

QUEENSLAND COAL MINING BOARD OF INQUIRY

AFFIDAVIT OF RICHARD HARRIS

I, **Richard Harris** of [REDACTED] in the State of Queensland, coal mine worker, solemnly and sincerely affirm and declare:

Background

1. I am employed as a deputy (the **Position**) by Anglo Coal (Grasstree Management) Pty Ltd (**Anglo**).
2. As part of the Position, I work at the Grasstree Coal Mine (the **Mine**) which is located in Middlemount in Central Queensland. I work a 7/7 roster. I am employed on a drive in/drive out basis and I reside at camp accommodation, provided by Anglo, during my "on" swing.
3. I first worked for Anglo at the Mine between 2004 and 2012. I then left and worked at a different mine before returning to the Mine in early 2018.
4. I am a member of the Construction, Forestry, Maritime, Mining and Energy Union (**CFMEU**).

SSHR

5. In addition to the duties that I am required to perform as part of the Position, I am also elected at one of the Site Safety and Health Representative (**SSHR**) pursuant to s.93 of the *Coal Mining Safety and Health Act 1999* (Qld) (the **CMSH Act**).
6. During my first stint of employment at the Mine I was the SSHR for approximate three to four years on an on/off basis. I was re-elected as a SSHR approximately 12 months ago.

Page 1

Signed: [REDACTED]

Taken by: [REDACTED]

AFFIDAVIT

Name: Hall Payne Lawyers
Address: Ground Floor, 27 Peel Street,
South Brisbane QLD 4101
Phone No: (07) 3017 2400
Fax No: (07) 3017 2499
Email: general@hallpayne.com.au

Training

7. I already had the qualifications that are required by ss.93(3) and 95(1) of the CSMH Act when I was first elected to be a SSHR due to being employed as a deputy. The only training that I have received while I have been a SSHR is the yearly workshops that are facilitated by the CFMEU.
8. The CFMEU workshops are four days in duration and they have a variety of guest speakers that come and contribute. Stephen Smyth, the President of the CFMEU, regularly contributes to the seminars and they also have other guest speakers such as lawyers that come and talk to us. There was no such workshop in 2020 due to the COVID-19 pandemic.
9. I have never had any issues in relation to being released from my Position to attend the CFMEU training workshops.

SSHR election process

10. The CFMEU lodge usually notifies CFMEU members of the opening of nominations for the position of SSHR and asks for expressions of interest when someone either resigns from the role of SSHR, or every three years when the election term of SSHRs expire.
11. It is very rare for new people to put their names forward to be a SSHR: it is always the same person over and over. For that reason, I keep getting asked by the lodge and the workforce to nominate because nobody else comes forward. I also have had representatives from the company ask me to nominate because they know that I am an experienced coal mine worker and I have a good understanding and culture when it comes to safety.
12. When I was elected (and re-elected) as a SSHR, the company put a copy of my identification and a photograph of me put on the noticeboards so that the coal mine workers are able to identify me and know that I am the SSHR. I don't get any formal terms of appointment or anything sent to me.
13. My understanding is that my appointment goes into the mine record and the company is responsible for informing the workforce and the Inspectorate of the outcome of the election. I usually find out at the same time as everybody else when I am re-elected.

14. I would say that most people know that I am a SSHR because I speak each morning as a deputy during pre-start meetings, and the management team often refers to me as the SSHR and suggests that workers should come and talk to me about safety related issues (which I deal with further below).

ISHRs

15. I have a very good relationship with the ISHRs and rely on them very heavily in my capacity as a SSHR. I have always maintained a positive relationship with the ISHRs, even before I was working as an SSHR.
16. I talk to Stephen Watts regularly and on occasion also speak to Stephen Woods and Jason Hill.
17. While I was employed at the Oaky Number 1 Mine between 2012 and 2016, I contacted Mr Woods because there was an incident that occurred while I was a deputy whereby a coal mine worker sustained injuries after being run over by a loader. Following the incident, the Inspectorate undertook an investigation. As a part of the investigation I participated in a voluntary interview with the Inspectorate. The company offered to provide representation to me through their lawyers. However, I did not feel comfortable with that, so I asked Mr Woods to represent me, which he did. I was very satisfied with the representation that was provided to me by Mr Woods.
18. I talk to the ISHRs whenever there is an issue. Often it is at least monthly, however sometimes it is more often. I also ring them and ask questions when I am at a loss as to what to do about certain types of safety matters.
19. I try to keep the ISHRs in the loop as much as possible, however the majority of matters that arise in my capacity as a SSHR are what I can only describe as minor and would comprise 80% to 90% of the matters that I deal with. It is only the other 10% that I really need to talk to the ISHRs about.
20. I generally notify the ISHRs when I exercise my powers to stop work at the Mine, however that very rarely happens. I have only stopped work once at the mine since I returned to the Mine and I told Mr Watts about it in passing when I spoke to him next. It was only a momentary stoppage that lasted for an hour and the issues were resolved quite quickly. The power to stop work is one that I use sparingly.

