.
11
12 Q. -- is prepared as a consequence of an event like this?
13 A. Yes.
14
15 Q. So you look at the type of document and its contents,
16 and you have drawn an inference, have you?
17 A. That's correct.
18
19 Q. Without actually direct knowledge? I'm not being
20 critical. I just want to know what you are relying on.
21 A. Yes, that's correct.
22
23 Q. You looked at the type of document and the content and
24 said, "That must be one of the ones that was shown - for
25 the purpose of being shown to workers"?
26 A. That's correct.
27
28 Q. But it probably wasn't, if it was dated in June 2020?
29 A. If that's the date on it, that's correct.
30
31 THE CHAIRPERSON: Q. When did you come into possession
32 of this document, do you know?
33 A. Several weeks ago.
34
35 Q. And how?
36 A. When we were sitting down with the review.
37
38 Q. With the review, what?
39 A. Of the case, for the Board.
40
41 Q. Oh, in anticipation of coming before the inquiry?
42 A. Yes, that's correct.
43
44 Q. Do you have any independent recollection of the
45 document prior to that occasion?
46 A. I don't, no.
47

1 THE CHAIRPERSON: It may be an incorrect date on the
2 front. The LFI seems to have an incorrect date on the
3 front, too, doesn't it?

4
5 MR RICE: It does.

6
7 MR HOLT: We can just confirm this issue. I think there
8 is an easy answer to it, and we will find out over the
9 weekend, to assist the Board.

10
11 THE CHAIRPERSON: Thank you, Mr Holt. Any which way, it
12 is a sound document, isn't it. Anything else?

13
14 MR RICE: No, thank you.

15
16 THE CHAIRPERSON: Mr Clough?

17
18 MR CLOUGH: Q. Mr Sloan, just a couple of quick
19 questions. When you spoke about the gas coming up from the
20 floor, it is correct to say that the amount of gas in the
21 tailgate is actually a cumulative effect from multiple
22 sources; would you agree with me on that?

23 A. That's correct.

24
25 Q. So I just wanted to get it on the record that what was
26 measured on the sensors in the tailgate could in fact
27 actually include what is coming out of the goaf stream?

28 A. That's correct.

29
30 Q. So there are multiple potential contributors to that
31 2.5 per cent, not just the floor heave?

32 A. Yes, that's correct.

33
34 Q. Thank you for that. The second thing I wanted to ask
35 about was that given that the Grosvenor mine is next door
36 and mines the same seam, was there any review of similar
37 incidents that may have happened at the Grosvenor mine for
38 the LFI process?

39 A. I can't recall none, no.

40
41 Q. Subsequent to this investigation, was there any
42 sharing of this LFI with the Grosvenor mine?

43 A. I'm not sure of that. That's probably something for
44 the SLT department. Not me myself, no.

45
46 MR CLOUGH: No more questions from me, thank you.

47

1 THE CHAIRPERSON: Mr Sloan, thank you for your attendance
2 today. You are excused.

3

4 <THE WITNESS WITHDREW

5

6 MR RICE: I'm in your hands, Mr Martin.

7

8 THE CHAIRPERSON: Did I understand there was a witness who
9 had to get away today?

10

11 MR HOLT: Yes. We made alternative arrangements because
12 of how long matters were taking this morning. It would
13 still be very convenient if he were completed today, but he
14 can come back on Monday, so I can't say that he can't.