21. I always involve the ISHRs when the company tries to dispute whether or not a matter is an HPI or when an employee is disciplined in relation to any event that relates to safety.

Interactions with management

22. I have not had any major issues relating to interactions with management at the Mine in my capacity as a SSHR. I have been a coal mine worker who has worked underground for 23 years and I believe that I have been taught differently to the newer generations. I am not reluctant to voice my opinion; however, I ensure that I am always respectful of people's positions. I always go and approach management if I hear rumours about matters instead of just relying on hearsay.
23. There have been a couple of occasions in recent times when management have been reluctant to report an incident as an HPI. On those occasions I have consulted the ISHRs and am aware that other coal mine workers have also spoken to the ISHRs. I have told the management team that the coal mine workers are aware of the matter and it would be better for them to report the incident as an HPI so that the workers feel at ease.
24. One of those issues related to the short circuiting of ventilation in a panel. There was a report prepared by the workers who caused the short circuit, but I noticed that there was no report provided by the deputy. I had to get the deputy to put in a report, which eventually happened. I also asked for it to be notified as an HPI, however management initially told me that it was not an HPI. Eventually that matter was resolved, in that the company reported the issue as an HPI.
25. I am always encouraging workers to understand and report the definition of an HPI. It is no secret that members of the CFMEU are able to contact Mr Smyth or the ISHRs if they have any concerns about safety and it is important that they have at least a basic understanding of what is a notifiable event so that they can ask questions if something isn't reported.
26. In my view it is better to report a safety issue that is vaguely resembling an HPI even if there is a little bit of ambiguity about whether or not it is one. I would rather be in a position where we over-report matters and allow the Inspectorate to determine whether or not it is an HPI.

27. I engage with management a lot about safety issues, sometimes more than I would like to. The Mine has got very set processes in place for people to report safety concerns. As a starting point, coal mine workers are required to report the issue to their supervisor, then their deputy, and then work their way up the chain until they get to a SSHR.
28. Sometimes workers go straight to an ISHR and the ISHR will contact me to ask questions. Other times they come straight to me as a SSHR and I, whilst this is not in accordance with the process, generally take onboard their concerns and then go and speak to management about it directly on their behalf. I have not had a huge amount of pushback from management in relation to the reporting of issues, even if it is not in accordance with the set processes.

The reporting culture at the mine

29. In my view, despite my comments in the previous paragraph, the reporting culture of safety contraventions or safety concerns could be a lot better at the Mine.
30. In my experience, it is mainly contractors who are worried about reporting safety matters because they fear losing their jobs. Permanent full-time employees seem to be better at reporting matters partly because they often also have the union as backup, but also because they have job security and they are not afraid of losing their jobs for identifying safety issues. Those workers know that they can't lose their jobs for that. The reality for contractors is very different.
31. I do not know what proportion of the workforce at the Mine are permanent employees, labour hire or contractors. It is difficult to tell because each of those groups of workers generally wear the same Anglo uniform and, for all intents and purposes, look like employees of Anglo.
32. In my opinion, a lot of the safety issues occur at the Mine because contractors feel pressured to do a job and to get it done as fast as possible. I don't believe that the CMSH Act differentiates between contractors and full-time employees and they are all coal mine workers for the purposes of the legislation. For that reason, they are all required to report safety contraventions and comply with the legislation fully.
33. I have raised concerns with management about rumours that I have heard about contractors saying that they feel pressured not to report safety contraventions or concerns, however management has described those pressures as 'perceived' pressures and dismissed my concerns.

34. At the Mine the contractors are pushed very hard. Management wants the job done and if they don't get the job done properly or fast enough then they will just get new contractors. I think that creates a perception that contractors are unable to report safety matters because they will lose their contract, however the reality is that it is usually based solely on the performance of their role.
35. In terms of a fear of reporting, I have seen many people who have been involved in dodgy practices that have been very reluctant to report anything. That has occurred at both the Mine and the Oaky Number 1 Mine. It is difficult for me to provide examples of such occurrences because people do not generally tell me why it is that they are not reporting an issue. However, in my experience there is a definite culture of non-reporting at the Mine. That culture seems to have developed both because people fear for their jobs if they report and because some people are knowingly cutting corners and engaging in unsafe practices to get the job done more quickly, and don't want to do themselves or their workmates in for doing so.
36. Each time I personally see somebody doing something that I believe is either a shortcut, in breach of a practice requirement, or just flat out dodgy, I will always approach them and have a conversation with them and talk to them about why I believe what they are doing is not safe and why they should not be doing it. I also tell them that they should be doing it a different way and explain to them the reasons why that should be occurring and how they should be doing it.
37. I have always encouraged workers who have seen dodgy practices to report them but have also tried to foster a culture where if people are too scared to put their name on something, they know they are able to come and see me and I will put my name on it for them. As far as I am concerned the most important thing is that people are reporting the issues to somebody so that it can be reported to management. The name on the form is just a technicality, the substance is what is most important.
38. In my experience, as mentioned above, some people take it upon themselves to work dangerously, and that includes both permanent full-time workers and contractors.
39. Some people have a perception that any procedures in place prevent them from getting the job done and they feel the need to take a shortcut. In my view it is all about following the procedures and they are there for a reason.

40. One example that comes to mind is people working from a height of more than 2.4 metres, which requires a fall restraint to be in place, without a fall restraint in place, despite the fact that they know full well that one should be in place. Whilst issues like this may seem minor, they are potentially very dangerous and occur far too regularly at the Mine.
41. There is ongoing encouragement at the Mine by both the SSHRs and members of management to encourage workers to report safety issues. This occurs during pre-start meetings and when there are training days.
42. Sometimes the SSE comes to the pre-start meetings or the training days and tells coal mine workers that they should be reporting things if they see anything of concern. A lot of workers seem to think that that is just lip service, but I believe that it is genuine. Notwithstanding the direction that is given by the SSE, and the encouragement to keep the lines of communication regarding safety open, contractors still seem to be afraid to report safety matters.
43. In my view the industry is very different these days. The Mine is no exception. It is full of cleanskins who are less experienced coal mine workers. Years ago, there was only ever one cleanskin working in each crew. These days the inexperienced workers tend to outnumber the experienced workers and then I observe the inexperienced people who have been coal mine workers for only three months then teaching other inexperienced people how to do things. This results in people learning how to do things in an unsafe and incorrect manner. I am not aware of any attempts by the management at the Mine to stop these practices from occurring.

Provision of safety information to workers

44. Safety information is continuously communicated to coal mine workers at the Mine. This occurs mainly during pre-start meetings.
45. Safety alerts are always read out during pre-start meetings, and incidents that have occurred at the Mine are discussed with workers. For example, the other day some chocks were moved because a perimeter had not been properly set up. Management read out what happened and explained to the workers the steps that have been taken, in response, to it to prevent it from happening again.
46. I think keeping workers in the loop about what is happening promotes open lines of communication about safety at the Mine.

47. There is an ongoing list on a noticeboard for workers to be able to see and read about HPIs that have been reported at the Mine. The HPIs are also during pre-start meetings and there is a description of what occurred which is provided to the workers.
48. In my experience HPIs are no secret at the mine. Workers are told about them, and they are also told about the steps taken to prevent them from re-occurring.
49. I have been told by the workers in relation to the provision of information for safety matters that they would like to have a greater understanding of what the updates are after a process called 'Learning from Incident' (LFI). The workers have continuously told me that they would like more information about the outcomes of the LFIs and not just the brief updates at the incident. They have been asking for this for several years.
50. The provision of this sort of information comes in waves. After workers make a big enough fuss the company is very good with providing that sort of information, however then it dwindles back to how it was before. Then, when the workers start making another fuss about it, the management provide that information again, only for it to dwindle away again.

Facilitation of duties

51. In my experience the mine is very good at facilitating my ability to perform my role as a SSHR. However, I am still employed as a deputy and I feel there is a lot of pressure with having to work two roles. That is particularly the case when other deputies are either on leave or call in sick.
52. I endeavour to arrive at work early to talk to management about safety related issues, before my shift starts.
53. I have never had any pushback from management in relation to my performing the role as an SSHR during work hours.
54. In my view the role and duties of a SSHR are such that they justify it being a role that is performed full-time. I think it would be of benefit to safety for workers to be appointed as full-time SSHRs, and to not have to perform an alternative position on the side.