15

16 THE CHAIRPERSON: This is Mr Lerch?

17

18 MR HOLT: It is.

19

20 MR RICE: In light of the evidence given, I probably won't
21 ask him too many things.

22

23 THE CHAIRPERSON: All right. Does anyone have any
24 difficulty if we sit on for a little while, not much
25 longer, but --

26

27 MR HOLT: I would be very grateful, thank you.

28

29 THE CHAIRMAN: Okay.

30

31 MR RICE: I call Michael Lerch.

32

33 <MICHAEL LERCH, affirmed: [4.13pm]

34

35 <EXAMINATION BY MR RICE:

36

37 MR RICE: Q. Is your name Michael Lerch?

38

39 A. That's right.

40

41 Q. You are employed as underground mine manager at
42 Moranbah North mine?

43

44 A. Yes.

45

46 Q. For how long have you held that position, Mr Lerch?

47

48 A. About two years.

49

50 Q. Would you mind giving us an overview of your statutory

- 1 and any other qualifications?
- 2 A. Yes, I'm a qualified mine manager in New South Wales
3 and Queensland. I have an under-manger's certificate and
4 a deputy's certificate as well. You just want mining
5 qualifications?
- 6
- 7 Q. Yes, please.
- 8 A. Yes.
- 9
- 10 Q. Prior to being mine manager, did you have employment
11 in any other form at Moranbah North?
- 12 A. No.
- 13
- 14 Q. Could you give us some idea of the previous mines you
15 have worked at?
- 16 A. Yes, I've worked at - what, as a manager or in
17 general?
- 18
- 19 Q. Yes, as a manager?
- 20 A. Okay, as a manager I've worked at Crinum, Carborough
21 Downs, North Goonyella, Appin, Wambo, Metropolitan - yes.
- 22
- 23 Q. And how many years, roughly, would that encompass?
- 24 A. As a mine manager, be about 12.
- 25
- 26 Q. Thank you. I want to get your views on something that
27 I've asked others. You would be aware of the requirements,
28 the regulatory requirements, of the ventilation system in
29 the Queensland regulation, particularly 343 and 344,
30 namely, that the ventilation system is required to supply
31 controlled ventilation, being, to paraphrase, no more than
32 2.5 per cent methane?
- 33 A. Yes.
- 34
- 35 Q. I want to ask you, with your background and your
36 experience, do you regard that standard of compliance as
37 being aspirational or something that can reasonably be
38 achieved?
- 39 A. I think we can achieve it. With the advances in
40 technology and gas drainage techniques, I think that's
41 something we can achieve. I think each time we have an
42 exceedance - as we only had the one in that longwall
43 block - I think the learnings we get from each incident, we
44 are improving on a continuous basis. So we're putting
45 additional controls in place each time. So we're stepping
46 up our standards continually, each time we have one of
47 those incidents. So I think we're progressing in the right

1 direction.

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mining?

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A. I don't like to take that view. I would rather take the view that we can reach a place where we won't be getting exceedances. I know with the technology and automation that is coming into the industry nowadays, I think we're on track to making the industry a lot safer than it was previously.

18

19

20

Q. You might tell us a little bit about the degree of automation. Could you do that?

21

22

23

Q. It is in place at Moranbah North, since you mentioned that subject?

24

25

26

27

28

29

30

31

A. I could, yes. Like I've been in the industry for about 40 years. In my first job, they dropped me at the stables and said, "There's the horse, saddle it up". That was my job for the shift, just to pull timber in, the full shift. We had no diesel machinery. Now you get to the stage where probably Moranbah North is one of the most advanced coal mines in the world. Basically --

32

33

Q. In what respects, I will give you free opportunity to explain?

34

35

36

A. Okay, so would we've basically got automation on the longwall face to about 98 per cent on a regular basis.

37

38

39

40

Our next step is to establish a remote operating centre, initially at the maingate, but then we're working within the next 12 months to have it operational from the surface.

41

42

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Some mines already do that. Being able to do that means you are taking the operators out of that high-risk zone underground, and you are also taking them out of the dust. So with the amount of dust generated nowadays and the stringent limits that are imposed, we really need to get the guys on the surface, if we can, operating the

1 machinery.

2

3 Q. If I missed something, excuse me, but is that in
4 prospect, in genuine prospect, at Moranbah North?

5 A. Yes, definitely. We're on that path now. So at the
6 moment we are working on - we can virtually - we could
7 virtually run it from the surface now. Grosvenor did, not
8 that long ago, and we can virtually do it now, but we want
9 to take a staged approach to it, because you have to take
10 the workforce with you when you do it. There is a lot of
11 changes involved, a lot of technological changes, a lot of
12 learning for them in a short space of time. So we don't
13 want to rush that education. The more training you can get
14 into the guys, the better it is in the long run. So even
15 though we could do it rather quickly, we would rather take
16 our time and make sure they fully understand the
17 technology.

18

19 Q. Will that style of operation require a different type
20 of skill set --

21 A. It will.

22

23 Q. -- than that which the people who currently work on
24 the longwall face now have?

25 A. It will. The guys on the face now are very skillful.
26 They can manage difficult conditions. And at times, we may
27 need to negotiate particular areas in manual control. But
28 we're getting to the stage now with technology where you
29 can virtually go through areas that may have large cavities
30 and still rely on the automation. So they are gradually
31 learning these new skills over time, and when they are
32 driving it from the surface, that will be another set of
33 skills they will need up there.

34

35 Q. You would have, I presume, a full display of
36 conditions in the longwall remotely?

37 A. That's right. That's correct. We will have the
38 cameras, we will have full visual on the longwall face, we
39 will be able to scan the seam, identify any structures or
40 weak roof areas, pressures on the chocks. So everything is
41 there to do automation and, as I said, some mines are
42 already in that process of doing it as well.

43

44 Overseas, for example in China, they are, you know,
45 a couple of years in front of us. So we can definitely do
46 it, and it is not that far away, either.

47

1 Q. Would you put a time frame on it, even a rough one?

2 A. I would, particularly with the Grosvenor incident,
3 it's really got Anglo thinking about how they can
4 fast-track it, because they really want to take the guys
5 out of that danger zone. So I would say within the next
6 12 months we should be driving this longwall from the
7 surface.

8

9 Q. What then will happen to the employment of the
10 longwall operators?

11 A. That won't change. You will find that once we're
12 driving it from the surface, we will have increased retreat
13 rates, increased production rates, which means the faster
14 you move that wall, the more work has to be done outbye to
15 keep up with it. Because even though you might only have
16 four or five operators on the face, you might have 20 or 30
17 guys outbye, keeping up with the longwall. There is a lot
18 of work that is associated with longwall producing.

19

20 Q. In the course of your answer you referred to the
21 status of the automation at Grosvenor. Do I understand you
22 correctly that it was in full automation mode for a time
23 before the incident?

24 A. No, they had - I believe they had at least one shear
25 from the surface, just as a trial basis, but the guys were
26 still operating it from underground.

27

28 Q. We can and probably will ask others, but in terms of
29 a comparison as to where Moranbah North is at, in the
30 timeline of the implementation of that, are you ahead of
31 Grosvenor and Grasstree or --

32 A. Grosvenor would have been in front of us if it hadn't
33 been for this incident. But I believe - well, Grasstree's
34 winding down, it's only got, well, probably 18 months to
35 go, so we're in front of Grasstree, yes.

36

37 Q. Is there nonetheless an intention to implement that
38 for the relatively short future life of Grasstree?

39 A. I believe they will be using it in Aquila, which is
40 where the workforce will be going next, so the automation
41 will be in there.

42

43 Q. Do you know of other mine operators in Queensland who
44 are at a similar stage of development of that style of
45 production?

46 A. I believe Broadmeadow and Oaky are at that stage to
47 some degree. I'm not sure of how far advanced they are.

- 1
2 Q. Just briefly, through a previous witness we have had
3 a good discussion about the circumstances of this HPI, so
4 I don't need to ask you too much about that. You had
5 a role in the initial notification of this event; am
6 I right?
7 A. That's right.
8
9 Q. I think you certainly had an email to Mr Bulger?
10 A. I rang Cres up, yes.
11
12 Q. That was the initial verbal notification?
13 A. That's correct.
14
15 Q. You were notified of this event, from evidence we have
16 already seen --
17 A. Yes.
18
19 Q. -- on the day?
20 A. That's right.
21
22 Q. What steps do you take, or did you take, to prepare
23 yourself for the conversation you had to have with the
24 inspector?
25 A. Well, before I have the conversation I need to have
26 the primary information. If I ring up the inspector
27 without all the details, he won't be interested; he needs
28 that information.
29
30 Q. You want to tell him, don't you, that you understand
31 what's going on and it is in hand; would that be right?
32 A. I do want to tell him, that's right. I want to
33 understand it myself. But it can take an hour or two
34 sometimes, maybe longer, to get that information from
35 underground, because the guys on the longwall face are
36 trying to deal with the issue at that time. So to chase up
37 the additional information, as per persons' names, exact
38 time and other details, witnesses, it may take a couple of
39 hours to get that information. So while you would like to
40 ring the inspector as soon as you can, generally it might
41 take a few hours.
42
43 Q. So you took what time you needed, I assume?
44 A. Yes.
45
46 Q. Then spoke with Mr Bulger?
47 A. That's right.

- 1
2 Q. And followed that up with the form 1A a bit later?
3 A. Yes, that's right. So when I rang Mr Bulger, I also
4 contacted the industry checky, the two site checkies, the
5 SSE and the operations manager. When I do the form 1A
6 I will copy all of those people in.
7
8 Q. Now, the form 5A in this instance - we can go to it if
9 need be, but you may well know without looking at it --
10 A. Yes.
11
12 Q. -- it happens to have been completed and apparently
13 prepared by someone who was a safety graduate?
14 A. That's right, system administrator, yes.
15
16 Q. Can you explain that?
17 A. Well, when we do the LFI process - and Kelvin did an
18 excellent job of explaining it, and very detailed - it is
19 presented to the SLT, which we review, and often it is
20 challenged and they will have to go back and redraft it.
21 But eventually when we give it an approval, all the details
22 are in there. So what the system administrator does, she
23 just transfers the details from the LFI into the form 5A
24 and sends it off. The safety department looks after that.
25 So they ensure --
26
27 Q. So this gentleman who describes himself as a safety
28 graduate --
29 A. Yes.
30
31 Q. -- in this instance, effectively performed more of
32 a clerical task of --
33 A. That's right.
34
35 Q. -- transferring the information gathered in the course
36 of the LFI onto the form 5A for transmission?
37 A. Yes.
38
39 Q. Would you have had some role in approving that?
40 A. Generally the safety department looks after that
41 aspect of it. I'm more concerned with the form 1A, and the
42 LFI process, of course.
43
44 Q. Tell us in what way you would set about acquainting
45 yourself with the results of the LFI process?
46 A. Well, it is presented to me, as Kelvin said. And that
47 PowerPoint that you mentioned, the date, that was actually

1 the PowerPoint that was presented. I believe - I will have
2 to check with Wes, we did change the date for some reason.
3 Because often what we will do is we use the PowerPoint
4 presentation that we use initially to various different
5 groups, and each time we present it, we will put
6 a different date on it, but I will have to confirm that for
7 you.

8
9 Q. You obviously heard what he said about it being
10 a document that was prepared for the instruction of
11 workers?

12 A. That's right.

13
14 Q. Is that your recollection of it also?

15 A. Yes, actually, I've only been with Anglo at Moranbah
16 North for two years, but I've been totally impressed with
17 the standards they set with safety. I mean, the process
18 they go through with the LFI investigation - I haven't seen
19 any other mine site do that. So it is an excellent
20 process. And communication to the workforce - you can
21 always communicate more to the workforce, but what I've
22 seen at Moranbah North, they do it better than any other
23 mine I've been to. They present it at start of shift, as
24 Kelvin said; start of tour; they do it in safety meetings,
25 there is weekly safety crew talks; the SSE will often
26 present it, or another member of the management team.

27
28 Q. May I say, it is not only a matter of having these
29 opportunities, it is a question of the quality of the
30 information and the presentation?

31 A. That's right. Yes. And we will get challenged if the
32 guys think we've missed something. They're not backwards
33 in coming forwards. But generally it is such a thorough
34 process that, you know, the guys are quite happy to get
35 that feedback. One thing they really want from incidents
36 that occur on site is feedback. So the quicker you can get
37 it to them, with the right detail, the better it is.

38
39 MR RICE: Thank you.

40
41 THE CHAIRPERSON: Mr Roney?

42
43 MR RONEY: No questions.

44
45 THE CHAIRPERSON: Mr Crawshaw?

46
47 MR CRAWSHAW: No questions, Mr Chair.

1
2 THE CHAIRPERSON: Ms Holliday?

3
4 <EXAMINATION BY MS HOLLIDAY:

5
6 MS HOLLIDAY: Q. I only have one question. My name is
7 Deborah Holliday, I am one of the barristers appearing for
8 Resources Safety and Health Queensland. In relation to one
9 of the answers you gave, you were asked a question in
10 relation to:

11
12 *What steps do you take, or did you take, to*
13 *prepare yourself for the conversation you*
14 *had to have with the inspector?*

15
16 A. Yes.

17
18 Q. You replied:

19
20 *Well, before I have the conversation I need*
21 *to have the primary information. If I ring*
22 *up the inspector without all the details,*
23 *he won't be interested; he needs that*
24 *information.*

25
26 A. Oh, that was just the way I was expressing it. But he
27 needs that detail when I ring. If I ring up with half the
28 information, he will just say, "Well, what's the other
29 half". And I do like to get it to him promptly, same as to
30 the industry checky, because they like to know before
31 someone from the mine actually rings them and tells them,
32 but you have to balance that with the fact that you have to
33 have the right amount of detail for them as well.

34
35 Q. Because if you didn't, you know that the inspector
36 wouldn't be satisfied?

37 A. That's right.

38
39 Q. And then you would be asked questions and have to go
40 about that process; is that correct?

41 A. Yes, so you are always better off waiting until you
42 have got that detail.

43
44 MS HOLLIDAY: That's the only question I have.

45
46
47

1 <EXAMINATION BY MR HOLT:
2

3 MR HOLT: Q. Mr Lerch, just two or three topics, because
4 everything else has pretty much been covered. I just want
5 to rewind back to the point at which the guys have been
6 pulled back off the longwall face because of the incident,
7 and the investigation is going on and steps are being taken
8 to bring the gas level down to an appropriate level to
9 allow you to restart. Whose decision is it to restart?

10 A. Okay, so when we have an incident like that, I call
11 the inspector, I explain what actions we are initially
12 taking and what proposed actions we might be taking. If he
13 is satisfied with that, he will clear the scene. He will
14 say, "You will be right to start production again."
15

16 We didn't want to start straightaway, we wanted to
17 wait until the gas levels returned to normal and we had
18 gone through the degassing process for the electrical
19 enclosures, and I think it was not until 5.30 in the
20 evening that we actually started again.
21

22 So myself, I clear it once the inspector has given me
23 the okay, but it can take some time, depending on the
24 nature of the incident.
25

26 Q. And from your perspective, does it just take as long
27 as it needs to take --

28 A. That's it.
29

30 Q. -- to ensure that it is safe?

31 A. And one thing I will say about the SSE at Moranbah
32 North, if you have to take that extra time to make sure an
33 area is safe, he will say, "Take the time you need."
34

35 Q. Thank you. You talked about the LFI process, so just
36 two or three additional small topics. Firstly, you talked
37 about the need to communicate with the coal mine workers on
38 site. Is there a particular philosophy or strategy that is
39 employed by Anglo that you deploy, and others in the senior
40 leadership team deploy, at Moranbah?

41 A. As I said, the SSE Paul Stephan encourages this, he
42 likes to communicate as much as he can himself, but he
43 encourages the management team to be all there while that
44 communication is happening. So it can either be the SSE or
45 one of the managers presenting. The idea of having the
46 full management team there is if any of the guys from the
47 workforce have a question to any one of the managers from

1 any department, we can give them the answers that they need
2 on it.

3

4 Q. And that communication, does that happen underground
5 or always only on the surface?

6 A. Mostly on the surface, like I said, we have those crew
7 safety talks every week and the start of shift talks and
8 the pre-tour talks. Not so much underground. But when we
9 go underground, we do do weekly VFLs or safety audits.

10

11 Q. "VFL"?

12 A. Visible felt leadership. The idea of that is the SLT
13 team goes down as a group, they will engage different work
14 groups, they will have discussions about what tasks they
15 are doing, what hazards they have identified, what controls
16 they have put in place, what form of risk management they
17 have completed, and then we get feedback from them as well
18 as to how we can improve our processes.

19

20 Q. Do you, as part of the senior leadership team, see the
21 fruits of that? Have you observed a willingness to engage
22 more and to talk more and to make complaints and to tell
23 you what is going wrong and those sorts of things?

24 A. Well, it is surprising, once you do engage with the
25 guys, how willing they are to, you know, engage in that
26 conversation and suggest those improvements, but we need to
27 be mindful, when they do suggest improvements, as much as
28 we can, to try to follow through on them, and, if we can't
29 follow through on them or they are not feasible, at least
30 give them that feedback. That's pretty important.

31

32 Q. We have been talking about the coal mine workers as
33 just a body of people, but you will well know that there
34 are Anglo employees, there are labour hire employees -
35 labour hire folk and there are also contractors in the
36 strict sense, who are operating on the mine?

37 A. Yes.

38

39 Q. From your perspective, how well integrated are the
40 labour hire people and the Anglo employees in terms of the
41 way the teams function?

42 A. Well, personally, I would struggle to see the
43 difference between them. I mean, I could go into
44 a development panel that is solely contractors, and then
45 I will go into an Anglo panel, and the standards are
46 usually immaculate, and I give the guys that feedback,
47 because as far as I'm concerned, the standards at the pit,

1 the standard of contractors and the permanent employees, is
2 the best I've seen.

3
4 Q. Now, the answer might be obvious but let's just be
5 clear about it. In terms of your impression of any
6 willingness of people who are coal mine workers to complain
7 or to make suggestions or give feedback or raise issues
8 about safety, do you see any difference between the
9 contractor workforce and the employee workforce from where
10 you sit?

11 A. It was noted at our last safety presentation, our
12 safety manager did highlight that the number of hazard
13 reports was far in excess to the contractor group rather
14 than the Anglo group.

15
16 Q. So more from contractors?

17 A. Many more from the contractors. Now, we try to
18 encourage those --

19
20 THE CHAIRPERSON: Q. Sorry, Mr Lerch, does that include
21 the labour hire employees?

22 A. Yes, generally labour hire contractors, yes.

23
24 Q. That's what you are talking about, contractors?

25 A. Yes.

26
27 THE CHAIRPERSON: Thank you.

28
29 THE WITNESS: So we encourage those hazard reports to come
30 in. The thinking is, the more hazard reports we get in,
31 you know, the more the guys are focused on it, the more
32 rectification we can get on those hazards. So we do
33 encourage it. But I know in the last statistics that were
34 put up, the numbers were far in excess on the contractor
35 side, which is pleasing to see.

36
37 MR HOLT: Q. What about the idea - I might put it
38 directly to you: if the suggestion was made to you that
39 Anglo employees or contractors or anyone are punished for
40 raising safety issues, or somehow disadvantaged, what would
41 you say to that ?

42 A. From what I have seen at Anglo, and I know Paul even
43 last week, I think, pinpointed some guys in the development
44 panel, pulled up the panel, because they noted there were
45 sounds, outburst signs, and even though it didn't come to
46 anything, it was reasonably benign, he congratulated the
47 guys on, you know, a good job of doing that.

1
2 It was only a few weeks before that, he did give out a
3 gift voucher to another employee who had a similar safety
4 issue he raised and rectified himself. It was actually
5 a deputy, he had found an inertisation line that had been
6 blocked and rather than report that to the tech services
7 department or, you know, some other process area, he just
8 got in and fixed it himself. So he received a gift voucher
9 for that and it was recognition, when the guys do that, you
10 know, that that's what we want to see.

11
12 Q. You mentioned in answer to some questions, technology
13 and the increasing advance of technology to improve safety.
14 You have had a lot of experience in a lot of different coal
15 mines. How does Anglo compare in terms of its investment
16 in technology and innovation, as far as you can see?

17 A. Well, that's one of the things I've really enjoyed
18 since coming to Anglo. Most other mines probably haven't
19 got the funds to invest in technology. Because Moranbah
20 North in particular has been a high-producing pit, they
21 have got a lot of folk on technology, and they are not
22 afraid to throw a bit of money at it. So we are probably
23 one of the leaders as far as technology goes, and that is
24 driven from the top and from corporate.

25
26 So, yes, I was very pleased to see that, because I've
27 come from mines where you are struggling - when I first
28 started out, to get brattice you had to pull brattice out
29 of mud or you had to pull nails out of props, and to come
30 to a mine where, you know, they are actually spending a bit
31 of money on these improvements - because technology,
32 improvements in technology means improvements in safety as
33 well. So it is really good to see.

34
35 MR HOLT: Thank you. Those are my questions and I'm
36 grateful, Mr Chair, for allowing us to sit longer.

37
38 THE CHAIRPERSON: That's all right.

39
40 Q. Mr Lerch, I take it that because of your position you
41 know who are labour hire staff and who are not?

42 A. To tell you the truth, I would probably struggle.
43 I could probably point out a few, but generally I just see
44 the guys, you know, underground working together. Some of
45 them wear the right shirts, some of them wear shirts that
46 are different, but it is hard to pick.

1 Q. Forgive me if I'm wrong, but I thought you were saying
2 it was more the labour hire employees who were raising
3 matters --
4 A. I grouped the contractors and labour hire together.
5
6 Q. Sorry?
7 A. I'm grouping the contractors and labour hire together,
8 and the Anglo employees. I thought that was the separation
9 you were referring to. We have about a 50:50 ratio.
10
11 Q. I was more interested in the labour hire group. How
12 are you able to say that they make - they raise more safety
13 issues than permanent employees?
14 A. Well, we actually put them up on the graphs in the
15 safety talk. We don't separate labour hire out from
16 contractors, we just classify them as "contractors". So
17 you will have the Anglo crews and then you will have the
18 contractors. So we don't actually separate it out, labour
19 hire and contractors, when we are doing that analysis.
20
21 Q. So there is an analysis, so you do know the
22 contract --
23 A. I'm sure if they broke down the numbers they could
24 probably work out labour hire versus contractors, but we
25 haven't done that. I don't think we've got a great deal of
26 labour hire employees anyway.
27
28 Q. You haven't got a great number?
29 A. I don't think so. We've got a lot of contractors, but
30 I don't think we've got a lot of labour hire.
31
32 THE CHAIRPERSON: Okay. Mr Rice?
33
34 MR RICE: No, thank you.
35
36 THE CHAIRPERSON: Mr Clough?
37
38 MR CLOUGH: No questions from me, thank you.
39
40 THE CHAIRPERSON: All right. Mr Lerch, thank you for your
41 attendance, and you are excused.
42
43 <THE WITNESS WITHDREW
44
45 **AT 4.39PM THE BOARD OF INQUIRY WAS ADJOURNED**
46 **TO MONDAY, 10 AUGUST 2020 AT 10AM**
47

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