Reporting of HPIs

55. I am always advised of HPIs. If I am onsite or at the camp, I usually get a phone call. If it is a very early time when the incident occurs the management will often wait until I get to work, and they will notify me the moment I walk in the door. If I am not at work, I will always receive the written notification.
56. When I first started working at the Mine, I didn't have a dedicated work email address, so I was not always receiving the written notifications. That has since been rectified and I believe that I now receive every single written notification that is generated about an HPI.
57. Most of the communications that relate to HPIs are verbal in nature. I am always told what's been done and what has happened.
58. The notification of an HPI always occurs after the fact. That is, by the time I find out about it, it is old news and has generally always been fixed. The notification that I receive is therefore not very useful – it is generally too late for me to do anything with it by the time I receive it.
59. Incidents involving gas, gas management and gas exceedances are very difficult. The management will always tell you what the cause of the incident is and what's been done to prevent it from reoccurring, but there is not much more beyond that that you can do. That is because the Mine takes immediate steps to ensure that gas exceedances are resolved as fast as possible so work can recommence.
60. There is generally a written report or a mine record entry prepared for an incident that occurs at the Mine and it is usually sent to me. I also try to keep the ISHRs in the loop regarding any notifications received, however they have usually already been notified when I contact them.
61. I refer to paragraph 1(i)(c) of the Terms of Reference. During the period from 1 July 2019 to 5 May 2020 I received some, but not all, of the 11 HPIs relating to exceedances of methane at the Mine.
62. I do not currently have access to records of which of those HPIs I received and which I did not receive. Likewise, I do not currently have access to records evidencing the cause of any of those HPIs or the steps that were taken to rectify them. However, as set out above, I have a very limited ability to take positive steps to deal with an HPI relating to exceedances of methane.

63. To the best of my recollection I took no such steps in relation to these HPIs, for the reasons outlined above.

Inspections

64. As an SSHR I do an inspection of the Mine at least once every month or so. I do it alone and it is usually done over a few days because I have other duties to do, associated with my role as a deputy. I then generate a report and then send it to the SSE via his assistant. Unless my report identifies an imminent risk of some kind, I generally do not provide my report to the Inspectorate or the ISHRs as there is no need for me to do so.
65. I am always advised when the ISHRs or the Inspectorate are coming to the Mine to conduct an inspection. I have had no issues with management releasing me from my duties so that I'm able to accompany them and sit in meetings to discuss any safety matter or contravention that they are seeking to investigate.
66. As recently as a few weeks ago, Mr Watts had received a complaint from a coal mine worker. He issued a notice to attend the Mine so that he could review some information and the management team facilitated my sitting in a meeting with him so that we could go through the information that was provided. In my view that issue was adequately resolved at the time.
67. During that visit to the Mine, Mr Watts also sought to investigate a recent HPI, however I do not have all of the details of that matter.
68. Because inspectors and ISHRs are generally required to give reasonable notice of their attendance on site, I usually know when they are coming. The notices are placed on the noticeboard for all staff to see and I am usually told separately that they are coming. It is usually only a day of notice however sometimes it is more.
69. When a notice is received from an ISHR or the Inspectorate regarding a scheduled inspection I am always frustrated to see that there is a rapid and hurried clean-up of things around the Mine. Similar things happen when the big Anglo bosses come to the Mine.
70. I think it would be better for the Inspectorate and the ISHRs to be able to do more unannounced inspections so that they can see what really happens at the Mine and before things are cleaned up.

Concerns or complaints

71. The Mine is rapidly filling up with inexperienced people and I think that has a flow on effect in relation to safety at the Mine. When someone starts working at the Mine, they need to wear a yellow hat for their first three months of employment, and then upon completing three months of continuous service they are then given a white hat. There is no differentiation between different levels of experience once you have a white hat.
72. I have observed that many people who have only just obtained their white hat teaching people with yellow hats different methods and practices. I think it is very dangerous that inexperienced people are teaching other inexperienced people.
73. There was an incident recently where a crew was not following the bolting pattern to a tee. They were directed to pull back and to re-bolt the bolts. People just don't seem to understand how bad things can go wrong when they don't follow set processes.
74. Labour hire is a huge issue at the Mine. The workers that are engaged on a labour hire basis are so easily able to be moved on and I think that that creates a perception for them that if they upset anybody or rock the boat, they will be moved on very quickly. That includes reporting safety issues.

Bonuses

75. Permanent full-time employees get a bonus at the Mine. I don't know a lot about any bonus structure that may exist for contractors or for labour hire workers.
76. As far as I am aware there is some sort of retention program in place for contractors because there is such a shortage of skilled labour in the industry. It is all about trying to retain good employees and to create incentives for them to stay on. My understanding is that contractors at the Mine may get some sort of retention bonus for staying which is about \$10 per hour if they are able to stay at the mine for longer than three months.
77. There is also a culture of cleanskins who are pushing for production so that they can get a bigger coal mine bonus.

Affirmed by the deponent on 28 July 2020 at YEAPPOON in the presence of:

Signed:

[Redacted signature]

Deponent

[Redacted signature]

Solicitor/Justice of the Peace



Signed:

Taken by: