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 Monday, 17 August 2020 at 10am
(Day 9)

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THE CHAIRPERSON: Yes, Mr Hunter.

MR HUNTER: May it please the Board, I call Tyler Mitchelson.

<TYLER MITCHELSON, affirmed: [10.07am]

<EXAMINATION BY MR HUNTER:

MR HUNTER: Q. Sir, will you tell us your full name?
A. Tyler Mitchelson.

Q. And you are the chief executive officer of Anglo American Metallurgical Coal?
A. Yes, that's correct.

Q. How long have you held that position?
A. Since April 2018.

Q. Prior to that, did you hold another role within Anglo, if I may call the organisation that?
A. From April 2014 to 2018, I was the group head of integration for Anglo American.

Q. Your qualifications are in commerce and accounting; correct?
A. A finance background, yes.

Q. Do you have in particular a Bachelor of Commerce and Accounting from the University of Manitoba?
A. Yes.

Q. And you're a chartered accountant with a specialty in accounting and business management?
A. Yes, that's correct.

Q. But you've been involved in the mining industry since 1995?
A. Yes.

Q. In addition to your role with Anglo, you're a director on the board of the Queensland Resources Council?
A. Yes, that's correct.

Q. And the Mineral Resources Council of Australia?
A. Yes, that's correct.

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Q. So can we take it that despite the qualifications that you hold, you have a thorough understanding of the operations of Anglo American businesses in coal mining in this State?
A. Yes. Over the 25 years of experience, primarily worked in sites as opposed to corporate offices, so the operating experience.

Q. Just speak up a bit, I'm sorry.
A. Sorry. Over the 25 years of mine experience, most of my experience actually occurs at a site level as opposed to a corporate level.

Q. If I ask you a question that's outside your expertise, could you let me know?
A. Yes, I will.

Q. I understand that as part of your preparation to give evidence in these proceedings, you've done some thinking about how the Anglo business might better go about its operations.
A. Yes.

Q. Can we start, then, by you sharing those thoughts with us?
A. Since starting at Anglo, or since starting in the Met Coal business as CEO, it has been a very successful business. In my witness statement, I refer to a transformation program called Pathway to Excellence that we put in place, or I put in place, in June 2019, and that's the foundation for a lot of the work we're doing around improving the business performance to achieve - and you'll see in that document it's actually got our five strategic pillars, one of them obviously being a safety one with zero harm, but looking at achieving an overall strategy, so in developing that, three main pillars within that program around what they've called the Anglo operating model, looking at the organisational model and looking at technology.

The intent, as the document says, is a transformation program. The business has been incredibly successful, but when we looked at our strategy and what we wanted to achieve, we needed to change the way we are doing business.

So out of that program, with the operating model, it is a standard program across all of Anglo American. It is

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really focused on a business framework for organising how you do business. So it starts with defining what your expectations are and it works through a very detailed planning process on operating strategies, on risk mitigation strategies; it looks at detailed planning around defining what the word "plan" is, and planning work in great detail, scheduling it, executing that work, and then measuring it in detail to understand were you effective, and then it affects your expectations and your planning program as well.

This is one of the opportunities we see, you know, to achieve all five pillars of our strategy, and the theory that safe production has got to be the focus of the business. A safe mine is a productive mine, and working through particularly the planning components - a well-planned task is at least 70 per cent safer than an unplanned task, and at least 30 to 40 per cent more effective.

On top of that, we've looked at our organisational model, so the people component: how are we organising work, do we have the right capabilities in place, do we have the right resources, are people authorised to make the right decisions at the right time, and really looking at that composition of the work we have and is it being resourced effectively; and then across all of that, looking at our technology platform.

The way technology has moved just even in the last five years gives us significant opportunity to improve the business both from a safety and a productivity basis in particular, and, as well, digitising some of the processes to make it more efficient for people to do less paperwork and more focus on the actual doing of the work and the thinking part.

Q. So what does all that mean in a practical sense?
A. In a practical sense, what it has allowed us to do is look at our business process, and one of the documents referred to is our strata and gas management, so how we actually manage gas or strata in the business. So you look at all of your business processes as to what is it that we're trying to achieve and be clear on that and work through how do we achieve that in the end, right from the planning phases as to gas modelling and analysis, defining what the operating strategies are, pre-drainage,

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post-drainage, ventilation, and working all the way through to what are the actual tasks, and it goes right down to a daily basis, how we're executing against that and how we're measuring ourselves against that. So it's an opportunity to improve that business process to actually achieve what we want in the strategy, be more efficient, and it's going to highlight some of the areas where we can improve and highlight specific tasks that we need to do.

In the case of gas management, it definitely highlighted that we had the exceedances and the operational issues around gas in the mine site. That started and initiated a significant amount of work and focus of the business with gas management workshops that we had twice with external experts to be able to better define what is our operating and our risk strategy around delivering on the gas management targets and, in addition to that, redesigning the processes at the same time.

Q. Do I take it from what you've just told me that you accept that gas management has been a problem?
A. It's been a focus of the business. If we look over the last few years at the gas management that we have in place, it is best in class in industry, when we look at the modelling we've got, the methods we use for pre-drainage, post-drainage, ventilation, monitoring, but we were still having incidents, and these are some of the incidents that came through as the HPI, and gas levels that didn't allow us to achieve some of our business results, so we knew that was an opportunity to continually improve and continually focus to push forward.

Q. I'll ask you the question again: do you accept that gas management has been a problem?
A. Gas management has been an issue to achieve our results in the business.

Q. Well, it's been problematic, hasn't it?
A. It has caused us, as noted, the HPIs, exceedances of the regulatory HPIs, and impacts into the operations of the business, so it is a problem and it's something that we're looking to fix.

Q. The things that you've been telling me about so far are very high-level concepts. In terms of what it actually means for how the work is done on the mine, what do you see as being the areas where Anglo could improve the way it

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does the work?
A. I think with regards to gas management, first and foremost is our modelling. That defines for each panel what is our gas management strategy for that panel. So that will include pre-drainage, it can be from surface or it can be underground; it looks at post-drainage, at goaf drainage capacity; it considers your ventilation strategy as to how much air is moving across the face to dilute the gas that's not coming out of the post-drainage; it also looks at your operating practices as to how fast you're retreating the longwall - faster typically means more gas is emitted.

So in all cases we go through, in our annual planning process - we will go through a review of all of the technical aspects of what does the gas modelling tell us, what are the mitigation strategies that we need to put in place on a panel-by-panel basis, and then that's included in our business plan as something that's managed on a daily basis within the operation and reported back through various monthly routines.

Q. So do I understand you to be telling me that the plan for the future is that a longwall block, for example, will only be deemed ready for development once all of the gas and strata and structure requirements have been put in place and have been approved?
A. Yes.

Q. Has that not been the case up until now?
A. Sorry, that is the case now. The opportunity for us is to improve our understanding of the modelling and improve our understanding of some of the mitigation strategies. Before a longwall panel starts, as part of our planning process and as part of the SSE's accountability, a full risk assessment is done to ensure the panel is safe, so the in situ gas contents are at the level they should be to allow you to mine and enter that panel and mine it safely, the ventilation controls are in place, the post-drainage holes are in place. The opportunity is to learn from the previous panel and the performance to adjust our strategy.

Tim, in the Grasstree team, was here previously and looking at gas drainage capacity on a goaf drainage basis, did we have the right strategy and was the model telling us the right thing.

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In the case of Grosvenor, going from 103 to 104, we chose to increase the goaf drainage density from 50 metres to 25 metres. That didn't work in Grasstree, but it actually works well at Grosvenor when we tested it through 103.

So as we're developing the strategy for that particular panel, we go through the full risk assessment. The site does it, but we also challenge, through our business planning process, with technical experts from our Brisbane office.

Q. Did I just hear you say a moment ago that increasing the density of your goaf drainage at 104 at Grosvenor worked?
A. It had a positive impact compared to the performance on 103. It did not address all of the HPIs that we experienced in the panel.

Q. 104 was operating, what, from February through till 6 May?
A. Yes.

Q. And there were 14 methane-related HPIs on the longwall?
A. Yes.

Q. And that was despite the fact that you increased the goaf drainage hole spacing - or decreased, I should say --
A. Decreased it.

Q. -- from 50 metres to 25 metres?
A. Yes.

Q. The HPIs continued to occur, notwithstanding the taking of that step?
A. Yes.

Q. Then, of course, we have the events of 6 May as well?
A. Yes.

Q. Do I understand from what you're saying, though, that the operation underground is driven by safety, not by production?
A. Mmm-hmm. Safety is our primary focus. I refer to it as safe production.

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Q. So the idea is that you produce at a level that's safe?
A. Mmm-hmm.

Q. You don't adapt your safety system so as to meet production targets?
A. No. We never do that.

Q. That would just be completely wrong?
A. Fundamentally - you know, it's against the core values of the business, it's against my own personal core values.

Q. I'll come back to this, but do you ever recall - you're familiar with the Enablon system, obviously?
A. Mmm-hmm. Yes.

Q. You get Enablon reports regularly, if not daily?
A. I get them daily.

Q. When there's an HPI - and when I'm talking about an HPI, I mean an HPI that is reported to the department - you would see the learning from incidents report that gets prepared?
A. The daily notification, it just describes the incident. It doesn't have all of the attached documentation to it.

Q. I realise that, but you would see, wouldn't you, the - I'll call them LFIs, the learning from incidents reports?
A. I'm familiar with those documents. I wouldn't necessarily go review them in detail for every HPI.

Q. Can I ask you whether you ever recall reading these words in the context of a methane-related HPI - that is, a solution or a response to it: "Develop a plan to increase goaf drainage capacity for peak SGE (specific gas emission) areas of Grosvenor to reduce tailgate methane concentrations to meet business plan productivity targets"? Have you ever heard those words?
A. Not specifically, but I believe I understand what they're targeting there.

Q. That would be contrary to the philosophy you just told me about, wouldn't it?
A. I guess I look at it in the context that we have to have the systems and processes in place, and drainage

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strategies, to be able to deliver on the production target. First and foremost is the safety and ensuring those gas levels are met.

Q. Would not a solution that's consistent with the philosophy you mentioned a moment ago be to reduce production so as to not exceed the goaf drainage capacity?
A. Yes, absolutely, and that is - one of the things through our business planning process, we did a full risk review workshop at the end of 2019 and looked at every single site, but in the context of Grosvenor, in looking at what we had for a strategy for strata, gas management and the overall operation of the business, we made a conscious choice to actually operate and set the business plan about 75 per cent of what we achieved on the previous panel, and that was in recognition of the challenging strata conditions that we had, again, the gas issues that we had on the previous panel, and the fact that while we had increased the goaf drainage capacity with density, our goaf drainage blowers and skids weren't going to be there until June.

Q. But just coming back to those words that I put to you, and there will be some evidence about these matters in the next tranche of hearings, but if you can accept for present purposes that those were some words used by Anglo employees, and I'm talking senior employees, as a solution to the methane HPIs on the longwall, would you not expect someone who was proposing a solution to say, "Develop a plan to reduce production so as to avoid exceeding goaf drainage capacity for peak specific gas emission areas of Grosvenor"?
A. And it would be, in the context of that statement - I'm not sure who said it, but in the context of how we would look at that, it's actually both. So, yes, part of our operating strategy is changing the retreat rates and lowering production levels. As part of Grosvenor's strategy in particular, there is a different mining method. When you're cutting in a longwall, you cut bi-directionally, so you cut both ways. One of the ways to manage the tailgate gas is you cut uni-directionally and only come back. That was an operating strategy that was discussed during our planning process and was one of those.

So while the structure of the sentence may sound like we're putting production in front of safety, in the end it's both have to come together.

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Q. If I can just deal with the sentence, "Develop a plan to increase goaf drainage capacity" - that's not an immediate solution, is it? It's not going to stop an HPI happening tomorrow, is it, the development of a plan?
A. No.

Q. So would not, at the very least, a short-term objective or a short-term solution be to reduce the production rate so as to not exceed the goaf drainage capacity?
A. Yes, that's absolutely an option.

Q. You would expect, wouldn't you, that senior management would be proposing that explicitly as a response?
A. Absolutely. And this is one of the tools, along with the plan - there will be short-term parts of the plan that we can address in a very quick time, and I think you've heard that from some of the team at Grosvenor - sorry, at Grasstree and Moranbah North, there's short-term things we can do, but there's also longer-term strategy elements that we have.

Q. Can I ask you, I'm sure you're familiar with it, the definition in the Coal Mining Safety and Health Act of a high potential incident?
A. Yes.

Q. You understand that it's an event or a series of events that causes or has the potential to cause a significant adverse effect on the safety or health of a person?
A. Yes.

Q. You accept that the use of the word "potential" is critical?
A. Yes.

Q. Indeed, in Anglo's own risk assessment matrix, which we'll come to in a moment, it's the potential outcome that is important, not what actually happened?
A. Yes.

Q. And in the context of a methane exceedance, can I suggest to you that the risk with a methane exceedance is that you don't know how high it's going to go.
A. Yes.

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Q. And although you can have various protective measures regarding ignition sources --
A. Yes.

Q. -- there's always the risk that they will fail?
A. Yes, there is that risk.

Q. And so do you agree with me that putting to one side a sudden or temporary increase that the ventilation system quickly reduces, do you accept that an exceedance of 2.5 per cent methane in the atmosphere in a part of a mine used for work or travel is an event that has the potential to cause a significant adverse affect on the safety or health of a person?
A. It does have the potential.

Q. It does?
A. Yes.

Q. Is that because an excursion into the explosive range, plus ignition, has the potential to, at the very least, cause permanent disability?
A. Yes.

Q. And of course fatalities and multiple fatalities?
A. Yes.

Q. Obviously you're aware of the history of methane explosions in this State alone, as well as all over the world?
A. Yes.

Q. So accepting that an exceedance of 2.5 per cent methane is an event that has the potential to cause a significant adverse effect on the safety or health of a person, it's quite wrong to say, "Well, the potential outcome is just a lost time injury"?
A. In the context of the HPI, at 2.5 per cent - and this is the context of how we evaluate the potential impacts, and again above 2.5 per cent increases that risk; above 5 per cent, being the lower level for methane ignition, would be that event that creates the potential. So between 2.5 and 5, we look at that as the broader suite of controls that were in place for that specific incident and the potential for that incident to hit 5 per cent.

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Q. But my point, and I think you agreed with me a moment ago, is that the problem is once it goes above 2.5 per cent, you don't know how high it's going to go, do you?
A. With a sudden inrush, no, you don't know how high it's going to go. Based on our experience, yes, you get methane exceedances that raise, and they're generally slow. With the ventilation system, we get the dilution.

Q. But you've agreed with me that an exceedance above 2.5 per cent is an event that has potential to cause a significant adverse effect on the safety or health of a person. I'm talking about potential.
A. Yes.

Q. The potential is more than simply a lost time injury; surely you'd agree with that?
A. The potential?

Q. Yes.
A. Yes.

Q. You understand that in New South Wales it's not 2.5 per cent; it's 2 per cent?
A. Yes. I'm aware of that.

Q. Can we go, please, to this document. It's AAMC.001.015.0010, and could we go to page 6 of the document. Do you recognise that as being one page of the Anglo American risk matrix?
A. Yes, I do.

Q. This is how, across the organisation, risks are assessed and calculated?
A. Yes.

Q. Across the top, we have the various outcomes, and if we could zoom in, please, so that we can see the top row. We can see 1 is "Insignificant", a first aid case, all the way through to 5, which is "Major", numerous permanent disabilities or multiple fatalities. Number 4 is "High", permanent disability or single fatality.
A. Yes.

Q. So, consistently with what you've just told me, an exceedance above 2.5 per cent methane in an area where people are working or travelling, in terms of the potential

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outcome, that would be a 4. Do you agree?
A. I think in the context, if you just look at that component alone, potential. But in the context of when we look at an incident, we look at the entire incident. So a methane exceedance of 2.5 per cent, what were the controls and what were the circumstances around the broader incident?

Q. So are you telling me that you look at what actually happened, that is, it didn't go into the explosive range and there was no ignition, so there was no risk?
A. We look at the actual occurrence of the incident, and, as you say, yes, the potential to go above, but that potential takes into the context of the broad - you know, and in this case it's explosion and/or a fire and it looks at the broad risks or the broad controls of the entire incident to what the potential could have occurred.

Q. The potential is that the exceedance could have gone above 2.5 per cent into the explosive range, and, if it did, there might have been a source of ignition.
A. It has that potential, yes, I would agree.

Q. I'm just struggling, given the concession you made a moment ago, to understand how it could possibly be that you would regard an exceedance of methane above 2.5 per cent, other than a sudden or transitory one that is immediately dispersed by the ventilation system, as anything other than a level 4.
A. Yes, in the context of how we look at the entire event and not just the 2.5 per cent, it would be evaluated there. I understand the point of 2.5 per cent potentially reaching a 5 per cent mixture can be a 4 in our categorisation.

Q. But you understand, don't you, that at Anglo, pretty much across the board, a methane exceedance DNRME HPI is never treated as a 4 or a 5?
A. Not in the events that we have. In an event that occurred where that methane did hit 5 per cent, it should come through as the 4 or 5.

Q. So it would have to go above 5 per cent for it to be a 4 or 5?
A. Yes, or close to it, and that's something that we do need to get some clarity around within the business.

Q. And as we'll see in due course, Anglo has two types of

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HPI, doesn't it?
A. Yes, there's the Anglo American definition of an HPI, and this is any HPI - well, it's a potential incident that has the 4 or 5 consequence. Previous companies, we called them PFIs, potential fatal incidents. It's coincidentally the same name as the department, HPIs.

Q. But you have these DNRME HPIs as well?
A. Yes.

Q. But they don't qualify as Anglo HPIs, or not necessarily?
A. Not necessarily. They can. They're evaluated across the same matrix, so I would - actually, I know, anything that would be an Anglo HPI will definitely be a departmental HPI.

Q. But not the other way round?
A. Not necessarily.

Q. And as far as you're aware, none of the HPIs that occurred at, let's say, Grasstree and Grosvenor were, according to your system, level 4 or 5 incidents?
A. No, they would not classify as an Anglo HPI.

Q. They were DNRME HPIs?
A. Yes, yes.

Q. Under the Anglo system, what are they, then - an unwanted event?
A. They're trafficked specifically in our Enablon system and reported specifically as a department HPI.

Q. Now, we spoke earlier, when you were telling us about how Anglo could do its business better, about the objectives.
A. Mmm-hmm.

Q. Could we go, please, to this document, AAMC.001.031.0142. If we go to the last page of the document, page 5, we can see it's a document with your name at the foot of it and the date of June 4, 2019.
A. Yes.

Q. Do you recognise the document?
A. Yes, I do.

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Q. Did you write it?
A. Yes, I did.

Q. This is part of the business transformation you were talking about?
A. Yes, it is.

Q. At the top of the first page, if we can go back to that, please, the transformation approach that you describe in the first paragraph is to "rapidly achieving our Met Coal business strategy".
A. Yes.

Q. That strategy was to achieve the vision of being the most valued Met Coal business in the world?
A. Yes, it is.

Q. Below the redacted section, if we could scroll down, please, you speak about that ambition and strategy being extremely challenging - yes?
A. Yes.

Q. But then if we go to the last paragraph, you say:

We are not where we need to be on our safety performance and our sustainability strategy and programs are still in the early stages of development.

So this is June 2019.
A. Yes.

Q. What did you mean when you said, "We are not where we need to be on our safety performance"?
A. From a safety perspective, the Met Coal business, I'm going to say since 2015, probably a 30 per cent improvement year on year, and a material reduction, you know, from 40 Anglo HPIs down to about 13. And as part of our approach to safety and achieving zero harm, which is the part that's redacted in the document, as our safety goal - and I think looking at the Brady report, the chronic unease and the continual need to always push is what that is getting at. We can never be satisfied with where we are right now.

Q. This is in June of last year, so it's before the period embraced by the terms of reference for this Board of

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Inquiry.
A. Yes.

Q. You're aware, aren't you, that in July, so the month after you wrote this, there were 10 methane HPIs on the longwall at Grosvenor?
A. I wasn't aware of the specific date, but I'm aware of the HPIs at Grosvenor throughout 2019.

Q. You're aware, aren't you --
A. Yes.

Q. -- that in a single month of July, there were 10?
A. Yes.

Q. Were you notified of those?
A. I was notified through the daily reports and, as well, through the monthly - call them MPRs, or monthly performance reviews, the gas exceedances would be discussed there, and as well in conversations with my head of underground ops, operations, Glenn Britton, we would be talking about those.

Q. I'll come back to the reporting structure in due course, but I suppose in a general sense my question is do you recall in July 2019 being alarmed or concerned at the number of DNRME HPIs at Grosvenor?
A. Specifically in July, I can't say that I remember that date, but the gas performance across all of our mines was a significant concern to me. That is a reinforcing example of what we needed to do to change our approach to gas management. That would have led to, obviously, the work that we're doing around redefining our processes around gas management but also the gas management workshop, which we ran I believe it was in October of 2019, following up on a previous one, to be able to get external experts, to be able to develop the strategy as to how we're going to manage this so it doesn't occur.

Q. That strategy would not be to plan to improve your goaf drainage to meet production targets?
A. The strategy - it did include goaf drainage as one of the aspects, certainly, and that led to, at Grosvenor, the whole density test work we've done, the additional goaf drainage capacity we're putting in place, but it also looked at the operating strategy. Again, when we set the plan for the 104 panel, it was pulling that production

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expectation back.

Q. Can we go over the page to page 2, please. At the first line, do you see there:

> *To achieve our strategy, the Met Coal business cannot just run harder with the current systems, processes and management philosophy ...*

I'm just trying to understand why you would say that. Did you say that to correct an impression that might have existed that that's what people would or should do?
A. The context of that statement was the Met Coal business has been a very successful business with dramatic improvements, as I said, across safety and productivity from 2013, 2014, right up until the time I arrived. Where we want to go as a business to achieve that strategy, it was an opportunity to actually look at how we do our business, what are those systems in place, and using the same processes and systems and controls and technologies were not going to get us to the same place that we need to be. So there was an acknowledgment of, we're good, but we're not as - not good enough, and there's an opportunity to improve.

Q. Because there's an acknowledgment four lines below where you say:

> *Our safety performance is not moving quickly enough with too many injuries.*

A. Yes.

Q. Injuries is one of the metrics that you use to measure your safety performance - yes?
A. Yes, it is.

Q. What about the management of your catastrophic risk - that is, the potential for something catastrophic to occur?
A. Yes.

Q. As opposed to a broken finger or a sore knee or whatever.
A. Yes.

Q. Do methane exceedances on the longwall face factor in

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to how you manage or assess your catastrophic risk?
A. Yes, they do.

Q. When we look at documents that set out the safety performance of the various Anglo mines, we will see, will we, the DNRME HPIs being tracked?
A. In some of the summary - they're tracked all through the Enablon system, with the LFI process for each one of them and the actions coming from the LFI process. They do not necessarily flow up into the standard Anglo reporting, which is the Anglo HPIs and really a focus around the Anglo American HPHs and your traditional LTIs, recordable injuries.

Q. I'll come to some documents in due course, but am I correct if I put it this way: when you're tracking your safety performance, Anglo looks at Anglo HPIs?
A. Yes.

Q. Lost time injury?
A. Yes.

Q. Total recordable case frequency rates?
A. Yes.

Q. And occupational illness frequency rates?
A. Yes.

Q. Those are the four indicators?
A. Those are part of the four indicators. We also look at high potential hazards, which is again really a focus of this business, trying to get to the hazard before it turns into an incident.

We also look at, track, visible felt leadership, so this is one of our key elements to our safety program of having people out in the field, talking to the workers, observing tasks that are happening. So we set up a target for each one of the sites and they report against achieving that target every month.

We also have critical control monitoring that's reported every month, that comes through, that I look at - or the business looks at to ensure the critical controls are operating effectively in the business.

Q. Can you tell me how DNRME HPIs are factored in to the

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risk assessment processes at the mine, or at Anglo, I'm sorry?
A. Yes, there's a couple of different ways that comes through. From a Met Coal level, we have a risk register that we update twice a year, and that has all of the risks contained in there. And there is an assessment every six months, have the risks changed based on the controls we have in place and the performance?

In the case of department HPIs, that will be considered as a risk profile change based on the occurrences or other incidents, whether it's an Anglo HPI, accident and/or, in the case of gas, they were noted in the risk assessment against that, and that's updated. The gas one in particular is owned by one of the MCLT, and those actions to address those are built into the site plan or it could be built into our technical group to provide some of the longer-term solutions. So we do see them there as an impact or a risk profile.

Q. Could we go, please, to document AAMC.001.031.0147_U. Do you recognise this document?
A. Yes, I do.

Q. It's not a document that has anyone's name or signature at the end of it. Do you know who wrote it?
A. I had one of my team write it and I edited it for the final documentation, so it came through me.

Q. So you're happy to accept responsibility for the contents of it?
A. Yes.

Q. Do you know when this document came into existence?
A. This would have been produced - there's no date on here - would have been produced in February.

Q. February of this year?
A. January or February of this year, probably February.

Q. The first line talks about "the Anglo American Burning Ambition". "Burning Ambition" has capitals at the start of each word. What's "Burning Ambition"?
A. So, as a group, Anglo American globally has set targets - "targets". They've created a burning ambition, it's to double cashflow, double the EBITDA by, you know, by I think 2023, so this is a target they've set within the

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broader Anglo American business.

Q. You said EBITDA?
A. Earnings before interest, taxes --

Q. Just for the benefit of the reporter to break down the acronym, that's all. E-B-I-T-D-A?
A. Yes.

Q. So the objective was to take "the Moranbah/Grosvenor" - and when you say that, you're referring to Moranbah North --
A. Yes.

Q. -- and Grosvenor. So that the two of them together are producing 24 mega tonnes per annum?
A. Million tonnes.

Q. Million tonnes, I'm sorry, per annum?
A. Yes.

Q. As at January 2020, what was the production capacity at Grosvenor, do you know?
A. Grosvenor, the 2019 production - I'll get the number slightly wrong, it was around --

Q. I'm just interested in a rough idea.
A. Around 7.3, 7.4 million tonnes for 2019.

Q. What about Moranbah North?
A. Moranbah North would have been, for 2019, 8.5 to 9.

Q. But the idea was to get it to that 24 million tonnes per annum by 2022?
A. That is, to be at those rates by 2022, recognition that we would not achieve that number in 2022.

Q. So it's an aspiration, I suppose?
A. Yes, it's our target.

Q. And the point you make in the next paragraph is that production wasn't stable, and you identify the reasons for that?
A. Yes.

Q. You're talking about gas, strata and structure issues in addition to equipment reliability.

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A. Yes.

Q. When you talk about instability stemming from gas and strata, you're talking about, are you, the regular stoppages because of methane exceedances?
A. Yes, "stability" in this context, as part of our operating model implementation, it's the statistical definition of "stability", so standard deviations around control limits, so that's what it is, and, yes, if you looked at, you call them "special cause events", outside the norm, for gas and strata, we're having far too many of those.

Q. So you make the point that what's required, then, is a full redesign of the processes, systems, technology and organisation.
A. Yes.

Q. At the bottom of the page, if we go to the last paragraph, you say that what's required is taking a blank sheet of paper and starting again, effectively. Have I captured that?
A. Yes.

Q. The purpose of the document, if we go up to the penultimate paragraph, the idea is to eliminate unscheduled delays due to gas, strata and structure.
A. Yes.

Q. I understand what the issue is with respect to gas and strata. What's the problem with structure? What do you mean there when you're talking about structure?
A. It will be another geological feature, whether it's a fault or micro faults through the seam, it could be a seam roll. It's anything - or dykes that run through. We need to be able to predict those and be able to control the system around those.

Q. Can we go over the page, please. You talk about "AAOM". Is that the Anglo American operating model integration?
A. Yes.

Q. There's then these various sections - operational planning, work management and feedback.
A. Yes.

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Q. You're speaking there of a new approach, in the first paragraph, if we scroll back up a little bit, please. Do you see there:

The new approach must be aligned with and integrated in the AAOM ...

A. Yes.

Q. Could we then go down to "Operational Planning". There's three dashes and you then talk about:

... the lead times for gas drainage for a longwall block should be on the OMS ...

That's the operations management system?
A. Operation - it's the operating master schedule.

Q. I beg your pardon.

... for example a]longwall] block will only be deemed ready for development and subsequently [longwall] activity once all the gas / strata / structure requirements are approved at the appropriate level, and this process should be tracked via the OMS in our monthly routines.

A. Yes.

Q. So what you're saying there is that no development should take place on a longwall block until the gas, strata and structure requirements had been sorted out?
A. Yes.

Q. Was that something that wasn't being done up until that point?
A. It is absolutely done, as we sit here today. Before any mining occurs, whether it's on a development panel and/or a longwall block, the gas drainage and the in situ gas content of the mined seam has to be down to - in the case of development it's below 6 to 7; in the case of the longwall it's below 3 to 4 cubic metres per tonne. Those things are all in place. The strata with ground support has to be in place before you start mining.

The opportunity here was to look at a different way,

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to be able to do it more effectively, and part of it is - and we heard this a little bit earlier in the inquiry, discussions - is there a better way to model so we can be more effective on our gas management? Is there different risk mitigation strategies we can look at? It's having the structure to have those conversations more so than we do right now and looking for the opportunities to do even better.

Q. One reading of that sentence would be that it states the bleeding obvious; do you agree?
A. Yes, it seems --

Q. Of course you wouldn't start mining a longwall until those things were in place?
A. Yes, yes.

Q. Wasn't that statement a recognition of the fact that that hadn't been done or hadn't been done adequately with respect to 103?
A. No, that's not a recognition of that. This was a recognition that, in our scheduling, we can do better at ensuring we have longer lead times on gas drainage, but the panel would not have started and development would not start until it was safe to do so.

Q. If, for example, it was thought by people who investigated HPIs that the goaf drainage system on longwall 103 had repeatedly failed, that would suggest, wouldn't it, that the gas or structure requirements were not in place when longwall 103 was being mined?
A. Based on the - so the gas modelling and the gas management plan that would be in place before that panel was even started would ensure that the gas levels, again, aren't to the extent; post-drainage is available, as well as the ventilation and the other associated controls with IS interlocks, to ensure that panel was safe to mine. Failures in the goaf during operation, as flagged through those gas exceedances, would be dealt with through that LFI process and actioned immediately.

Q. But my point is that if the LFI process repeatedly reported that goaf drainage had failed on longwall 103, would that not suggest that sufficient goaf drainage had not been provided for prior to the commencement of operations on that longwall?
A. The goaf drainage design and plan would be based on

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the models that were done at the time that should be, or that are, updated based on actual performance from 102 and also what we see in our data in going forward into 103 with the characteristics.

Q. What about pre-drainage? What if there were conclusions by those involved in the LFI process that pre-drainage for longwall 103 had failed? That would suggest again, wouldn't it, that appropriate gas requirements had not been put in place prior to development?
A. From a pre-drainage perspective, again looking at pre-drainage and post-drainage and ventilation all in one, because it is the system that you're trying to use to manage the gas contents underground - so the combination of those three would manage it.

The opportunity is to have additional pre-drainage, and in the longwall face itself, again, we hit those threshold levels, but in the upper and lower seams, to be able to pre-drain that is another opportunity to be able to pull the gas content down, which again takes some of the stress off the potential other components within the mine, be that --

Q. Was - sorry, I didn't mean to interrupt. Did you finish?
A. Be that ventilation or the goaf drainage.

Q. Was pre-drainage undertaken in relation to longwall 104?
A. Yes, pre-drainage was put in place.

Q. Was it done to the extent to which it was planned to do it?
A. It was done, yes, from a - there's two forms. There's the UIS, which is the underground inseam hole that was put in place particularly on the inbye side of the panel, plus there was pre-drainage of the surface as well. We do have arrow holes that we rely on that have been there for a number of years to drain some of those as well. All of those would have been taken into account.

Q. Was there a plan to drain the P seam on longwall 104?
A. Yes, there was a plan to drain the P seam.

Q. Was that done?

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A. We had planned for two holes. One of the holes was completed. The second hole, we lost the drill, drill bit, in the hole, so therefore it wasn't effective, the drainage.

Q. So the drilling operation stopped when you lost the drill - yes?
A. Lost that drill bit, yes.

Q. So the P seam was not drained to the extent that had been planned for?
A. In the original modelling, yes.

Q. Could we then go, please, to AAMC.001.029.0016. This is a document dated 1 October 2019.
A. Yes.

Q. You spoke earlier about a gas management workshop.
A. Yes.

Q. Is this --
A. This was one of the two, yes. This was the one in October. There was an earlier one in, I believe it was March.

Q. Of 2019?
A. Yes.

Q. One of the purposes that were specified, if we could zoom in on the bottom half of the page, please, the purpose of the workshop was to target specific gas management issues, and one of the purposes was to develop a hypothesis as to the cause of the various gas issues identified and identify multiple solutions or actions - yes?
A. Yes.

Q. Does that document involve a recognition of the fact that there were, at least as at that date, gas issues occurring at those three mines about which there was no properly understood cause?
A. That definitely is a recognition that there were gas issues at the three mines, and that's what led to this workshop, and looking --

Q. Sorry to interrupt you, but there were gas issues about which no-one had been able to come up with a proper explanation?

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A. I think no-one could come up with a permanent solution. I think there - it varies by mine. There were some uncertainties as to the gas content in the upper seams in particular that needed to be - there was an opportunity to do more work there.

Q. Thank you. Could we go, please, to AAMC.001.031.0155. This is a document dated 25 February 2020.
A. Yes.

Q. It speaks of something being assigned by you to Glenn Britton.
A. Yes.

Q. Mr Britton being your head of operations?
A. Head of underground operations.

Q. So did you create this document or at least assume final responsibility for it?
A. I created this.

Q. At page 1, perhaps in the first paragraph, we see firstly, again this reference to 24 million tonnes per annum.
A. Yes.

Q. And then again an acknowledgment that production is not currently stable because of areas that create instability, that included gas, strata and structure issues - yes?
A. Yes, similar wording to the other document.

Q. You speak there in the third paragraph under the heading "Context":

> *As the mines push to consistently deliver 24 [million tonnes per annum] to the ...*

what's the "CHPP", coal handling?
A. Prep plant.

Q.

> *... the equipment will be pushed harder at higher rates and will also be driven to increase the operating hours.*

So that was the idea, the rate - that is, the speed at

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which the production proceeded - would be increased and also the hours when the shearer was actually cutting, the idea was to increase that as well?
A. Yes.

Q. With a view to getting to this 24 million tonnes per annum?
A. Yes.

Q. Thank you. Could we go, then, to AAMC.001.031.0152. Again, this is a document showing an assignment by you to Glen Robinson?
A. Yes.

Q. Who's Glen Robinson?
A. He's my head of projects.

Q. Did you write this document?
A. Yes.

Q. The purpose here was to, again, achieve the 24 million tonnes per annum?
A. Yes.

Q. One of the things that you wanted to do was to reduce the amount of time it took to move the longwall from one panel to the next?
A. Yes.

Q. You talk about reducing the productive loss there from the entire longwall move process by 50 per cent. Do I understand that, by that, you meant reducing the time it took to do it by 50 per cent?
A. Yes, yes.

Q. And could we scroll back up to get the date again. February 26, 2020. Was that during the period when the longwall was in the process of being moved on to 104 or had that already been done?
A. It would have been in the process at that time. This documented initiative was for future longwall moves, yes.

Q. So this had nothing to do with the move from 103 to 104?
A. No, no.

MR HUNTER: I note the time, Mr Martin.

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THE CHAIRPERSON: We normally carry on until 11.30, if that is convenient.

MR HUNTER: I'm happy to proceed.

Q. Can I ask you, please, about the reporting of incidents, particularly HPIs and what I'll call DNRME HPIs. Let's say an Anglo HPI occurs.
A. Yes.

Q. What's the process?
A. If an Anglo HPI occurs, the process right now is generally I will get a call from either Glenn Britton, head of underground operations, or Hans Hayes, head of my open-cut operations, or if they're not available, the general managers of the respective site on which it occurs, just notifying me of the incident so I'm aware.

Then they go through the standard LFI process that they do at site with the incident investigation. It's reported through the Enablon system, so we track it through there. The Anglo HPI then will go through, once the investigation's completed, a number of different, I guess, review processes and different avenues to highlight the HPIs or review the HPIs.

I'll start with on a monthly basis, it would be part of the site's monthly performance review where that would be highlighted there and we would discuss it at that monthly performance review at the site level.

At the Met Coal level and reporting to the bulks CEO, Seamus French, I would talk about that in the monthly performance review there as well, and we'd review it there.

There's another avenue that happens on a monthly basis within Met Coal, we call it the SITC - significant incident teleconference - where we review all HPIs, HPHs and material safety incidents that particularly are repeats in nature. And on top of that, all HPIs are reviewed on a monthly basis with the bulks, so that's myself and the other CEOs that report to Seamus, and we review each other's HPIs at that point.

Q. What about a DNRME HPI?
A. If it becomes an Anglo HPI, it'll be run through that

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process. If it's not, it'll be captured through the site processes or, in the case of certainly the gas HPIs, were discussed through our monthly - through our MPR processes and our planning processes, not necessarily - well, not in the safety section but actually recognising we had to do something around gas management.

Q. So if there's a DNRME HPI that is not a Anglo HPI, you don't get a phone call?
A. Not necessarily. If it is a - if it's an LTI, I will probably get a phone call. But if it does not involve an injury, I wouldn't necessarily get a phone call.

Q. Could we go, please, to AAMC.001.004.0002. Do you recognise this as being --
A. Yes.

Q. -- the corporate level incident reporting standard?
A. Yes, for Met Coal, yes.

Q. If you go to page 13, please, we have a series of definitions, and if we could zoom in on the centre of the page where there is a definition of a "High Potential Incident", this is consistent with the evidence you've given earlier that it has to be a potential outcome 4 or 5?
A. Yes.

Q. If we go back to page 7, please, we see there a section on repeat incidents. The level 4 or 5 in that table 3 - that again refers to the risk assessment matrix; is that right?
A. Yes, this specific section is actually dealing with environmental incidents, but there's environmental within that risk matrix as well.

Q. So is there a section that deals with repeat incidents that are safety related?
A. Not in this document. As part of the HPI reviews, repeat incidents are noted in our - whether it's the significant incident review process or the review process of the HPI with site. Unfortunately, we've just had an occurrence of an incident from 2019 and we've had a repeat occurrence of an incident in our Moranbah North prep plant around a pulley failure, that's a repeat, different causal effects, but now we're going to - those ones are always highlighted and we go back and look at the actual LFI that was completed on the first instance to

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understand what happened and why we didn't identify a permanent fix.

Q. So do I understand it, though, that as at 29 May 2020, which is the date of this document, there was nothing in the Met Coal incident reporting standard that prescribed the circumstances in which repeat incidents needed to be escalated?
A. No, not formally.

Q. Indeed, even when it comes to repeat incidents for environment, it says in the first paragraph that repeat incidents are to be escalated as per the requirements outlined in table 7. Can I suggest to you that there is no table 7 in the document. We can scroll through, but I'm suggesting that there isn't one.
A. Okay. I wasn't aware of that. Something for team follow-up.

Q. So what's a level 1 environmental incident? Give me an example of what would be a level 1 environmental incident?
A. It could be a minor exceedance of water levels. On the risk matrix, they're defined in there similar to what an injury would be as well.

Q. So, like, a minor exceedance of total dissolved solids or something like that?
A. It could be.

Q. But if that happened 10 times, you would have to escalate it to, what, level 2? Do you know what that means?
A. It means it would be - as it is a repeat event, it moves into the category of the treatment that would come with the level 2, so in the case - and it escalates up. So it tries to capture in this repeat environmental incidents. While each one in its nature may be a level 1, the repeat of them needs to be escalated.

Q. Just coming back, then, to methane HPIs - that is, the DNRME ones, an exceedance of 2.5 per cent - is there some point at which, at least as at May of this year, there was some number of them that would spark, for example, a phone call to you?
A. In the context of particularly the gas exceedances, the phone call wouldn't necessarily happen on the day. It

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comes through the daily reports. I'm aware of them, aware of every one that comes through, as far as the gas exceedance, and we knew this was a trend and we knew these were repeated incidents. So while it didn't follow the safety HPI process, it followed the other processes that we've been discussing here with a technical solution to addressing the gas exceedances and the gas management within the business.

Q. Can I take you back to July of last year, and this is the month where we know that there were 10 methane DNRME HPIs on the longwall 103 at Grosvenor.
A. Yes. Mmm-hmm.

Q. And you know that in the previous month, the department had published its best practice document about the management of methane in coal mines?
A. Yes.

Q. So that document is published in June. In July, there are 10 DNRME HPIs on the longwall. Do you recall someone ringing you and telling you about that, "Look, this has happened 10 times"?
A. At Grosvenor?

Q. Yes.
A. I know we did have conversations with, again, my head of the underground operations, Glenn Britton, regarding gas exceedances.

Q. We know that the LFI process was undertaken.
A. Yes.

Q. Did you personally intervene?
A. In the LFI process?

Q. No, in the mining operations. Did you pick up the phone and try and find out what on earth was going on?
A. Yes, I did. I would be talking to Glenn Britton about how we were going to manage that process so we didn't have, in this case 10, and what is our mitigation strategy going forward.

Q. Did the fact that you had 10 of those DNRME HPIs on longwall 103 over a period of a month suggest to you that control had been lost over methane in that mine?
A. I wouldn't say control over methane had been lost.

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When we look at the entire package, the ventilation and the other controls that were in place, the goaf drainage needed to be addressed and our operating practices needed to be addressed.

Q. It would be wrong to say that Anglo treated the DNRME HPIs as minor or trivial events; do you agree?
A. I agree. They are not trivial.

Q. They're actually a big deal; do you agree?
A. Yes.

Q. Can I take you to page 17 of the document that's on the screen, please. This is the corporate reporting standard. Do you see there it says "Incidents that would normally qualify as HPIs", and then there is "The following incidents may qualify as Safety HPIs"?
A. Yes.

Q. Do you see about six or seven dot points down:

A failure of a primary ventilation circuit that requires the emergency withdrawal of Mine Workers from a part of the mine.

A. Yes.

Q. Is there any doubt that that would be a safety HPI?
A. This - these were examples of what should be there. I would expect if that ventilation circuit failed and we had to remove people, we would see that as an HPI.

Q. So the use of the word "may" probably shouldn't be there --
A. No.

Q. -- is that fair?
A. It should say these are examples.

Q. The inadvertent exposure of personnel to blasting would be another obvious HPI; you would agree?
A. Yes.

Q. A vehicle rollover?
A. Yes.

Q. Thank you. There's a separate standard for individual

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mines; do you agree?
A. Some of the mines will take this document and roll that down into a site-specific document, generally, a procedure.

Q. And there is one for Grosvenor?
A. Yes.

Q. Could we go, please, to AGM.005.001.0499. This is the Grosvenor-specific document - yes?
A. Yes.

Q. Could we go, please, to page 4, and we see at about point 6 on the page the definition of "high potential incident", which is the same as we've seen elsewhere?
A. Yes.

Q. Level 4 or 5?
A. Yes.

Q. But over the page, there is a definition of a "reportable/legislative HPI".
A. Yes.

Q. And there are the words used by the Coal Mining Safety and Health Act?
A. Yes.

Q. So it seems that whoever was responsible for putting this document together went out of their way to draw a distinction between an Anglo HPI and what I've been calling a DNRME HPI?
A. Yes, to make sure it's highlighted in here, so people knew that was required.

Q. As I understand it, one of the reasons that the expression "HPI" is used is because that's the term used by Anglo worldwide across its operations; is that right?
A. Yes. It's global.

Q. Do you accept this proposition, that creating a subclass of HPIs in the way that has been done in this document potentially diminishes or gives the appearance of diminishing the significance of a methane exceedance, for example?
A. I guess in looking at our definition within Anglo American, as I said, it's consistent, as you pointed out,

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across the whole business and is really focused on the fatality component, ensuring that that gets the absolute focus of the business to eliminate those fatalities.

The reporting process is consistent across the matrix, so 1 through 5 reporting, with the LFI process associated with that, and in the case of the legislative HPIs, they actually receive exactly the same investigation at LFI level as one of our own Anglo American HPIs as well. The intent isn't to diminish. The intent is to be consistent across, I guess, the risk matrix across the business.

MR HUNTER: Is that convenient?

THE CHAIRPERSON: A quarter to 12. Thank you.

SHORT ADJOURNMENT

MR HUNTER: Q. I was asking you about the Grosvenor incident reporting and investigation procedure and we'd spoken about definitions of the two types of HPI. Can we go, then, to page 6. This deals with the initial incident response, and I don't want to go into it in any detail but it's there for context. If we could go over the page, then, to "Notifications", and this is where someone has been injured and there are various people who have to be told. But at the bottom of that page, there is then "Incident Classification & Reporting". The severity rating is to be determined by the safety, health and environment manager - yes?
A. Yes.

Q. You understand the use of the term "severity rating" to relate to that 1 to 5 scale that we've seen spoken about several times?
A. Yes.

Q. So do I understand correctly that if, for example, a coal mine worker were to improperly assess, or incorrectly assess the potential severity of an incident, it will be corrected by the SHE manager?
A. Yes, in this case they would look at it. And through the whole LFI process, when it's reported up through, it eventually goes to the site leadership team and the SSE. They will look at that as well, as is it the appropriate classification or not.

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Q. So it might get revised up and it might get revised down?
A. Yes, it can get moved.

Q. Before I go any further, I need to apologise to you. In the previous document that I showed you, that's the Met Coal reporting standard, I suggested that there was no table 7. There are, in fact, two table 6s, so the mistake was mine, so I apologise for that.
A. Okay, yes.

Q. Can you go over the page, then, to "Anglo High Potential Incidents", 4.7.2, if we can zoom in on that, please. We have the definition, but then two paragraphs down from the 4.7.2 we see to whom the incidents have to be reported.
A. Okay.

Q. So it has to go from the affected general manager or most senior site manager to the relevant coal head of operations?
A. Yes.

Q. In Queensland, who would that be?
A. The head of operations?

Q. Yes.
A. So this would, in the context of Met Coal Australia, that would be either Glenn Britton, head of underground, or Hans Hayes, the head of open-cut.

Q. It also has to go to the head of - is it site safety development?
A. Safety and sustainable development, which is Chris Gately.

Q. Chris Gately?
A. Yes.

Q. He's acting in the position?
A. Yes, he's acting role.

Q. How long has he been acting in that position?
A. He's been acting in that position since January of this year when I did a reorganisation.

Q. What's his substantive role?

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A. As part of the reorganisation - safety and environment used to be together, and looking at the focus that I wanted to have, primarily just on safety, and splitting out the environment, I moved the environment portfolio under my head of technical, Luca Rocchi, and wanted that role solely focused on safety and health. In addition, we made another change around the geoscience area to actually create a position that reports directly to me around geoscience as well.

Q. So who was in charge of safety in 2019?
A. The head of safety and sustainable development would have been Andrea Rutley.

Q. Is she still with the organisation?
A. Yes. She's been moved into the head of geoscience role that I mentioned.

Q. Now, 4.7.3 deals "With DNRME High Potential Incidents". Do you see that?
A. Yes.

Q. Over the page, at the top of it, we see to whom those incidents get reported. If it's a DNRME HPI but not an Anglo HPI, someone has to tell the UMM, the underground mine manager, and the UMM has to notify the SSE?
A. Yes.

Q. But it's not required to go any higher than the SSE, is it?
A. In the context of this document, no.

Q. So a DNRME HPI that is a gas exceedance, say, like the ones we know occurred, only get reported to the SSE, unless someone thinks there are 4 or 5?
A. They get reported to the SSE, if they hit the 4 or 5, definitely they get reported through the previous framework. I know that these, particularly the gas exceedances, while not documented here, the head of underground operations would be aware of them. He talks to the SSEs on a daily basis and would know.

Q. Someone looking at this document could be forgiven for thinking that if it was only a level 3 or below, then it didn't need to go to corporate; do you agree?
A. There could be that perception that it wouldn't, and by "corporate", I think - I guess it would not follow the

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Anglo HPI process. But from a corporate perspective, all of this goes through the Enablon reporting system, and those incidents - outstanding actions actually come through on a monthly report and they are tracked on a regular basis.

Q. I'm not suggesting that it would be impossible for you to find out about them or, indeed, that anyone would try to conceal them from you, but my point is that, on this document, a level 3 or below goes as high as the SSE?
A. Generally managed at site.

Q. I accept immediately that you also, elsewhere in this document, provide that the LFI process does have to apply to a DNRME HPI?
A. Yes.

Q. And that would involve the head of operations?
A. As a signatory on signing off the LFI, yes, I believe they sign them off.

Q. If you go to page 15, please, could we zoom in on the table. If we go to the bottom right-hand box, there DNRME HPIs get dealt with in the same way as Anglo HPIs?
A. Yes.

Q. In terms of the LFI process?
A. In terms of the LFI process, yes.

Q. And the team is assigned and approved by the SSE, but the SSE has to consult with the head of operations and the head of S&SD; correct?
A. Yes.

Q. So in that way, the head of operations, who's someone at the head office, would get to hear about it; correct?
A. Yes.

Q. Can I come back, please, to the way HPIs and DNRME HPIs are treated in terms of tracking your safety performance, and can we go, please, to AAMC.001.029.0028, the redacted version. Can I go to page 4, please. This is a safety performance review for - is it the 2019 calendar year?
A. This will be the 2019 calendar year, yes.

Q. We see the various safety indicators specified on the

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left?
A. Yes.

Q. We've got fatalities, HPIs, high potential hazards, HPHs?
A. Yes.

Q. And then total recordable case frequency rates, lost time injury frequency rate and occupational illness frequency rate?
A. Yes.

Q. The HPIs that are referred to there are Anglo HPIs, aren't they?
A. Yes, they are.

Q. Because if we included the DNRME HPIs, the numbers would be a lot higher?
A. They would be larger, yes.

Q. They would be substantially higher, wouldn't they?
A. Materially higher, yes.

Q. Could we go, then, to page 5, which is the analysis of 2019 incidents. What are EoF elements?
A. So our elimination of fatality program, so that's our safety program that we've established. It started in 2015 as the prime driver and our prime program for managing safety in the business.

Q. Do you see the three graphs to the left? Looking at the top one, the various HPIs and HPHs are broken down by type?
A. Yes.

Q. There's nothing there about methane exceedances?
A. No. This is focused on the HPI and HPH analysis and looking at that dataset in that pool to come up with the agencies of failure.

Q. I guess my point is that what we see on pages 4 and 5 suggests that the DNRME HPIs are not regarded by Anglo as an indicator of safety performance?
A. I don't believe that's a fair representation. The HPI and HPH, again back to standard reporting and analysis, use this format and this template. I think in the context, and particularly around the gas exceedance HPIs, while not

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captured through the safety documents, they were captured through our other initiatives and gas management practices and the focus of the business, so hence, as discussed, the priority on the workshops, the external advice, risk assessments across each one of the panels as we go forward. It was managed through that process with probably, to be honest, more spotlight on it than through the traditional HPI process.

Q. So is there in existence a document like this that would contain an analysis of the DNRME HPIs or, if not all of them, at least the methane HPIs?
A. There would not be a document like this. There would be a document that looks at the gas management, which was some of the input into the gas management workshops, capturing the LFIs from that, and that would have been an input into that process as opposed to the safety process.

Some of these would be departmental HPIs as well, and, in addition, it's not on this one, but the LTIs, which are department reportables, would be part of this analysis as well.

Q. Obviously a methane explosion is a catastrophic event?
A. Yes, it is.

Q. And exceedances of 2.5 per cent methane in areas where people work or travel are a pretty good indicator of how you're managing gas underground - yes?
A. It's one of the indicators.

Q. Being able to keep the level of methane under 2.5 per cent would suggest that you have your ventilation and your gas drainage in control - yes?
A. Yes.

Q. Repeated incidents where it goes above 2.5 per cent would suggest that you don't have methane and drainage under control?
A. In those incidents of significant events where you will have events and it bumps up, yes, it's that something in the system with regards to the ventilation/drainage, did not work as designed or intended, and then the rest of the controls - the primary purpose is to prevent, as you know, the fire and/or the explosion, and the suite of controls that go around that as well.

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Q. I'll come to this in due course, but there is a system whereby executives of Anglo American are rewarded on the basis of a whole suite of metrics, but those metrics include safety?
A. Yes, there's a safety aspect to it.

Q. Do DNRME HPIs factor into that at all?
A. No, it does not. Nor do the Anglo HPIs or HPHs.

Q. Really? Anglo HPIs have no effect on executive bonuses?
A. On the compensation system - the short-term incentive system for all staff, that myself and my team are under, for 2019 the safety metric was a total recordable as part of that metric - total recordable frequency, sorry.

Q. I'll come back to that. Could I ask you to please have a look at page 12 of that document. Just so we understand this table - if we could zoom in on the table, please - this is speaking of your critical controls - yes?
A. Yes.

Q. Just so that I have this right, a critical control is something that's crucial to preventing an event or mitigating the consequences of an event?
A. Yes.

Q. And the absence or failure of a critical control is something that would significantly increase the risk despite the existence of other controls?
A. Yes. We use the ICMM definition.

Q. That's the ICMM definition that I've just put to you, that's the International Council on Mining and Metals?
A. Yes.

Q. A critical control is an object or an act; do you agree?
A. Yes.

Q. Or a combination of those things?
A. Yes.

Q. And there are some people who spend a lot of time trying to work out what critical controls are for a particular activity?
A. It's a process that doesn't happen on an ongoing

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basis. You generally do the work. You know, in this case the original PUE in critical control process began in 2015, and that was using the ICMM principles. First time it was ever done in Anglo American; I think it was the first time it may have been done to this extent within the coal business in Australia. So that was done, and then what you're seeing here is a result of a review of the critical control process where we had the teams together, once again, and similar to what we heard earlier in the Glencore conversation, is really getting the right people in the room and home in and focus on what are those absolute controls and what are the consistent ones across.

Q. So a PUE, just so we're clear, is a priority unwanted event?
A. Yes, it's an MUE in the ICMM definition criteria.

Q. Could you just explain to us what the use of the term "alignment" means where we see it?
A. So when the original work was done in 2015, it was put in place in the critical controls, and you can see the PUEs and the critical controls from 2015. Each site, you know, while they consulted with one another, didn't actually come up with a consistent view and a consistent evaluation of the critical controls. You see Moranbah North at 247 versus 138 at Grasstree. When you dug into some of what was listed as a critical control, it was more a monitoring activity or it was - it doesn't fit the definition, which dilutes the value of having it as a critical control.

So when we went through it, we wanted to push to have clear understanding across all of our underground operations, so what are the PUEs, aligned on 28, plus one for Grasstree because it has a winder, and then went through the detailed bow tie process to come up with 117 critical controls.

We used a third party to help us facilitate that again, just getting some expertise to help us work through the process and work through the business.

Q. Who was the expert who helped you there?
A. Anthony - I think it's Anthony Deakin. I think his first name's Anthony.

Q. Do you know of someone called Jim Joy?
A. I know him very well.

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Q. He's an acknowledged expert in the field?
A. Yes, in a former life, one of my previous employers, I was trying to develop a risk management process for a company in Canada, and Jim Joy was the reference.

Q. Do I understand that this document sets out that after this improvement journey, as it's called, you ended up with 117 critical controls at Grosvenor?
A. Yes.

Q. That's all that you had left?
A. That was across all three of the undergrounds, so they're consistent across each underground.

Q. Those critical controls are maintained in a register?
A. Yes.

Q. And that register is accessible online by people who have access to the mine's IT system?
A. Yes. It's in the safety and health management system. I was literally in there yesterday looking at it. Anybody who has access to an Anglo computer - and there's some of those around sites so people that don't work on a computer all day can have access to the safety and health management system.

Q. Does that include contractors?
A. Yes.

Q. For example, there's a principal hazard management plan for explosions?
A. Yes.

Q. Could we go, please, to AGM.002.001.0385. Could we go to page 10, please. The paragraph that's immediately above number 7, which deals with "Trigger Action Response Plans", do you see the paragraph commencing:

> *A summary of the Explosions Critical Controls ... can be obtained from the live Enablon database ... This can be accessed on SHMS ...*

And there's reference to the critical control register; right?
A. Yes.

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Q. What I'm going to suggest to you - perhaps there's an explanation for this, but what I'm suggesting to you is that the critical control register that Anglo provided to the Board in response to a document production notice contains what purport to be 641 critical controls.
A. I'm aware of the document. The way the document is put together, it is the critical control monitoring document, so it includes multiple monitoring activities for the same critical control. The one - just because I looked yesterday, the new critical control register that they've got on there in draft form is the 117 that we've referred to.

Q. But the document that was provided to the Board is, I'm suggesting - does have the same title as what we see on the screen?
A. Yes.

Q. And it's a document with 640-odd items.
A. Yes.

Q. So if a person was wanting - I'm not talking about now, but back as at 16 June, perhaps, if a person was looking to see what the critical controls were for explosions, they would go to that document, and there would be 641 items that they would have to search through?
A. No, it's organised by PUE, so it should be, if you're concerned about the explosives, you should be able to go to that section.

Q. Well, can I suggest to you that for "Explosion", there are 73 critical controls. We can have a look at the document, if you like. I'm happy to put it up on the screen. It's AGM.003.001.0830, and it's actually best opened in Excel as opposed to the form that it comes up on Epiq. If we can use the search function to search for "explosion", or perhaps just scroll down to line 119. If I can ask the operator, before we do that - there we are. Thank you. If you scroll down a little bit further, so we have 119, we can see "Gas/Hybrid Explosion". Do you see that there at line 119 on the left?
A. Yes.

Q. If we scroll down through to 183, they're all in relation to explosion, but then we have some more at 547 to 555. You say they're monitoring activities, not the

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controls themselves?
A. They will contain monitoring activities. They are not the entire - they are not the critical controls.

Q. Given the controls for explosion are critical, by definition, what happens if it's determined that a critical control has failed?
A. So through the - well, through the incident investigation and/or through the monthly monitoring - I shouldn't say "monthly". There's a cadence for monitoring around all the controls, it could be monthly, it could be quarterly. Through the LFI process, the critical control will be highlighted as ineffective, or through whatever the monitoring process - so it shows up on a monthly basis as to the critical control reviews that occur.

Q. So if a critical control has failed, what should happen?
A. A critical control failure, as part of the investigation process, looks at why that control failed, and as part of the LFI, will actually identify actions to address it so it does not occur again.

Q. If a critical control fails, what should happen until such time as it has been effectively replaced or improved, given its criticality?
A. Typically we'd look at the critical control and all the other controls with it. The critical control has to operate at a minimum level to be effective. So if that control was absent, in the context of the broader PUE, and in this case explosion, then we couldn't manage the risks, therefore you shouldn't continue.

Q. Do you accept that goaf drainage is a critical control?
A. It would be - by definition in the new terms not necessarily, but, yes, it can be looked at as a critical control.

Q. What would happen, inevitably, if your goaf drainage system stopped working - that is, nothing is being taken out of the goaf?
A. You would stop mining.

Q. But I mean what would happen in terms of what would occur on the face? There would immediately or very shortly

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after it stopped working be gas exceedances?
A. Yes, you would get a gas exceedance. Even prior to the 2.5 per cent, the shearer would have stopped. Everything would have stopped, leading up to that, at 2 per cent, and the ventilation system would still be continuing through, but you would not restart that operation until you were back up.

Q. So one of the things about a critical control is that its performance has to be capable of being measured?
A. Yes.

Q. And, for example with respect to goaf drainage, one way of measuring its effectiveness would be how well you keep gas on the face under control?
A. It's one of the measurements. You'd also look at flow rates, you'd also look at purity rates, time for the goaf hole to come online. There's a number of different metrics.

Q. I'm not suggesting that that's the only one, but given that the objective is to stop an explosive mixture of gas developing where people are working or travelling, a build-up of gas on the face is an important way of measuring how your goaf drainage is going - yes?
A. Part of the goaf drainage, but also part of your ventilation system and it's also part of your mine operations, your retreat rates, so it's a combination of a multitude of things that manage your 2.5.

Q. Your ventilation system is a critical control also, isn't it?
A. Yes.

Q. Because if it fails, straightaway you've got a massive problem, haven't you?
A. Yes.

Q. So what I'm saying to you is that if you use, for example, the presence of methane on the face where people are working as an indicator of the performance of your goaf drainage system, or one of them, one of the performance indicators --
A. One of them.

Q. -- do repeated exceedances suggest that the control might not be working effectively?

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A. It shows that we've got - the exceedance is definitely a - well, it's an exceedance, it's a reportable HPI. The LFI process and the way it's intended is to find out why that exceedance occurs. It could be goaf drainage. It could be the ventilation system. It could be the way the longwall has come into the tailgate, which is pushing gas around the back. It could be some missing brattice. It could be a number of things, but it may - part of it could be your goaf drainage system, but that's the purpose of the LFI process.

Q. One way to do it - I'm not suggesting this is the only way, but one way might be - to say, "Okay, we'll have a number of gas exceedances that we're happy to live with" - I don't say "happy" to live with, but "that we'll accept, but above that threshold, for example, that will tell us that our drainage or our ventilation or both are less than adequate or have failed"?
A. My perspective is that zero is the number we should be achieving and recognise, based on the exceedances, we're not there. I think in looking at, again, doing the investigation for each one of those HPIs, why did it occur - and this is through the LFI process but also feeding in to the gas management and strategy workshops to have something that's a permanent solution - so if it is goaf drainage, our models say we design to a safety factor of 1.6 to 1.7. Maybe, based on the uncertainty, we need to look at designing differently based on the actual results.

Q. But what I'm getting at, I suppose, is that there needs to be a trigger point, because the whole point about a critical control is that you're able to measure its effectiveness?
A. Yes.

Q. So you should be able to say, "Well, here is a point at which we're going to say this critical control has failed" - yes?
A. That is the intent of having a measurement across - for each one of the critical controls.

Q. And reaching that trigger should produce an immediate response?
A. Yes.

Q. Again, I'm quoting from the ICMM's implementation guide for critical controls. It's suggested that the

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response to the trigger may include suspension or shutting down a part of the operation, process materials being diverted or reducing the rate of production while the next actions are undertaken?
A. Yes.

Q. Do you agree with that?
A. Yes, I do.

Q. Can I move, then, please, from that topic to the subject of labour hire. Can I ask you - and take all the time you need - to explain to us what you see from Anglo's point of view as being the advantages of using a labour hire workforce or a workforce that is substantially labour hire?
A. Based on previous experiences working in a number of different jurisdictions across the world, the employment model you choose is, I guess, based on the circumstances - it can be the life of the mine you're in, the type of mining you're doing, specialised skill sets, it can be the labour market that you're actually operating in in that specific jurisdiction or regulatory environments. So there's a number of different models that I've seen across the globe as I've worked around, from full company staff positions all the way to union representation and, as well, full contract workforces as well.

From our perspective, the labour hire arrangements that we have in place - decisions were made based on the situation it was at the time. If you're referring to the Grosvenor situation --

Q. For example, yes, sure.
A. So in the context of the Grosvenor situation, while I wasn't here at that time when that decision was made, it was a brand-new mine, $2 billion investment. The intent was, what is the best labour arrangement or workforce engagement arrangement that's going to give you the safest, most productive employees at the mine? At the time - and again I defer to my colleague Warwick Jones to go through some of the possible details --

Q. Sure.
A. But at the time, the model that was going to be the safest and most productive was the labour hire model that we were putting in place. I think for me in every case, as we are looking at changes to any kind of employment

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relationship or employment model, we're going to go through that same process: what's safe and what's productive? And we would make changes. So in smaller contracting out - I'm going to call them contract services maybe as opposed to labour hire - it's going to be based on the skill sets that we have in place and whether or not that skill set can be provided better by a third party that has a broader base of skills to choose from or skills that we don't have within the business right now.

Q. Are there any other criteria, apart from having the safest and most productive workforce you can get, that motivates Anglo to have a workforce consisting of labour hire workers?
A. Those are the primary reasons. Obviously we'll look at the cost. Based on what I've seen between - the cost differentials on a per person basis or per hour basis between a labour hire and our own employees, they're not materially different. Cost is one aspect. Safety and productivity are obviously, in my view, the most important.

Q. How many labour hire workers were working at the mine as at 6 May? I don't mean how many were actually on site, but what were the numbers we're talking about in terms of your workforce at Grosvenor?
A. I am going to struggle to give you the exact number. There's about 980 employees, workers, total within the Grosvenor mine. Honestly, the details - it's going to be somewhere around --

Q. I'm not trying to pin you down to a number.
A. I had the number in my head about a week ago, but it's escaping me right now.

Q. It's a substantial proportion of that?
A. It is a substantial proportion. I believe it's somewhere in the 70 to 75 per cent range.

Q. So we know that the mine's shut down.
A. Yes.

Q. It's not producing at the moment. What has happened to that 70 to 75 per cent of the workforce?
A. So what we've done - prior to the incident on June 8, we had the crews coming in doing work underground, putting on a full rotation basis. If we couldn't get them on a rotation, we maintained them at full pay. And subsequent

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to June 7, we've had work for some of the crews, again on the surface, dealing with a lot of the surface drainage and management we are working through. We've rotated those through on a roster basis. You can't get everybody through, but we've maintained full payment for all of the contract workforce, and we still do to this day.

Q. So all of the workers who were employed by One Key but engaged at Grosvenor --
A. Yes.

Q. -- prior to the incident of 6 May are still on full pay?
A. Yes.

Q. Do you know anything about the extent to which the workforce at Grosvenor is unionised?
A. No, I'm not aware.

Q. Does Anglo have a position on union membership?
A. No.

Q. As to whether you would prefer that your workers were or were not members of the union?
A. No. From my perspective and also from Anglo's perspective, it makes no difference. When it comes to the safety of the employees on site, you're operating a safety and health management system and accountable for our leadership to make sure that's in place as well as the employees are operating within that, it doesn't matter what their employment arrangements are.

Q. You're familiar with the labour hire agreement between your organisation and One Key?
A. Yes.

Q. Am I better off directing questions about the detail of that to Mr Jones or are you able to answer some high-level questions about it?
A. I can answer some high-level questions. The granular detail is better for Mr Jones.

Q. Tell me if what I'm asking you is outside the scope of your knowledge. Just in terms of the overall effect of the agreement, Anglo provides One Key with what's described in the contract as a manning schedule?
A. Yes.

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Q. Saying, "Give us this many workers for these positions"?
A. Yes, "with this competency and skill set that has to go with them", yes, very specific.

Q. Within three days, they need to come back to you with the schedule populated with appropriate workers?
A. Yes.

Q. Who's responsible for the training and induction of the workers?
A. All new workers who are going to come onto site have to go through an induction process, and, as well, the competencies that they have - they go through, whether they're an Anglo employee and/or a labour hire or a contractor, they will all go through the same training and have to meet the same competencies that are required for the specific job.

Q. You've spoken about the induction process. How long does that take?
A. It's two to three - it depends on site. Honestly, it's two to three days. It may be longer than that.

Q. But in terms of the competencies they're required to have, you require One Key to provide you with workers who already have those competencies, don't you?
A. Yes, that would be defined in the manning schedule.

Q. It's not as though One Key provides you with workers who don't have the competencies and then Anglo trains them so that they do?
A. There will be competencies - most of the competencies, from my recollection, have a time stamp on them. Some are five years, some are probably less than that. If those competencies come up, they will potentially go through our program to maintain them.

Q. But am I right in thinking that the effect of the contract is to say to One Key, "You undertake that workers you give us will be appropriately trained and competent to do the job that you say that they can do"?
A. There is that expectation, but also there is - within each one of the mines there will be training programs that we run on a regular basis that will include all employees.

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Q. The SSE has considerable control over the labour hire workers; correct?
A. Yes.

Q. The SSE can object to any labour hire worker coming on site?
A. Yes.

Q. And the SSE can order the removal of any labour hire worker from the site?
A. Yes, there's a number of provisions in the agreement.

Q. Well, there are some specific reasons, but there's also this one, can I suggest, that says: "If, for any reason, he is dissatisfied with the conduct of any labour hire worker".
A. Yes, I believe that was one of the clauses, yes.

Q. So there's a very broad discretion residing in the SSE to remove someone from site; do you agree?
A. Yes.

Q. One Key are required to ensure that the labour hire workers are trained in your safety, health and environment system?
A. Safety and health management system. Yes.

Q. I'm quoting from the contract. SHE system.
A. Yes, okay.

Q. And also the standard operating procedures?
A. Mmm-hmm.

Q. Your corporate policies?
A. Yes.

Q. And your group technical standards?
A. Yes.

Q. So all of that's on One Key?
A. We would provide that information, and they have to show that they've got - yes. How that actually works is a level of detail that I'll have to defer to Warwick.

Q. That's all right. Anglo can terminate the agreement with One Key at any point in time; correct?
A. There are provisions with notice periods. I can't

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remember the specifics, but there are provisions with normal contract notice periods within there to terminate the contract.

Q. But the contract can be terminated at Anglo's convenience at any time and for any reason?
A. With proper notice period, yes.

Q. Let's say a worker is removed from the site at the SSE's direction. To your knowledge, what processes exist for that worker to ask for some sort of review of that decision if they think that they've been treated unfairly?
A. As far as recourse for the worker, I'm not sure how that works within One Key. I know that before it actually happens, before someone's actually removed from site, as part of our process, if it is a safety incident, for instance, full investigation will happen of that safety incident. It will go through our consequence management, which is the same tool we use to understand the consequences around safety incidents. So it's equal treatment for a contractor versus an Anglo employee, within the context of the agreement. Typical performance management stuff, where you're actually working with the employees, won't follow the absolute version of the Anglo American process but will follow a performance management process as well.

Q. All of that's what's supposed to happen.
A. Yes.

Q. Let's say that doesn't happen and a worker is unfairly directed to be removed from the site because the SSE doesn't like the way they've got their hair cut or something like that, let's just say. I'm just trying to pick a stupid example. Maybe it's stupid, but you know what I mean?
A. Mmm-hmm.

Q. The worker is not an Anglo employee, so they've got no recourse directly against Anglo --
A. No.

Q. -- do you agree, and Anglo would be within its rights to say, "Well, we're not having that worker on our site"?
A. As per the terms of the contract, we're allowed to do that.

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Q. Any access pass that that worker had could be deactivated and they couldn't get in?
A. Yes.

Q. So their recourse, if any, would be against One Key?
A. Again, most likely. It's a detail of the contract that I'm not across and familiar with.

Q. But One Key might not have actually done anything wrong by the worker. Do you see what I'm saying? This is a capricious act by the SSE.
A. Yes, I see what you're saying, it could potentially be.

Q. You've seen the decision of the Fair Work Commission in the case of Kim Star?
A. Yes.

Q. You understand what happened to her?
A. Yes.

Q. She was demobilised, I think was the euphemism that was used?
A. Yes, I believe so.

Q. After making a completely unremarkable request that she be provided with adequate lighting to do her work?
A. Yes.

Q. This this is a case of Kim Star against - she was employed by WorkPac?
A. Yes.

Q. And working at a non-Anglo mine?
A. Yes.

Q. She was demobilised and prohibited from getting access to the site?
A. Yes.

Q. Her action was against WorkPac, seeking reinstatement?
A. Yes, I thought it was reinstatement to the same mine, but --

Q. It's problematic, isn't it, because reinstatement to what? If the only mine that the labour hire company is providing work at is the mine that the worker is not

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allowed to go to, then there's no work for the employee to do. Do you see the problem?
A. Yes.

Q. So there's no point in ordering reinstatement, because the labour hire company could say, "Well, there's no work for you, so we're left with no option but to dismiss you"?
A. Well, I guess - yes, there is no work at that particular site, but as a labour hire company, generally, WorkPac and/or One Key have a multitude of sites that they work at.

Q. So what procedures or policies are in place at Anglo to prevent a situation like what happened to Ms Star happening to a One Key worker?
A. And Warwick will be able to talk about the specifics site by site. You know, on each site the SSE has the overall accountability, but there's HR managers and a team around that where we have those policies and procedures.

From my perspective, if that issue arose and if someone was removed from one of my sites for raising a safety issue, I would have a very, very serious concern and would not accept that. It's against my personal values. It's against the values of Anglo American, and it would be one of those situations where whoever chose to do that, because of the safety issue, would go through that same consequence model that I've discussed and the actions coming out of that would be potential dismissal as well.

Q. That's for, what, the SSE?
A. Whoever made that decision. If it was an unfounded - it would go through the proper investigation process and the proper consequence model, which I would have expected, if someone was removed from site, that has already occurred.

Q. Can I take you to the incentives that are payable to One Key workers.

THE CHAIRPERSON: Sorry, just before you go there.

Q. Just back to the fact that Anglo is still paying for the labour hire workers since the mine closed.
A. Yes.

Q. What's Anglo's plan in that regard for them? Do

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I understand that you're not likely to resume production until late next year?
A. Right now the target is second half of next year. The intent, though, is to re-enter the mine. There's other mining activities besides just the longwall, and our intent is to be able to restart mining actions, whether that's development - there's a number of different activities underground - and try to fully engage that workforce through those activities. Up until a decision is made, we will continue to pay these people.

Q. And this applies both to the labour hire workers as well as the permanent employees?
A. Yes. It applies to both.

THE CHAIRPERSON: Yes, thank you.

MR HUNTER: Q. I was about to ask you about the bonuses paid to One Key workers. You tell me if my understanding is correct. There is no formal documentation of the bonus scheme with One Key workers - that is, you don't have any contract with One Key itself about the payment of production bonuses? It's a purely discretionary thing that Anglo American does?
A. And I'm going to defer to Warwick a bit. I know that there is a bonus structure, I'm aware of it. Whether it was legally obligated in the agreement I can't recall.

Q. I suppose my question to you is this: you understand that workers get paid on the basis of either development advance or longwall retreat?
A. Yes.

Q. A certain amount per metre?
A. Yes.

Q. And depending upon how many metres there are, the amount paid per metre increases significantly?
A. Yes. It's a graduated scale.

Q. The amount doubles after 3 metres, and then it's five times after 7 metres?
A. I can't remember the details of it, but I know it's a graduated scale, as the more you get, the more the bonus is.

Q. Do you know anything about safety penalties that are

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imposed on One Key workers?
A. I know, as part of that, there is a discretionary safety component to it, that at the discretion and judgment of - generally it comes from the safety department, after an investigation into whatever the respective incident was. There can be a recommendation made to the SSE to adjust the bonuses at that point in time based on that incident.

Q. So the discretion to vary the bonus because of a safety incident resides in the SSE?
A. Yes.

Q. On what basis is that discretion exercised? What is an example of a safety incident that would result in a reduction in the bonus and a safety incident that would not affect the bonus?
A. I can't give you a very - a specific on it. Warwick may be able to go through some specifics. The intent of adjusting a bonus on a safety issue would be the result of, I would say, a disregard of safety practices, processes, following the rules, something to that effect. It would be kind of the result of an investigation. That would be my expectation, but Warwick will be much better suited to discuss that.

Q. Can I ask you, then, this question at fairly high level: is there a concern that penalising workers in respect of safety breaches might have the effect of discouraging reporting?
A. This is a challenge not just with contract workers; it's a challenge with executive compensation. As soon as you include a safety factor, you have the risk of under-reporting or people trying to manipulate the system. I think in the case - I do believe there needs to be a safety component to compensation, right up to the CEO of the company. It's got to be part of it.

We have to think smartly about how we actually put that together and what the measures are and the metrics are. Including safety adjustments for LTIs or injuries can be effective. Fundamentally you have to have the reporting culture and processes in place that, it really doesn't matter, that you're going to get that reporting through no matter what. But there is that risk, and it's not just Anglo American and the coal business or Australia. It exists across the world as a challenge.

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Q. Can I move, then, to the subject of executive bonuses, which we touched on a little earlier. Can you please see AGM.003.002.0080_U. Again, this is better opened in Excel, I think. No, it's a PDF, I'm sorry. I beg your pardon. This document records the various scores from the various Anglo entities in terms of the payment of executive bonuses, but perhaps we could go to the second page, because that's just the overall figures on the front page.
A. Yes, that's just the percentages, yes.

Q. Could we zoom in on the top half of the document, please, if possible. "BU" stands for business unit; is that right?
A. Yes. It's the Metallurgical Coal business unit.

Q. This is the overall figures?
A. Yes.

Q. We see various KPIs. Some of them have been redacted, but we can see the points available, and the total of the points on the right-hand side is 100; am I right?
A. Yes.

Q. We can see the KPIs for safety, health and environment. Then you've got "elimination of fatalities", "total recordable case frequency rate".
A. Mmm-hmm.

Q. "Zero level 3, 4 and 5 incidents", and then "health - medical surveillance".
A. Yes.

Q. Is that last point surveillance for things like black lung?
A. Yes, it's the general - there's a specific measurement underneath it, but it could include that as well.

Q. When it says "zero level 3, 4 and 5 incidents", is that a reference to the risk assessment matrix we've been talking about?
A. That specifically references the environment. So it's not an HPI. It relates to the - it's an environmental metric as opposed to a safety metric.

Q. Then we have the "total recordable case frequency rate".
A. Yes.

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Q. Just so that we understand, can you explain that for us?
A. A recordable injury is either a medical treatment case and/or a lost time injury. You take those over 1 million hours and you come up with a rate. So the way we set the - there's a couple of ways. For the purposes of this, Anglo American takes a three-year average of the total recordable frequency and takes a 15 per cent reduction as the target. Met Coal internally, we do something a bit different, just a better improvement from the previous year.

Q. Just so that I understand it, then, safety, health and environment count towards 12 per cent of the overall score out of 100?
A. Yes, of this component, yes.

Q. Of those 12 points, 2.5 relate to environment matters?
A. Yes.

Q. So 9.5 per cent relates to the health and safety of your workers?
A. The elimination of fatality and the total recordable are specific safety metrics, so it's 7 per cent out of the 12.

Q. So do you agree with me that the elimination of fatalities and the recordable case frequency rate are both lag indicators of safety?
A. The recordable frequency I would. The elimination of fatalities is actually a leading indicator, so this is part of our EoF program that we talked about.

Q. Can you explain that to us?
A. The elimination of fatalities program - it started in 2015, but it's something that we use to drive our safety program. It's our fundamental management of safety. The elimination of fatality program - there's six elements to it, so it's leadership; it's caring culture; it's planning and scheduling; it includes risk and change management; monitoring and assurance; and learning.

So these are six components that every year we sit down as a leadership team and look at the activities in each one of those six components for the year, look at the performance against those activities, look at a number of different safety metrics, incidents we've seen, trends

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we're seeing, and build next year's program as to where the focus areas are, and, as well, update - there's a five-year version of that, a five-year plan, as well, that's included.

We do this in conjunction with all of our SSEs, general managers and the safety and health managers from each one of the sites, so we have alignment across each - across the entire business. Certain sites will, within the six elements, define their own priorities in there to a certain extent, because they will be on a different journey at each one of the sites.

So this metric in particular was, how did we do against achieving our deliverables coming out of the elimination of fatality program and the actions that we committed to do at the beginning of the year.

Q. On this document, then, the available points for the elimination of fatalities is 4, and the score that was awarded was 4; correct?
A. Yes.

Q. That was despite the fact that there actually was a fatality?
A. This was specifically against the achievement of the tasks in the elimination of fatality program. The fact that we had a fatality - there was a 10 per cent reduction across the board for the Met Coal business and a 20 per cent at Moranbah North, where we had the fatality.

Q. So the executive bonuses at Moranbah North were reduced by 20 per cent?
A. Yes.

Q. But at head office, it's 10 per cent?
A. Yes.

Q. One of the things that Enablon enables you to do is to set tasks and to monitor their completion?
A. Yes.

Q. Whenever there is, for example, an HPI, be it a DNRME or an Anglo HPI, the LFI report will specify some tasks that need to be done to address what happened?
A. Yes.

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Q. Is there a KPI or a metric that is used by Anglo to determine the extent to which people actually complete the tasks prescribed by Enablon and complete them by the required date?
A. It's not reflected in the incentive system STI, but there is that monthly report that comes out. All outstanding actions that are recorded in Enablon are flagged for follow-up.

Q. Would it be worth considering a KPI, as a lead indicator of safety, the extent to which Anglo employees complete the safety-related tasks that are prescribed under Enablon by the date that they're required to do it?
A. Yes, it's something we could consider. I think internally for Met Coal, we do - we measure that in a monthly report of all our outstanding incidents, and those are followed up immediately. So my intent is that it's zero, and that should be the outcome every month.

As far as in addition to this framework, this framework has changed a little bit from last year to this year, with a little bit of a reshape of the metrics. Now that's decided at an Anglo level, this formulation. So 70 per cent of your 100 per cent is standard across the whole business globally in Anglo American. There are 30 per cent of the critical tasks that are down at the bottom that we define, and I can't see it, but I know one of the critical tasks from last year --

Q. We can go to the critical tasks, if you like, which is the bottom half.
A. Yes.

Q. The entirety of that section under "Critical Tasks", thank you.
A. You do have the metrics up top that are standard across the entire organisation. This is our opportunity to prioritise the work that we really want to get done in the business. The first one you see there is the critical controls. Part of doing the critical control would be coming up with a standardisation. As it's mentioned in the Brady report as well, an engineered control, hard control, is much better than an administrative control and much less likely to fail. So one of our targets, as we are redesigning our controls, is to move from what we had at that time, which was about 42 per cent administrative controls, and get that down to 35 per cent.

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Q. What do you say to the proposition that an administrative control can't be critical? It doesn't involve a thing, does it, an object?
A. There is that debate, and I'm not going to necessarily disagree. My preference, as much as you could, would be 100 per cent engineering controls, and on our journey in our five-year plan, we will continue to work towards that.

But the administrative control, it still can be an effective control. One of the things that we spent - during this process and actually learning from what we did in 2015, and focusing now, is in each one of those controls, even the administrative or the engineering controls, we're actually identifying what we're calling the erosion factors. So regardless of - any control is good on the day you define it, but it can erode, even an engineering control - there can be circumstances that change around you, so that control is not as effective as it once was, or the administrative ones.

This is a new component that we put in, and then there's another section called the supporting factors, which is really looking at how do we maintain the effectiveness of that control, and then it rolls down into the monitoring and the verification process.

The verification process - our intent is to actually put that at - as the critical controls are reflected generally in a task assignment or a work order, it actually rolls through the job risk assessment controls that are in there. We want to be able to have the worker be able to actually see this is a critical control and the verification of the whole thing.

Q. Just so I understand it, though, HPIs, whether they're Anglo or DNRME, don't count for the purposes of this exercise?
A. For this one. And this one in particular, this is - the tasks are less about the actual outcome, so it's trying to get away from those lagging metrics and actually looking at what you're doing to support this. I think one of the things - while certainly the first one is an absolute safety focus, some of the other components of this will have a material impact on safety. The operating model - again, implementation of those processes has a direct impact on safety. You're planning work more effectively

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and managing it much more closely.

Q. But if we can just go back to the document as a whole, my question is that Anglo HPIs, DNRME HPIs - neither of them are a factor in the calculation of executive bonuses at this level?
A. No.

MR HUNTER: Thank you. Is that a convenient time?

THE CHAIRPERSON: Yes. 2.15. Thank you.

LUNCHEON ADJOURNMENT

MR HUNTER: Q. Mr Mitchelson, before I come back to that scorecard that we were looking at before lunch, I've been reflecting on something that you said before lunch about how labour hire workers gave you the safest and most productive workforce. Can you explain to me how that is? How is it, or what is it about labour hire workers that means that they're the safest and most productive as opposed to employees of Anglo?
A. I think I should clarify that a little bit.

Q. Sure.
A. At the time, the evaluation felt that they were the safest and most productive workforce. That isn't a rule. It shouldn't be generalised across all workforces in Queensland or anywhere else. I think, for me, particularly on the safety side, it's up to the company and the SSE. Safety is the safety. It has to be a very effective safety and health management system. You have to have a workforce that's going to work within that. From a productivity perspective, it could be any type of labour model. What I was referring to is, at that time - and I wasn't involved in that evaluation - it was felt that it was a safer and - or a safe and productive workforce.

Q. But presumably you've had cause to assess and evaluate that model over your time with the organisation.
A. Mmm-hmm.

Q. It hasn't changed, has it?
A. No, and I guess the information that I'll look at - some of them are lagging indicators from a safety perspective - don't see a material difference between the three underground mine sites. From a reporting

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perspective, I know there has definitely been a lot of discussion and concern - if I look at the hazards that are reported, not HPHs, just general hazards, we had over 3,500 hazards reported at Grosvenor last year; Moranbah North had just under 2,000, I think. So the reporting culture is definitely there in both and the safety culture is in both, and the productivity.

Q. I suppose that leads into this issue. There's what you'd describe no doubt as the reality of the safety culture and what might be, at least as far as some work is concerned, the perception. So I take it you would say that no worker would be disciplined or dismissed or demobilised, whatever term you want to use, for reporting a safety matter?
A. No, I wouldn't accept that. Absolutely not.

Q. But do you accept that at least so far as some workers are concerned, there is a perception that they might?
A. Yes, and I think this came through - it's a perception of the industry. In discussions with our own workforce, there is that perception, and it's something that we took on from the safety resets last year. Every coal mine company or every mining company had to do them, and it was a great piece of feedback to be able to engage with the workforce directly to understand what were those concerns, and being able to understand if - in that forum, it was a very open discussion and we got a lot of hazards and a lot of feedback as to how we could improve. From that, we've looked at how do we change our internal reporting culture to make it safe and make it comfortable.

We always try to ensure that even through the line structure, if that doesn't work, obviously there's the other ways to go with SSHRs, ISHRs, the inspectorate. We also have our own - the anonymous reporting thing, "Your Voice", that allows people to do that. My preference is always to deal with the issue, so that anybody on that site is comfortable with raising safety issues.

Q. The anonymous reporting system, Your Voice, is there not a problem with that, in that a worker who reports a safety issue with any sort of specificity is likely to make themselves identifiable?
A. There is potentially that risk. A lot of the workers will be working in a crew, you'll be working in different parts of the mine, yes. That process is managed by our

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ABAS group, which is essentially our audit and business advisory service, independent to us. They conduct the investigation. That gets reported through to Warwick Jones and flows through as a report in to myself based on the results of that investigation.

Q. Could we go back, please, to the document we were looking at before we adjourned. We've moved on to the page that deals with the open-cut mine and I won't deal with this for any great length of time, but do we see on that page that for this operation - indeed, for all of the underground operations as well - the health, safety and environment items carry 18 per cent as opposed to 12 per cent for the business unit?
A. Sorry, I can't see that. You'll need to blow it up.

Q. Do you see that there, in the points available?
A. In the points available, it is higher, yes.

Q. Eighteen?
A. Yes.

Q. But the same KPIs as for the business unit are used?
A. Yes, that 70 per cent is consistent across all the sites and the business unit - and across all of Anglo American.

Q. If we could just leave that zoomed section, please, and you will see under "Critical Tasks", I'm particularly interested in the first of the critical tasks. It says:

> *Safety & environment. Reduce HPIs by 50% (3 HPIs in 2018) ...*

So I take it that's a reference to Anglo HPIs?
A. Yes, it would be.

Q. What I'm going to suggest to you is that that's the only one of the four mines referred to in this document where the reduction of HPIs is actually a KPI?
A. Mmm-hmm. Yes.

Q. If we can just go back to the whole document again, please, I'll ask you the same question I asked in relation to the business unit. HPIs, putting aside the critical task that relates to the reduction in HPIs - HPIs, whether they're DNRME or Anglo, don't get factored in to the

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health, safety and environment score?
A. No.

Q. Could we go, then, to the next page, which is for Grasstree. We see again the same KPIs for safety, health and environment?
A. Yes.

Q. And the same weighting?
A. Should be the same.

Q. 18 per cent?
A. Yes. Should be consistent across all of the sites and all the metrics.

Q. I take it the same answer in relation to HPIs of both species - not a KPI?
A. No.

Q. Okay, then go to Grosvenor, which is the next page. Consistent with the previous --
A. They all should be consistent, every single site, the tasks will vary between site. The key metrics will all be the same, and the same weightings.

Q. Can we go to the next mine, please, which is Moranbah. This is Moranbah North.
A. Yes.

Q. Again, it's the same?
A. Yes.

Q. The same weighting, the same KPIs?
A. Yes, that's correct.

Q. In terms of the KPI which is elimination of fatalities, the available points are 4 and the points achieved are 4, but this is a mine where sadly there was a fatality?
A. Yes.

Q. Do we see that reflected, then, in the 20 per cent deduction at the bottom?
A. Yes, that's the reflection there. The elimination of fatalities, as I mentioned previously, is the task that we had in the program, and based on the tragedy, they did a 20 per cent deductor.

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Q. So the mine itself gets a 20 per cent deduction?
A. Yes.

Q. But further up the chain of responsibility or the management chain, the figure is only 10 per cent?
A. Mmm-hmm.

Q. Can you explain the thinking behind that?
A. Once again, this was standard across all of Anglo American, and approved by the remuneration committee of the board. So some of the logic, I believe, is the direct controllable - you know, at the mine site has more of a direct controllable impact, hence the larger impact, versus a broader Met Coal business unit level. I think it reflects who has more control over the direct site. It's a recognition that there has to be something in here --

Q. Has to be what, I'm sorry?
A. It has to be a recognition that in a tragic event like that, there should be some implications.

Q. I'm not suggesting otherwise. My question was more directed to the more senior management being penalised 10 per cent as opposed to the people on site being penalised 20 per cent, but you say that's just the way Anglo does it?
A. That's the discussion. When this new model was put in place, there was a lot of discussion - there was discussion back and forth. Warwick Jones worked with the HRLTs, I worked through the bulks group and Seamus to influence and provide some input into how this was put together and our view on the weightings.

MR HUNTER: Those are all of the questions that I have.

THE CHAIRPERSON: Yes, thank you. Mr Roney?

MR RONEY: I have no questions.

THE CHAIRPERSON: Mr Trost?

MR TROST: No questions.

THE CHAIRPERSON: Mr Crawshaw?

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<EXAMINATION BY MR CRAWSHAW:

MR CRAWSHAW: Q. Mr Mitchelson, you may see I am appearing remotely. Could I just ask you this to start off with: do you have any say in bonus arrangements?
A. With respect to the executives' short-term incentive or site level?

Q. I was going to ask you about both. Do you want to deal with them separately?
A. Sure. For the executive compensation, 70 per cent of the measurements of metrics are pre-defined, and the weightings against those are pre-defined by Anglo American. There 30 per cent for critical tasks, and critical tasks for the Met Coal business and each one of the sites, I have influence in and impact on those. For the workplace production bonuses, these have been in place for some time. They're either part of a contract or part of an EA that would have to be negotiated through collective bargaining arrangements to make changes to those, so do not have a material impact on those arrangements.

Q. Do I take it from that that you don't have any say in negotiating enterprise agreements, either?
A. I consult with our team, the HR team, Warwick Jones, who has people that lead those negotiations along with the site personnel. So we discuss, you know, what is to be negotiated and what we'd like to try to do. But, in the end, the outcome is a negotiated agreement between the union and the company. So, yes, we can try to influence, but it has to be negotiated.

Q. I understand that, but you have final say on those matters?
A. Final say on what is offered? Sorry, I'm not sure I understand the question.

Q. On what is offered and what is agreed.
A. Yes, in the end, that will come back to Warwick Jones and myself, and we make a decision on acceptance or a counter-offer.

Q. Warwick Jones answers to you, doesn't he?
A. Yes, he does.

Q. In the end, to use that rather hackneyed phrase, the buck stops with you in relation to enterprise agreements?

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A. In the end, the final recommendation will come from the team, and, yes, the final decision will eventually end up with me.

Q. Do you have any say in decisions about use of contractors?
A. As far as the use of contractors on site, whether they're labour hire contractors or service contractors performing specific tasks, that's really the GM/SSE accountability for how their manage their workforce on site. Each one will have circumstances where they'll have to make decisions depending on the work available and the workforce available as to which model they use. For me, I'm less concerned with the choice of a contractor or not contractor and more ensuring that we've got the safety programs in place and whoever is on that site, regardless of their employment arrangement, is safe, works under our safety and health management systems, and is treated with the appropriate dignity and respect we expect in our workforce.

Q. You say you're "less concerned". Does that mean you are concerned in contract arrangements, including labour hire arrangements?
A. No, maybe I'll just clarify. I'm not concerned.

Q. You're not concerned at all?
A. No, I believe the employment models we choose and the choice of using contractor is part of the SSE's accountability to define how work is done on that site. If I felt in any way that that was jeopardising the safety or causing - or jeopardising the treatment of employees or contractors, I would intervene.

Q. You haven't had cause to do that, I take it?
A. No. Of my five general managers, I've put in four of the five. One of my rationales for doing that or choosing these people - it's not just their experience or their technical ability, it's their leadership and really their value of people.

Q. Do you set general guidelines for the use of contractors or labour hire?
A. I do not, but it's a discussion that would be happening in the normal course of planning the business. If we were planning a large capital project, there is additional work coming in, there may be discussions around

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how do we resource that work. Ongoing, long-term work that happens as normal course of business, the discussion can be, "Do you use a contractor for this on a service basis or should we be bringing that in-house?" But again, that would be more from a site perspective as what the site SSE/GM and that particular site needs.

Q. I assume you have regular meetings with your SSE/GMs that you just referred to?
A. Yes, we meet at least monthly, through what we call a monthly performance review, where we talk through safety, production costs and the general nature of the business.

Q. Across all Anglo sites?
A. Yes. We do it individually, my leadership team, and the site's leadership team, we meet monthly. It can be anywhere from an hour to an hour and a half at least. And then on a quarterly basis it's a full-day visit - or it was a full-day visit until COVID, to site.

Q. Presumably during those meetings, any changes to arrangements relating to contractors or labour hire are discussed?
A. If there are any issues that have arisen or major changes, if there is a contract that's expiring and a new one comes up. However, that would probably, for a large contract, go through the contract management groups and flow up. It can come up if it is a material issue during those meetings.

Q. Just on that contract management group, I'm just looking at your statement. This is MTY.001.002.0001 at 0014. You refer at 49(e) to a contract management superintendent at Moranbah.
A. Sorry, I can't see the document, but, yes, I'm familiar with that position.

Q. Can you see it now? It's up on the screen.
A. Yes.

Q. You say "(as at Grasstree above)"?
A. Yes.

Q. That's a reference, is it, to --
A. So each site should have a contract management superintendent. That's one of the critical positions that we have put in place. Contractor management - we have the

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contractor management system where all contractors, particularly service contractors, come through site and have to work within our contractor management program.

Q. I was just wondering about that, because paragraph 42 refers to the senior managers at Grasstree, but I just couldn't immediately see, for contract management, the superintendent?
A. The contract management superintendent is a superintendent level. This is the manager level that reports directly to the SSE, the general manager. The contract superintendent is most likely reporting up through potentially the commercial manager and/or the safety manager. I'm not clear on that one. It will --

Q. So when you - sorry, go ahead, Mr Mitchelson.
A. I apologise. The reporting relationship from the contract management superintendent will report up through one of the site leadership team's team members. I'm just not clear on which one.

Q. So at Moranbah, the contract management superintendent is a senior manager; right?
A. No. It would be the same level across all of the sites. It may be the way the document has been put together, in the nature of --

Q. Well, it's your document, Mr Mitchelson.
A. Yes. So the contract management superintendent will report to what we call the SLT, which is the site leadership team. That's a direct report to the GM/SSE.

Q. So just to clarify, there's no mention in paragraph 42 or in your statement in relation to Grasstree of a contract management superintendent?
A. Grasstree will be organised in a similar fashion.

Q. And Grosvenor the same; is that what you're saying?
A. Yes.

Q. So the better thing in relation to 49(e) would be to say, "(there are similar positions at Grasstree and at Grosvenor)"?
A. Yes, that would be a better way to phrase it.

Q. That clarifies that particular matter. Could I just come back to this. Are there any written guidelines in

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Anglo as to the use of contractors or labour hire?
A. Sorry, which type - I guess what type of guidelines are you referring to?

Q. Just guidelines generally.
A. I guess there's two components to that. In order to engage a contractor, we have a supply chain process and system that has defined clearly the scope of what the work is that needs to be done, there is a tendering process, there is an evaluation and award process. So there are processes in selecting the use of contractors, and then in our contractor management system there is an assessment of authority to work, which is what are the skill sets that need to be on site, what's the equipment on site. That all gets assessed as part of getting an ATW with an authorisation to work. Then once the work is awarded, they get a permit to work, which again checks off all of those safety and health management systems that have to be in place, and the work is executed that way. So we do have systems to be able to manage that and select contractors.

Q. They're the documents that apply once you decide to use specific contractors or labour hire?
A. Yes. It has to go through a very rigorous process of evaluation and, as well, the contractor to be able to do work on site.

Q. Do you have any what I would call policy guidelines on attitude of Anglo to the use of contractors or labour hire?
A. No, we do not have a policy document like that.

Q. The contract with One Key, that's a company-wide document rather than a specific document relating to a particular site; is that the case?
A. I'll have to defer to Warwick Jones on some of this, but we have two contracts, I believe. One contract will be an overarching agreement with One Key to supply labour anywhere across our five sites, and then there is a specific agreement for labour hire for Grosvenor mine. So there is - I think it's called an umbrella agreement, and a specific agreement, two separate agreements, for Grosvenor.

Q. Can I come to some of the answers you gave to Mr Hunter earlier today. When you were asked about the advantages of labour hire, you gave as part of your answer that there were a number of different models that you've

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seen across the globe, from all company staff positions, all the way to union representation, and, as well, full contract workforce. Do you remember that?
A. Yes.

Q. So when you're talking about all company staff positions, is that a situation in which every employee at a mine site is considered to be staff, is it?
A. Yes. I've experienced that at one of my former companies I worked at. It was a very specialised refinery, and the entire workforce was staff in that case.

Q. That was overseas somewhere, was it?
A. Yes.

Q. Then you say "all the way to union representation".
A. Yes.

Q. Where is that model to be found?
A. So when I first started in mining, my first job was in a mine in a remote community, and the entire workforce was - it had staff positions, but the entire workforce was represented by the local union at that site. In that case, contractors were used very, very infrequently and would be only in large capital projects, and that was the nature of that relationship in that particular mine.

Q. When you say "full contract workforce", where was that?
A. Yes, there was another mine, and this would be in Canada as well, with - it's a smaller goldmine, and given the life of that mine and the way in which the skills were needed in a remote fly in, fly out arrangement, the choice in that case was full contractor.

Q. Was it a short life or a long life?
A. The life was at that time somewhere around seven years, which for a goldmine is relatively medium-term life.

Q. I take it that particular mine wasn't unionised at all; is that what you're trying to say?
A. No, it was not. It was full contractor, with a bit of staff.

Q. And in your experience, having contractors or labour hire generally goes hand in hand with less union

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representation?
A. I'll be honest, it is my experience with labour hire, to the extent that we see in Australia, Australia is a bit different than the other jurisdictions I've worked in. As far as our One Key - you know, in that case of Grosvenor, if that's the example, I actually don't know if they are union members or not union members. They could be.

Q. I wasn't particularly referring to Grosvenor. I'm just talking as a general proposition, your experience.
A. I guess I honestly can't answer whether or not they're union members or not. It's not something that we look for or we ask, nor is it something that I think is entirely relevant to doing the - getting the contract in place and doing it properly and safely.

Q. Shortly after that, you gave some evidence which you clarified after lunch about labour hire being the safest and most productive. Do you remember that evidence this morning and your clarification after lunch?

MR HOLT: That wasn't, in any way, the way that answer was put, Mr Martin.

THE CHAIRPERSON: Sorry?

MR HOLT: The way my learned friend has paraphrased it wasn't in any way the answer as it was put by Mr Mitchelson this morning. I wonder if it could be done accurately.

THE CHAIRPERSON: Right. Could you ask the question again, please, Mr Crawshaw.

MR CRAWSHAW: I thought the witness gave evidence earlier this morning that labour hire was the safest and most productive, in terms of the advantages of labour hire. I'm quite prepared to have that recollection dismissed as wrong.

THE CHAIRPERSON: Yes.

Q. What did you say earlier, Mr Mitchelson?
A. I think, just to clarify it, as I hopefully clarified after lunch, that's not a blanket statement that applies across the entire industry or applies in all cases. My reference was when the Grosvenor decision was made to go to a labour hire workforce, at that time, in the circumstances

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that existed for Grosvenor mine, the industry, the employment, what was trying to be achieved, that labour hire was safe and it was more productive than going to an alternate model, but it was only - and my reference, and apologies if I didn't make that clear - it was in that decision.

In a different set of circumstances, you'd have to evaluate your criteria today to understand what is safe and what is productive. It isn't necessarily labour hire. So this was a specific circumstance as opposed to - that's not my general opinion, and it's not a general view.

MR CRAWSHAW: Q. I'm just trying to clarify what happened. I think you said you weren't there at the time.
A. No. That decision was made 2013 or 2014.

Q. How was an assessment made that labour hire would be safer than having permanent employees?
A. Just for clarity, it's safe and more productive. The safety aspect to me in this evaluation, if there is any circumstances where there were safety issues on a contractor or a contract or employment relationship, that would obviously be flagged in your decision. Now, I can't comment on the evaluation criteria that was done at that time. My colleague Warwick Jones was around at that time and may be able to provide some more insight.

Q. Well, he was the one that told you this, was he?
A. Discussion with Warwick Jones and discussion with other people in the organisation.

Q. So what did they actually tell you, that it was safe, safer or just safe?
A. It was fundamental - it was safe. I probably chose my words incorrectly at that time. It was safe, and first and foremost we would never choose an employment model that's not safe, and the view at the time was that it was a more productive workforce. I can't - that's about the extent of the information that's been shared with me.

Q. I won't take it any further with you, then, if that's all that was said. You also gave evidence this morning that the costs of labour hire and contractors - maybe you can clarify whether you were talking about both - would not be materially different. Do you remember that?
A. Yes.

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Q. Were you talking about both labour hire and contractors?
A. It was probably more in the context of labour hire, when we compare rates between an Anglo employed person and a contractor, there are some differences - sorry, and a labour hire. The contractor and a contractor's service can be different. We will contract - all of our surface drilling, for instance, in the underground is contracted out to a specialist at that point in time. So the labour rates within that specialist organisation are less relevant as we're paying for service to be delivered, and that's what we focus on.

Q. Going back to the labour hire, how do you know that the costs are comparable?
A. In looking at - and again not going into line by line of the EA versus the labour hire, relying on my head of HR, Warwick Jones, going through a high-level comparison and looking at those numbers, that they are not materially different. When I've looked at the - you know, for me, the overall cost structures within a labour hire arrangement and/or contractor arrangement versus an employee arrangement, the cost per person is in total not materially different. I wouldn't go down into the hour by hour. That's just a level of detail that I just don't get into.

Q. No, I understand that. You're speaking in general terms.
A. Mmm-hmm.

Q. But there's really two comparisons you've mentioned there. One is a comparison between what is paid to permanent employees under enterprise agreements or otherwise, compared to what is paid to labour hire employees under their enterprise agreement - that's one comparison you just made there.
A. Mmm-hmm. Yes.

Q. And I presume you're talking about the One Key company's labour hire agreement there?
A. It is one example, yes. We do use labour hire at some of the other sites as well.

Q. I think it has a new name now, hasn't it - FES or something like that, that labour hire agreement?
A. I believe the company has changed. I'm not - it's

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a better question for Warwick Jones, with the detail.

Q. The other comparison you mentioned was as to the cost to Anglo between permanent employees and labour hire employees.
A. Yes.

Q. They're two different cost comparisons, aren't they?
A. One is the overall cost to the business, you're correct, it will have a profit margin built in to pay the labour hire company. And the other one is the absolute rates that are paid to employees.

Q. They can't both be the same, can they, those comparisons?
A. No, they will be two different sets of numbers. I can't actually tell you right now, I haven't gone into the level of detail on a comparable position as to who gets paid compared to an Anglo employee under an EA versus a labour hire contractor doing the same work. I really don't have that detail.

Q. But you certainly know that Anglo is not in a situation where it's costing it more for the labour hire employees than for its permanent employees?
A. Not that I'm aware. At the level that I'm looking at, not that I'm aware.

Q. As you just alluded to, the labour hire firm itself is making some profit over and above what it pays its employees?
A. Yes, there will be some margin. I'm not aware of the magnitude of that margin, profit margin.

Q. But it follows if the labour hire company is making some profit, that its employees are getting less than the permanent employees of Anglo, doesn't it?
A. That is possible, but I wouldn't want to comment on that, as I do not know that level of detail.

Q. When you were asked about union representation, you answered something to the effect that it made no difference, in terms of safety, if there was union representation --

MR HOLT: Again, Mr Martin, regrettably that bears no resemblance to the evidence that was given and I wonder if

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my friend could put it properly.

MR CRAWSHAW: Q. Well, can I ask you this: do you agree that it makes no difference, in terms of safety, if the union representation is present?
A. I believe my comment is the employment model makes no difference. The safety on the site is the accountability of the SSE to have the programs in place to ensure every single person on that site is safe. So whether - the employment model is, to me, not related to the safety of that mine site. The safety of the mine site is the accountability of the company and the accountability of the SSE, regardless of whatever employment arrangement you have on the site.

Q. Do you see a union as having any role in improving safety at a workplace?
A. Well, under the current legislation, you have the SSHRs on sites, so there's at least two. We heard from some of them this week. They have a role to play in safety, and I think a very important role to play in the safety. There are the ISHRs as well. They are representatives through the employees. They have a role in the overall program and authorities and accountabilities underneath the Act.

Q. You also gave some evidence to the effect that if a labour hire worker was removed on the grounds of safety, there would be a full investigation before that occurred?
A. If the labour hire worker - yes, there would be a - if there was a safety incident, it would follow an investigation process and would go through our consequence management process, similar to an Anglo employee.

Q. But I think you agreed with Mr Hunter that it was possible to remove a labour hire employee on grounds other than safety?
A. It is contractually in the agreement, yes, you can. In practice, I don't accept that that happens in my mine sites. That is not something that I would accept.

Q. Do you know?
A. Based on the information on turnover and the feedback that I've received, no, I don't believe that any GM has arbitrarily, or SSE has arbitrarily removed someone from site for reporting a safety incident or other reasons. Our values within Anglo, my personal values and the values of

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those general managers, I don't believe that occurs in my mines.

Q. You would agree that labour hire employees have less security of employment than permanent employees?
A. I guess that's a - if you look through the labour hire contract, the arrangement with the labour hire company, some of them are permanent employees with the labour hire company, some will be fixed-term contracts with the labour hire companies. I'm not sure I can really comment on their - within the labour hire company, their - I guess their employment stability.

THE CHAIRPERSON: Q. I suppose the casual employee is the truly vulnerable one?
A. Depending on, again, the arrangement. Usually the casual employees come through these labour hire companies as well.

Q. That's what I mean, yes.
A. And, again, some of them may be on a fixed-term contract. Actually, some may be permanent employees, but others may be, as you say, more of a casual employee.

Q. Perhaps we might leave it for Mr Jones. The contract does split them up between casuals and permanent and fixed term. I'll leave it for later. Thank you.
A. Yes.

THE CHAIRPERSON: Yes, Mr Crawshaw.

MR CRAWSHAW: Thank you. I'll leave that for later, in the interests of time as well.

Q. But of course Anglo does take an interest in the industrial arrangements of One Key, doesn't it?
A. I'm not sure I understand the question.

Q. Well, perhaps we might just go to this document, which I believe is part of the One Key arrangements. AGM.003.004.0001 at 0023.

MR HOLT: We don't think this is in the court book, Mr Martin. It doesn't appear to be.

MR CRAWSHAW: Perhaps I'll leave that for Mr Jones as well.

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THE CHAIRPERSON: Well, it's up on the screen, I think, Mr Crawshaw.

MR CRAWSHAW: Q. Do you see clause 7.6 of the labour hire agreement with One Key?
A. I'm just reading it now.

Q. It may be something you've never seen before; I don't know. Is that the case?
A. I have read this contract before. However, I'm not familiar with every clause in detail. I'm just reading through the information now. Yes.

Q. I'm just wondering why you need to know when One Key is approached by any union official or union representative in relation to its existing enterprise agreement.
A. Yes, and apologies for this, I really will defer this to Warwick Jones to go through the context of this particular clause and the purpose of it, in the broader contractual and management scheme.

Q. Does that mean you can't think of any reason why your company would require One Key to do that?
A. I'm not aware of the purpose of this clause. I apologise. In looking at it --

Q. There's no need to apologise, Mr Mitchelson. I'm just asking you whether you can think of any reason why your company would require that?
A. I'm not sure. I hesitate to make an answer one way or the other without having an opportunity to actually look through the broader overall contract and understand the purpose behind this clause.

MR CRAWSHAW: No further questions, thank you.

THE CHAIRPERSON: Thank you.

Q. Just while we're dealing with the unions, is there any policy consideration with the company that labour hire employees are attractive because it helps diminish the power of the union, anything of that nature?
A. Absolutely not. From an Anglo perspective, there is no such document, belief or perception inside the business at all.

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THE CHAIRPERSON: Ms Holliday?

<EXAMINATION BY MS HOLLIDAY:

MS HOLLIDAY: Q. Mr Mitchelson, my name is Deborah Holliday and I'm one of the barristers appearing for Resources Safety and Health Queensland. I'm going to take you back to Anglo HPIs and what have been spoken about as DNRME HPIs.
A. Yes.

Q. Mr Operator, if we can bring up, please, AAMC.001.029.0028. Mr Hunter showed you this document previously.
A. Yes.

Q. It's headed Met Coal EoF, meaning end of fatalities; correct?
A. Elimination of fatalities.

Q. For 2020, and the roadmap to 2024.
A. Yes.

Q. It's presented in a PowerPoint style?
A. Yes.

Q. I'm not interested in names, but for whom is this document prepared?
A. This was prepared both for our internal team, just to be able to pull all the information together, but this was presented to Seamus French, CEO of the bulks business, and his executive head of safety, Ludo Le Cam.

Q. On the second page of that document, 0029, it gives an overview of the PowerPoint slides, which includes the "Elimination of Fatalities Journey to Date", the "Safety Performance Review" and "Safety Excellence in Teams". Clearly the document is prepared with a focus on safety; you'd agree with that?
A. Yes.

Q. If I can take you to 0031, Mr Hunter showed you this page of the document this morning. It's AAMC.001.029.0031.
A. Yes.

Q. On the right-hand side in the green, it has "Grasstree 2019 ZERO HPIs".

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A. Yes.

Q. "Zero" is in capital letters; you'll agree with that?
A. Yes.

Q. It's highlighting the fact that Grasstree had zero HPIs in 2019?
A. Yes.

Q. And that is seen as a positive under the safety performance review?
A. In the context of the Anglo HPIs, not having an incident that could have resulted in a fatality, being the 4 or 5 again on the Anglo scale, that is something that we definitely target that we want to - we do want to achieve zero. We do have another, which is just the line below it, called "High Potential Hazards". That is the one where we focus on trying to get as many as we possibly can, find the hazard before it actually occurs, so we can prevent it from becoming one of these incidents.

Q. You'd have to agree that one of the important factors of an HPI is to ensure that there are learnings taken from the HPI?
A. Yes.

Q. Wouldn't it be better to include all of the HPIs - and by that I mean Anglo HPIs and DNRME HPIs - when you're looking at the safety performance of the mines?
A. Yes, I believe certainly any incident that happens, and through our learning from incidents process this is an opportunity, and that's the purpose of it: fix the problem but also learn from it so that we can prevent it from occurring again.

The learnings from any of the HPIs, the department HPIs as well as Anglo ones, fair point that they're not consistent as far as being reported in this way, but it is an opportunity to learn. I think the LFI process at the sites, they're able to look at those, and our ability to actually look at the next level of incidents down, those ones that have 3s, impacts, potentially, is a journey that we're on to be able to find - to be able to use that and analyse the data around that as well.

Q. Is that a way of saying that there's something to learn here from the fact that DNRME HPIs aren't being

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utilised by way of learning as much as they ought to be?
A. There is an opportunity here, absolutely. We use them at site. But I do think there is an opportunity, again, from any kind of incident to actually use those to improve our business.

Q. When you say that you use them at site, does that mean that the learnings from incidents are only learnt about at site?
A. It depends on the - it depends on the incident itself. In the underground environment, some of the departmental HPIs will be shared across the undergrounds. In other cases, it's escalated up to what we call the significant incident teleconference. So some of the department HPIs, particularly anything that's an LTI that's got a repeated nature, or something that needs to be shared across the business, will be raised there as well.

Q. Can I just break down that answer a little bit. When you said it could be shared amongst undergrounds, do you mean amongst the head of underground or do you mean amongst the underground mines?
A. Amongst the underground mines. So it would be through the SSEs and the safety managers that will share those. There is an opportunity to actually improve how we share that information and how we use it in our analysis and our learning process.

Q. Because you accepted in evidence this morning, when Mr Hunter asked you the question, that gas exceedance HPIs do have the potential to cause a significant adverse effect on the safety or health of a person - you accepted that this morning?
A. Yes.

Q. And so by accepting that proposition, doesn't it then follow that they should be considered in the safety performance review of the mines that are relevant to the terms of the Board of Inquiry?
A. Yes, that's something that we need to look at, as to how those are reflected in our safety measurements, and not just the gas ones but the broader suite of HPIs is an opportunity.

I think in the case specifically around the gas HPIs, they haven't been captured here through the safety statistics. They were well known, and they were basically

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the driving factor for a lot of the initiatives and strategy work that we've done. So it's not that they were - I just want to make sure, it's not that it was ignored. It's probably got a larger - well, it does have a larger profile in our business right now, to manage the gas issues, than a lot of the other HPIs that would be brought through the typical Anglo process.

Q. There's a danger, though, isn't there, by not including DNRME HPIs in considering safety performance of Anglo American mines, that there is not only a normalisation of HPIs but actually an ignoring of them?
A. There's a perception of that risk, and my firm belief is that that risk doesn't - the visibility of the departmental HPIs is there. As I mentioned, it does get - you know, every day I get to see whatever departmental HPI has been reported. The LFI process ensures that they're all being addressed. And they are by no means diminished or thought of as secondary issues. They're an incident that happened at the site and they need to be addressed through our LFI process and, we'll agree, we need to be able to incorporate more of the learnings from those more broadly across our business.

Q. Could we go to 0045, Mr Operator. This is "Team Safety in Action", and the next heading is "Excellence in Teams", and some examples. If you follow it down to "Grasstree Mine", it has "Zero HPIs in 2019", so a repeat of what was on the first slide.
A. Yes.

Q. The next one is "LW Department LFI free year". Correct me if I'm wrong, but does that mean "Longwall Department learnings from incident free year"?
A. That should be - I'm quite sure that should be "LTI", not "LFI".

Q. That's how that screen reads, though?
A. Yes.

Q.

[Longwall] Department [Learning From Incident] free year.

"LFI", that's what is know in Anglo as "learning from incident"?
A. Yes. I believe that is a typo. It should not be

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"LFI". We don't celebrate or acknowledge or even target having an LFI free year.

Q. And it's also wrong, isn't it?
A. Yes.

Q. In the terms of Grasstree mine, it wasn't an LFI free year, 2019?
A. No.

Q. For the longwall department?
A. No, absolutely not.

Q. Because otherwise I can take you to the relevant documents to show that.
A. No. I completely understand.

Q. So you're saying that that is a typographical error and it should refer to "LTI"?
A. Yes, yes, and it's not something that we would ever encourage, or I certainly would never encourage, is to have an LFI free year. The LFI process is valuable in learning as to how we can improve.

Q. So we put that down to the wrong use of an acronym; is that correct?
A. I am putting that down to the wrong use of an acronym, yes.

Q. Still on that same series of questions in relation to the Anglo HPIs and perhaps the learnings being missed if they are DNRME HPIs, can I take you to AAMC.001.004.1495. This is again an EoF 2020 plan for Met Coal?
A. Yes.

Q. In the bottom left-hand corner it has "Learning Organisation 2020 Actions". It says:

> *Implementation of Learn+ e-learning LFI modules ...*

Is that a system by which there is going to be technology that persons can look at for LFI modules in terms of training, is that what that means?
A. For training, yes, yes.

Q. By virtue of the fact that LFIs are site based only

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for DNRME HPIs --
A. Yes.

Q. -- isn't the difficulty with the current Anglo American model that the e-learning LFI modules will be limited to the Anglo American HPIs?
A. No, it will be applied across anywhere we do an LFI. This was a bit of an acknowledgment that the training that happened previously on the LFI needs to be refreshed on a regular basis. So this training will apply to all LFIs, all learning from incident investigations, across our business.

Q. Moving forward, LFIs aren't going to be, in terms of DNRME HPIs, limited to site; you're going to include it in the training platform for e-learning? Do I understand you correctly?
A. The e-learning platform is to teach people who are doing the investigations on the LFI process. So it's a training tool to do an effective investigation and the learning from incident investigation.

Q. So it's a training for the investigator?
A. Yes.

Q. Rather than a person who needs to learn from the incident itself moving forward?
A. Right. Sorry, this is, yes, using the investigation tool, yes.

Q. Is there a similar mechanism in Anglo Coal for e-learning for LFI modules in relation to truly learning from the incidents themselves?
A. So from an analysis of the data and sharing of the data? I guess I'm not quite clear on the question.

Q. In terms of a coal mine worker learning from an incident that's happened to ensure that they do their part so that it's not repeated --
A. Yes.

Q. -- is there a training module which includes the learnings from incidents?
A. I don't believe we have a training module specifically for that. We have work processes that communicate the results of the LFI investigations back to the workforce. That can happen through roster start shift meetings -

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sorry, start of shift meetings, first roster meetings, there's safety meetings that happen on a weekly basis. That's how we get that information back, through that process.

Q. The answer may be the same to the next document I take you to, but in relation to AAMC.001.017.0023 at 0025, down at the bottom on the left-hand side, "Implement learning modules to improve organisational skills (eg LFI)", is that for the investigator or for training to occur in relation to LFI?
A. That will be partially the - part of it will be the LFI training tool to do a - for the investigators to get training on this. There's other parts to it, and, apologies, there's detail behind each one of these at Grosvenor mine, and looking at this I cannot remember the details that support that particular element and the work program with it.

Q. It does say there in the third tick:

> *Embed revised LFI process to include review of applicable learnings from other Anglo operations and the wider industry.*

Is that the process of investigation or, again, is it trying to encapsulate learnings from what has occurred in relation to the HPIs?
A. Part of that will be the process of investigation, but also finding - and it will also be trying to find better ways to share the learnings across the broader - or across the Met Coal business using information from the broader company.

Q. Can I suggest to you, then, that that's why it's so vitally important to ensure that proper safety consideration is given to DNRME HPIs?
A. Yes, I would agree there's valuable information in the departmental HPIs, and those - you know, there's opportunity to be able to share those differently than we are right now.

Q. In terms of the number of HPIs at Grasstree mine in 2019, we've seen from the relevant documents that zero Anglo American HPIs occurred during that year.
A. Yes.

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Q. In terms of DNRME HPIs, I can suggest to you that there's 55 of those in the 2019 year.
A. Yes.

Q. If I can now take you to AAMC.001.004.0002 at 0018, Mr Hunter took you to this page of the document this morning and questioned you in relation to the fact of when would an ignition underground not qualify as a safety HPI. You answered that "may" in that underlined heading of "The following incidents may qualify as Safety HPIs" should be read as "must"?
A. These are examples. I wouldn't go through this and - given that these were just supposed to be examples to help guide people, I wouldn't want - the wording wasn't intended to say "This is the list that will happen." In the case of an ignition, it should be reported as an HPI. Some of the other ones, depending on the circumstances, may or may not be an HPI, depending on the specific circumstances that are there.

Q. And I'm sure Mr Holt will correct me if I'm wrong, but your evidence this morning was that "may" should be read as "must". Are you now qualifying that --
A. No.

Q. -- upon reflection, and saying that "may" should not be read as "must" and they may be examples of safety HPIs?
A. I think in the specific example of a gas ignition, it qualifies as "must", and they should be an HPI. Going through the rest of them, these are examples I would expect to have - that you would reasonably expect that could be an HPI.

Q. In terms of the first dot point, "Any vehicle rollover", if a person is inside at the time the vehicle rolls over, you would expect that to be a safety HPI, wouldn't you?
A. I would expect that to be a safety HPI. The speed of the incident, yes, and whether or not the person is actually in the vehicle - yes, I would expect it to be an HPI.

Q. And so that there can be no ambiguity, you're meaning an Anglo HPI?
A. This is in the context of an Anglo HPI, yes.

Q. Can I take you to RSH.002.422.0001. I'm not sure if

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you've been shown this document over lunch.
A. No.

Q. You can see there - you're familiar with a form 1A?
A. Yes.

Q. You can see there that it's 8 May 2019, highlighted in yellow on the top right-hand side.
A. Yes.

Q. And that the mine is Grasstree mine.
A. Yes.

Q. If you go down under section 3, Mr Operator, it describes the HPI as:

> *An unplanned movement of, or a failure to stop, a vehicle or plant that endangers the safety and health of a person.*

That's just a category from the regulation it falls under.
A. Okay.

Q. If you go down to section 6, "Details of the Event", it speaks of:

> *A Front End Loader has rolled on to its side when being used to sort, recover, and load out waste material from a bulk waste tipping area.*

A. Okay, yes.

Q. It says the operator was uninjured.
A. Yes.

Q. If we can go to the second page, Mr Operator, it includes some photographs of the front end loader on its side.
A. Mmm-hmm.

Q. We take it, because that is dated 8 May 2019 and we know from the documents that were put up on the screen earlier that Grasstree had zero Anglo American HPIs for 2019, that this was not categorised as an Anglo American HPI. Do you accept that on the basis --
A. Yes.

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Q. -- of this form 1A, it should have been?
A. Yes, based on the dates, yes.

Q. Isn't that a concern, then, that there is a lack of consistency in Anglo American as to how they are categorising Anglo American HPIs?
A. The framework is consistent across. The application of it obviously involved judgment from the people at site. In this particular circumstance, I do remember this coming across my desk or seeing this incident occur. There was a judgment made as to whether or not there was a potential for - you know, potential fatality out of this incident, given the speed and the nature in which the incident happened.

Q. Category 4, which it has to be to minimally be categorised, it seems, as an Anglo American HPI --
A. Yes.

Q. -- isn't just the risk of fatality, though, is it? It's the risk of --
A. Permanent serious injury, yes.

Q. It went across your desk. Is it for you, then, to sign off on, ultimately, that it's not an Anglo American HPI?
A. I remember being notified of the incident. In the end, it would go across the SSE, the head of the undergrounds, and possibly through my head of safety. I'm not sure in this circumstance whether he would have looked at it.

Q. Do you accept though, Mr Mitchelson, that a conservative approach should be taken in the interpretation of what falls within your categories 4 and 5 to ensure that there isn't under-reporting of Anglo American HPIs?
A. I believe we have to have a very diligent process and we have to make sure that people are applying the principles consistently across every single mine site and that - you know, the last thing I want is an under-reporting of an HPI or under-reporting of any incident or hazard across my sites.

In this particular case, the LFI should have - well, would have occurred, and learnings from that would have

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been developed and shared across the business. So from a safety perspective, I'm confident that we did the right investigation for it. From a reporting perspective, there is the potential risk we didn't report this through the Anglo system, or through an Anglo HPI, but we would have still done the same learning from incidents investigation.

Q. You said - and I don't want to pick you up too much on words, and correct me if I'm wrong, but you said it would be shared across the business. But earlier in your evidence, you said that in relation to a DNRME HPI that doesn't become an Anglo American HPI, it stays on site in terms of those learnings from incident?
A. Yes. When I say "across the business", I should clarify and be more careful. It does - the learning from incident does happen at site. I would have to look to see if this was one of the incidents that got raised through our significant incident teleconference. I don't know if it was or was not, but this would be a typical one that I would expect to see there.

Q. You would have to accept this, Mr Mitchelson, that Grasstree mine is being promoted internally within Anglo American as having no HPIs in 2019?
A. Yes.

Q. And a factor in that is how Anglo American HPIs are categorised; you would agree with that?
A. Yes.

Q. And that this is an example of that categorisation such that Grasstree has the benefit of no HPIs in 2019?
A. Yes.

Q. Mr Operator, if I can take the witness to AAMC.001.031.0044. It's the second page of that document. I should say before we move on that this is a monthly report for June 2020, and what does "S&H" stand for?
A. Safety and health.

Q. Then if we move to the second page, we have "Met Coal Safety Overview Summary".
A. Yes.

Q. And noting that the Met Coal business recorded no HPIs during June and that "Grasstree continued with over 17 months and Exploration of over 13 months HPI free". So,

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again, you would agree with me that you are promoting Grasstree within that safety overview of the fact that Grasstree has no Anglo American HPIs now for over 17 months?
A. It does come through in the document as a recognition. It certainly isn't the focus of the conversation in dealing with Grasstree.

Q. Again, there is no reference in that document to DNRME HPIs?
A. No, there is not, although some of the LTIs - lost time injuries - and some of the HPIs will be departmental as well. But it's not --

Q. But at least in relation to Grasstree that's not the case, in terms of the 55 that were reported to the DNRME in 2019?
A. True, yes.

Q. Again, if we can go to 0049, Mr Operator, you record under "Grasstree", "Number of HPIs year to date", "Zero"; and "Number of days since last HPI", "549"?
A. Yes.

Q. In evidence today - and I may have miscalculated - I counted three times when you referred to these mines as "my sites". It looks good for you, doesn't it, that there has been 549 days at Grasstree since the last HPI?
A. I don't use it, I guess, in that context. There is a case there that obviously does warrant a review and will warrant a review as to whether or not that's classified. Ensuring that our mines are not having a large volume of incidents that can cause a fatality is something that we're very closely watching. This isn't necessarily a measure of, I would say, success for me. It is one of the many measurements that we look at in the business to understand our safety performance. It's not all, but it is one.

Q. Having it as one - and clearly a lot of time is taken in presenting or preparing all of these documents - and having a focus on things such as "it has been over 17 months", "been 549 days", does it create the potential for under-reporting of HPIs? And I'm talking about Anglo American HPIs here.
A. I don't believe it does. I believe the incidents are reported, and we do have a reporting culture across all of our sites, and I believe the incidents will be reported.

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I think - you know, you've shown a situation where we'd have to look at the categorisation of that as to whether or not it should have been an Anglo HPI or not an Anglo HPI, but there isn't a drive to push that to zero. I want to know about the incidents, and that's my focus with all of the sites, to ensure we have those incidents.

Q. When you say "there isn't a drive to push it to zero", I suggest to you that the way you categorise Anglo American HPIs at levels 4 and 5, there should be?
A. You do not want an incident happening that legitimately could result in a fatality.

Q. You did answer Mr Hunter this morning, though, that - you made the point that the HPIs had reduced from 40 to 13 at a particular mine as that being a positive.
A. It was 40 to 30 - or 13 across the whole Met Coal business.

Q. Sorry, 30 not 13?
A. Thirteen - sorry, 40 to 13 across the whole Met Coal business, and, yes, it was cases where, back in 2013 or 2014, where we were having 40 of an incident that could have caused a potential fatality. So the reduction of those is good. No intent to - and from a reporting culture and an incident reporting culture, they need to be evaluated appropriately. By miscategorising them it is not helping the business.

Q. It's certainly not helping the safety performance of the business; do you accept that?
A. Yes.

Q. Mr Operator, can we go to 0114 of that same document. Can we focus in on the "Observation" column, but the second entry in that "Observation" column. This was at Grasstree, and it was a critical control deficiency sign-off, and it mentions that there is an HPI due to layering and high gas, over 2.5 per cent, and under that it says:

Document review for SWP.GTM.177 --

I take it that is a safe work plan?
A. Yes, it should be. Generally, that's the terminology.

Q. And:

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> *... to ensure it is clear enough how to treat boreholes ...*

because they weren't treated properly, if you read the above paragraph. And it says:

> *... (it is very clear) and crews have been counselled yet again on correctly grouting or hosing over holes ...*

Does that wording suggest that human error is solely being blamed for what occurred?
A. You could interpret it that way. I'm not across this incident specifically as to what occurred and what the corrective actions were around it.

Q. Because there's a danger, isn't there - and no doubt you would have read Dr Brady's report --
A. Yes.

Q. -- in relation to using human error as a justification for failures?
A. Yes.

Q. Because then you're not looking at the systems behind that, and of course humans are also fallible?
A. Yes. No, I would agree, the causal factors have to go far beyond the human behaviours only - it's too convenient to stop there - and in this case, what is the long-term strategy for fixing this.

Q. I'm going to move on to the methane document relating to Grosvenor. Mr Operator, it's AAMC.001.031.0147. I think there's an _U version as well that's in fact unredacted. You were taken to this document this morning by Mr Hunter as well.
A. Mmm-hmm. Yes.

Q. You'd agree, wouldn't you, that under the heading "Purpose", there is absolutely no mention of safety as the purpose for considering the gas and strata management system at those two mines?
A. It's not directly stated in the "Purpose" statement, but it is by nature inherent that we have to manage gas to be safe in order to deliver this.

Q. I suggest to you that when you read this document in

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its entirety, it seems that the purpose is, as it states, to eliminate unscheduled delays, and in order for there to be an opportunity of reaching the 24 million tonnes per annum at those two mines.
A. Yes, that is the purpose of the work, and in order to do that we needed to manage gas differently, to make it in the safe zone, to stay within the regulatory environment and within a safe environment. Production and safety, in all of these pieces of work, can never, ever be separated. They have to go together. I cannot run a productive mine without being a safe mine, and we will never achieve any production targets without dealing with the safety issues.

Q. Mr Hunter already took you to the bottom paragraph of that same page, where it talks about "taking a blank sheet of paper", to essentially start from scratch, is what it seems to indicate.
A. Mmm-hmm.

Q. But when one considers the persons who are on this committee, you haven't included - and I say "you", because you're part of that steering committee; you're the chair of the steering committee - the SSE of the two particular mines, the underground mine manager at the two particular mines, or the ventilation officer at the two particular mines. I know it's a long question, but I'm getting there. Because you're aware that there are contract owners in terms of principal hazard management plans?
A. Yes.

Q. And in particular in relation to ventilation and gas management, that that falls to site-specific statutory officials?
A. Yes.

Q. Yet when you're starting from scratch, you haven't included, in gas management and strata, those site persons who are the statutory holders, have you?
A. They are not part of this, the steering team, directly. The team that's been pulled together for this, and I guess there's two components to this - this is redesigning our business processes around it. It is not getting at the statutory responsibilities within the context of the Act. Those have to stay - stay on site and won't be changed.

This work is really focused on how we analyse data,

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how we actually organise our work to do our gas modelling properly - in the case of gas contents, what's the gas drainage strategy. All of this is looking at the processes to be able to improve our processes from what they are right now to be more effective in our gas management. In the end, that process improvement will involve the site and will be reflected in the PHMPs and the regulatory requirements at the site.

Q. In that answer, you said that it was in relation to the business processes.
A. Mmm-hmm.

Q. Mr Operator, if we can go to "Operational Planning" on the second page of the document, Mr Hunter already took you to the third dot point.
A. Yes.

Q. I suggest to you it's more than business processes to do what should be obvious, that a longwall block will only be deemed ready for development once the structure requirements, gas and strata as well, are approved and at the appropriate level - that's not the business processes; that's fundamental safety processes, isn't it?
A. Yes, and it exists today in the business.

Q. You've said that twice, too, in your answer this morning and now.
A. Yes.

Q. You've said it exists today both times, "as we're sitting here now", you said this morning. Is that to differentiate from the fact that it didn't exist three months ago?
A. No. It - no. It's existed, well, certainly since I've been here and in existence the whole time. It's a standard safety process and safety control to have the risk assessments done, the PHMPs, the secondary workings document review. So this isn't a recent occurrence. The intent of this is to find a way to do it better and more effective.

Q. Are you saying, then, it's an unfortunate choice of words in the third-last line under "Operational Planning" to say that it "will only be deemed ready for development", talking in the future tense?
A. Yes, yes, it's a poor choice of words because it does

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exist today and it has, as I say, for a number of years, certainly since I've been here. And under the Act, they cannot --

Q. It says in the second-last line, where the "requirements are approved at the appropriate level". You don't specify what that level is. Is the level at Anglo American for approval site specific or is it governance specific by persons such as yourself in Brisbane?
A. Approval levels will - the regulatory environment and the regulatory accountabilities that are clearly defined are at that site level, and we comply to those in every case.

Part of managing the overall business, there will be discussions that will happen back and forth between site and, for instance, our technical group in Brisbane that will be working through alternative solutions, ideas, the requirement to challenge one another to come up with the best solutions and the best opportunities for the business or to manage the risks in the gas and the strata. But ultimately those are rolled back out to the mine site and put through the safety and health management systems, the PHMPs.

Q. You have this technical division, though, don't you, which operates out of Brisbane?
A. Yes.

Q. And I'll take you to another document a little bit later, but it has ownership of particular critical hazards, being within that technical division; you'd agree with that?
A. Critical hazards?

Q. It appears that there's a distinguishing in Anglo American between the technical division and then site, statutory officers. Do you agree with that?
A. The technical division is not a statutory position. It's one of my key management areas to be able to assess the technical work and complete technical work for our business that may have a longer-term impact or may have direct site impacts.

Q. The question is looking at where these risk assessment decisions are being made: are they being made by the statutory officials or are they being made by the technical

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division in Brisbane?
A. Ultimately, the final decision will be by - through the Act and through the technical people on site, statutory holders on site, not without challenge from the Brisbane office and the Brisbane technical team.

Q. Mr Operator, if we can bring up AAMC.001.031.0152. This is another document you were taken to this morning. This is another project, this one that you assigned to Glen Robinson, who you said was the head of projects?
A. Yes.

Q. It's in relation to the longwall and the moving of the longwall, again with the aim - and correct me if I'm wrong - of delivering the 24 million tonnes per annum production?
A. Yes, contributing towards it, yes.

Q. When you look at the steering team for this project - and it's on the third page, Mr Operator, at the bottom. If we can go up a little bit more, you can see there now that you have the steering team of yourself and four other persons.
A. Mmm-hmm. Yes.

Q. The head of safety isn't one of those persons, are they?
A. No, they're not.

Q. And that's even though you are, for the purpose of this task, determining the movement of the longwall in production?
A. No, this would be movement - the purpose of this is movement between longwall panels. So when we're finished a panel, it's moving the longwall to start the next panel. It's not --

Q. To start the next panel?
A. To start the next panel.

Q. So determining when one should be in development?
A. No. No, this is - so as - we have two sets of longwall equipment, with the exception of only one set of supports. So when you finish one panel, you have to pull all of those supports, anywhere up to 150 of these, move them from one panel to start the next panel, before you can mine. So this is about the physical movement and time that

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it requires, by the time you finish one panel and the equipment is installed and ready to go on the next panel. So it's about physical movement, and that's the purpose of this.

Q. It again relates to the two mines that have the acronym "MG"?
A. Yes.

Q. Again, you haven't included in the steering team any person from the mine sites themselves?
A. At this stage, some of the people down at the bottom have been involved in the mine site. The key to this is developing the program and the opportunities, and then that will be rolled out through the actual mine at a later date, but the work is done at this level through a separate team to develop what is the opportunity and how can we do this 50 per cent faster, which was the target.

Q. Given that you recognised that the ultimate statutory responsibility rests with persons on the mine site --
A. Mmm-hmm. Yes.

Q. -- you would have to foreshadow a scenario where persons on the mine site then would not agree with what is being proposed?
A. Yes.

Q. Have you ever had that occur and you've been told, "No, we're not satisfied. We're not going to do that"?
A. I've never come into a situation where we haven't come to agreement. There are challenges, there's disagreements, and that's part of the work we do, to challenge one another to come up with the best alternative. In the case of this in particular, if we have a project plan, "Here's what you can do", that would have to go to the site, it would have to go through the full change management, risk assessment process, and support by the site that this can be implemented.

Q. Do you think that one of the reasons why there has been agreement reached is because the persons on site consider that it's the persons off site that are actually making the decisions, and they just have to agree with them?
A. No, I don't believe that is the case.

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Q. If I can take you, then - and I'm going to take you to the evidence of the underground mine manager at Grasstree. Mr Operator, it's TRA.500.002.0001 at 0099. The underground mine manager for Grasstree was being asked questions in relation to the location of the 243A sensor. Do you know what I mean by that?
A. Yes.

Q. Starting at line 14, he detailed that there was the offsite team that was formed regarding the new regulations?
A. Yes. I remember this - I remember Kelvin saying this.

Q. If I can then take you to 0102, at line 10 to line 18, he said that Mr Britton and the technical people and a team that he had assembled met to discuss the issues. "So there were two processes", and what he meant by that was site and technical?
A. Yes.

Q. That "we" as in on-site had a Plan B in that they would --

MR HOLT: That has been read wrongly, I'm afraid.

> *... including the technical head, some site people to meet with and discuss these issues.*

That has been paraphrased in a way that is misleading in respect of the very issue that is being raised, Mr Martin, and I would ask my friend to put it properly.

MS HOLLIDAY: Q. We can go through what is there, then, so there can be no misinterpretation. "There were some site people to meet with and discuss these issues", "two processes" --

MR HOLT: No. It was describing the whole group, and my friend just picks it out as if it is two separate processes, which it isn't, and it should be put accurately..

MS HOLLIDAY: Q. I will read the whole sentence:

> *... Mr Britton, and technical people and a team that he has assembled, including the technical head, some site people to meet*

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with and discuss these issues. So two processes were occurring in parallel.

He speaks about plan B, "We had a plan B", and how that plan B would operate and:

A. Ultimately, we went with what was decided, yes, at the higher-level meetings.

So do you accept that that's an instance where Mr Britton, being off site, had formed a view in relation to the 243A sensor issue, and that was what was decided on site to be the decision?
A. Being aware of the circumstances, I think it's being mischaracterised a little bit as to what the meetings were and the discussions. It was a broad team - technical people from the Brisbane office, it was technical people from site; it also had all of the SSEs in this conversation. And that decision wasn't made unilaterally by Mr Britton; it was made in consultation with all of the SSEs, and the SSEs aligned to the action going forward.

Kelvin may not have been aware of those conversations and the process that was being followed at the time, but the SSE, in this case at Grasstree, Damien, was involved in these conversations and actually was part of that team that ultimately made the decision. So it wasn't unilaterally made by Mr Britton.

Q. For completeness, I should take you to another part of the evidence, and it may be that your position is the same in relation to it, but this was explored further, and it's TRA.500.003.0001 at 0010. This is under examination by Mr Crawshaw, starting at about line 6, and at line 9:

Q. Do you know who was in the higher-level group that you talk about?

The answer is:

A. There were a number of people ...

But he knew that it was Glenn Britton and Les Marlborough. He was asked the position of Mr Marlborough, this is line 25, and he gave the answer of Mr Marlborough's position at Aquila mine.
A. Yes.

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Q. The question was:

Q. Ultimately they made the decision in relation to this matter, did they?

The underground mine manager's answer was:

A. I believe so, yes.

Then the question:

Q. They don't hold any statutory position at your mine, do they?

And the answer was:

A. No, they don't.

Are you saying the underground mine manager wasn't aware of the process by which the decision was made because it didn't necessarily involve him?
A. I can describe the process that took place, which is what I've said. Mr Britton and technical people and the SSEs were involved in making this decision, and it was a joint decision in alignment between all the SSEs that decided to take the action that we took on the 243A sensor. And Kelvin may not have been aware of the discussions that were happening.

Q. If I can take you, then, if you're talking about the technical division versus the site division, to a document that's AAMC.001.028.0140. This is the document that I was speaking of earlier. What does "GTS" stand for in the top left-hand side?
A. It's "Global Technical Standards", so Anglo American sets standards for across all of its businesses to be applied.

Q. If we can focus on the "Prevention of Underground Gas and Coal Dust Explosion Standard", which is about number 10 there, you can see that the department owner is "Technical". Does "Technical" mean the division that operates out of Brisbane?
A. It will belong to the technical group out of Brisbane. From a Met Coal business unit perspective, it would be the technical group.

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Q. And the Met Coal champion is a person based in Brisbane as well?
A. Bharath, yes, he's based in Brisbane.

Q. Then you have the individual mine champions, and the one for Grasstree is nominated as the underground mine manager?
A. Yes.

Q. So in terms of where risks are identified in Anglo American, given the standards, are the risks identified at the corporate level or the site level?
A. In this case, these are standards, so what's happening quite literally as we speak, in the fourth quarter of this year, is all of these standards will go through a site assessment, and the site will assess themselves against these standards and look for gaps and look for missing - areas which we do not comply to those standards. It happens at the site level. And then these would - the standards inform your PHMPs, the SOPs in particular, and will inform the documentation for the business, or for the site.

Q. As the CEO, are you satisfied that the statutory owners, pursuant to the regulations, are making the necessary decisions as per the legislation?
A. Yes, I am. The processes that they go through - and I've seen that certainly in action over the last year in updating of PHMPs, standard operating procedures, yes, procedures, the risk assessments that go into it, the critical control work that we've done that now will update the PHMPs again - they absolutely own that work and I'm confident of the quality and that they take accountability for that.

Q. Do you accept, though, that there could be room for improvement in relation to the cohesiveness with which the two groups operate? Giving you an example, you've got the gas management project that's being undertaken, starting from scratch, yet you haven't included the relevant underground mine managers in the committees of that important work.
A. Yes, the intent is to - and it doesn't come through in the document - as far as the working group that actually works on this has been working closely with sites to design the process. So there's a team underneath it - this was

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the original scoping document - that is communicating with site on a regular basis, both with the technical manager, which will include the ventilation officers and ventilation superintendents there, to inform this work. So it may appear on paper that we're ignoring them or shutting them out. That's absolutely not the case. Their input is critical to design the process to be the most effective possible.

Q. And indeed ultimately it has to be, doesn't it, given that they're the contract owners of the gas management and ventilation?
A. Yes. Nothing will change on that site unless it goes through the proper statutory controls and processes. So if it's a change to the PHMP around explosions, it's got to go through that process with proper risk assessments, the proper sign-offs at site, and then the relative standard operating procedures or TARPs need to be created out of that. So it follows the statutory process.

Q. Mr Hunter asked you questions this morning in relation to the 10 gas exceedances that happened in around July at Grosvenor.
A. Yes.

Q. And you said that you raised that with the head of underground.
A. Yes.

Q. You didn't raise it, though, with the head of safety?
A. The head of safety was aware of it as well. My primary contact was the head of underground to understand what we were going to do to change it and address the issues.

Q. That might address the immediate issues, but in terms of learnings from those incidents and also reducing risks to an acceptable level in terms of the safety perspective, isn't it important to involve the head of safety in matters concerning gas management?
A. The head of safety would have been aware, because all of those - the same way I was aware of it, all of the information flows through there. The learning from incidents is around the technical matters as to how we deal with the immediate issue, as you pointed out, but also how do those technical solutions fit into the technical group and working with the sites to come up with a solution

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that's going to solve the problem permanently.

Q. I only have one final document to take you to. Mr Operator, it's AAMC.001.029.0016. This is the gas management workshop. You referred to it as being one of two workshops that were conducted at the end of last year particularly in relation to gas.
A. Yes.

Q. There were obviously a number of persons present, and I recognise that not everyone can attend a workshop.
A. Yes.

Q. But again, isn't there room for improvement in terms of the people that are attending such workshops? You don't have the head of safety as having attended.
A. Yes.

Q. You also don't have the ventilation officer, who obviously owns the ventilation principal hazard management plan in relation to Grasstree?
A. Yes. Yes, and from the context of not having the manager of safety there, this was a very technical project related to gas management. The head of safety could be there, but it wasn't one of the critical people we wanted there. As far as the Grasstree mine, I can't speak for the invite list, possibly the ventilation officer wasn't available, but having representatives from each one of the sites, including the technical service managers in each one of those areas, and somebody associated with the gas and ventilation management in the area was critical, as well as providing those four external experts, in helping us work through some of these challenges.

Q. One of the witnesses that's going to give evidence later in the week speaks about the importance of an improvement by involving experts earlier in looking at gas management, and here it shows that you have involved invited guests, such as Roy Moreby, to speak.
A. Yes.

Q. But again you said you weren't sure of the invitation list, but the SSEs of each of those mines aren't on the list of attendees, are they?
A. No, they are not.

Q. Given that you're reviewing past, current and

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potential future gas management issues, don't you see it as important that the SSEs, as the ultimate contract owner of the safety and health management system, have an understanding and benefit from the expert learnings as well?
A. They could be included in this. The intent of this session - the purpose is down there. It was really a workshop to go through understanding the issues and looking for opportunities to resolve those issues. No decisions were being made out of this work. Those decisions - any decisions or recommendations would go through to the SSEs through the respective channels to be able to, again, ensure that they're actually following the statutory requirements through here. And there would be an opportunity, as that recommendation comes forward, to have discussions and challenges and further clarification for this. The intent of this was having the best gas experts we could find, with the gas experts and technical people from the sites, to get the most robust conversation and challenge we could.

Q. One would hope that at Grasstree the underground mine manager would be one of those persons, though, that would be au fait with the gas management issues at the mine?
A. Yes, and I think in the case of Grasstree, having Tim McNally there as the technical services manager, obviously those two work very, very closely together and would know intimately all of the gas issues. So I'm confident that the underground mine managers were well represented from their perspectives and the challenges through the groups - group we had at this session.

MS HOLLIDAY: I have no further questions.

THE CHAIRPERSON: Thank you. Mr Holt, will you be some little time?

MR HOLT: I will be longer than we have left in the day, but I'd like to start, if I may?

THE CHAIRPERSON: Yes, by all means.

<EXAMINATION BY MR HOLT:

MR HOLT: Q. Mr Mitchelson, I'm sorry, you're coming back tomorrow, but can I deal with a couple of issues, bigger-picture issues, at the outset. Many of the

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questions that you were asked, particularly I suppose just now by our learned friend Ms Holliday, seemed to be premised on the idea that there might be a tension between safety and production. You'll understand that proposition?
A. Yes.

Q. Can you explain from your perspective and from Anglo's perspective how you see the relationship between safety and production, and we'll do this specifically in the context of the Burning Ambition targets, but at a group level, at a philosophical level, what do you see the relationship as being?
A. For a fundamental principle across all of Anglo American, certainly within Met Coal, it is safe production. The two are a balance. The two aren't a trade-off. They go hand in hand together.

Q. Can you explain why that's so?
A. I think I may have mentioned it earlier today. If you look at it from a planning perspective, which is obviously one of the main focus areas that we're working on through our transformation program, planned work is 70 per cent safer and 30 to 40 per cent more cost effective. So in that context, driving the safety performance will drag the production performance. A safe mine is always a productive mine. That's a bit of a mantra inside of Anglo American and certainly something that I've seen in working at a multitude of mine sites.

Q. I think you gave us a practical example earlier, but perhaps if we can use it in that context, when there was the move to the new longwall in Grosvenor, you described there being in fact a reduction in production targets or production planning around that?
A. Yes.

Q. Can you explain how that decision-making occurred?
A. As part of our business planning process, the sites will develop their preliminary business plans. We consolidate that and look at it across Met Coal with the GMs, commercial managers and technical managers. We have workshops to actually go through the risks and understand what's in that plan. Going through it and really working through the details with the site, understanding the strata challenges that were going to be there - we experienced those on 103, we knew they were going to come through again on 104. Based on the geological data we had, we knew we

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had gas challenges in 103, and again when we were entering the panel, we knew we were going to have those as well. We had mitigation strategies around gas drainage, again going from 50 to 25. We had gas skids that were going to be on order, but they weren't going to be there until the June time frame. So we consciously made a decision - Grosvenor, in this same section in the previous panel, did probably about 135,000 tonnes a week. We consciously made a decision to drop them to a budget target of 100,000 tonnes a week.

What we didn't want is the mine to be pushing themselves over and above the capacity, either for strata management and/or gas management. So it was a decision we made to derate the production levels and the expectations to manage the safety.

Q. In that sense, what would be the point at which you would then make a decision to up those production targets again in the context of gas management and strata management?
A. On a regular basis, and this happens on a monthly basis, we look at what is the risk profile going forward. So we would not have been pushing, and we don't push, the production rates until we're confident there has been a change in the risk profile or the productivity of certain projects potentially that we're working on, but that has to be proven and demonstrated before we would actually drive for a higher production level.

Q. I guess on a similar topic, and just recognising the time limitations today, again, and I suppose in asking this question I might be suggesting a distinction between safety and production - but the current environment is pretty tough financially, I imagine, in terms of availability of capital for investment?
A. Yes, it is, very.

Q. And availability of capital for projects?
A. Yes, it is.

Q. Would you explain to the Board, please, what approach Anglo has taken to the availability of capital and funds and any cuts that might be being made in the current environment on safety initiatives versus other projects or operations that might exist?
A. Across Anglo American - material capital reductions.

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I think that was announced in the first half results. From a Met Coal perspective, we're part of that. As a business, we've cut about 25 per cent of our total capital budget for 2020. And the rule is very, very clear: we will not touch any of the safety capital. So the safety capital has been ringfenced and it's the focus - it's the first capital that we allocate in the business, and we don't touch that.

Q. Can we be clear about that. Is that a decision made at an Anglo American level, at a Met Coal level, at a site level or at all of those levels?
A. It's made at all of those levels, and if there's safety capital that comes up, even in the tough circumstances we have right now, we will fund the safety capital.

Q. So let's give an example of that. We heard, as you would know, in the last week or two about Grasstree and Moranbah North, as a result of the learning from incident process, which we'll talk a little more about tomorrow - but as a result of the learning from incident process, it was identified that goaf drainage capacity needed improvement. You would be aware of that?
A. Yes.

Q. We've heard there was effectively an immediate injection of capital funds to fund additional compressors and then blowers and other strategies longer term?
A. Yes.

Q. I guess just perching on that issue for a moment, from your perspective how do you deal with requests like that? How are they seen? There are obviously significant budget implications, but how do you make those decisions?
A. The business case, the documentation will be developed at site. The general manager has certain authority levels. If it falls within that, the general manager will make that call. In many of these cases, if it's an out-of-budget expenditure, their approval level is fairly low, then that pops up to the Met Coal executive level where we have something called the investment review committee. So we review any capital request through that committee.

The committee meets once a month, but in circumstances like this, we can have an emergency circular resolution, which would be the case for the Grasstree incident, that they needed approval for this as soon as possible, and so

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instead of waiting for the next monthly meeting, we get the documents and we basically approve it through a circular resolution online.

Q. Is that, as you understand it, what happened in respect of the --
A. As I understand it, that's what happened in the context of Grasstree.

Q. Again, if that issue arose again now, notwithstanding the general cuts that are occurring in the current financial circumstances internationally, would you envisage making the same kind of decision again?
A. We would make the same decision again.

Q. You were being asked some questions by Ms Holliday about the very interesting question of the relationship between individual sites, where under the Queensland regime, the statutory obligation sits with the SSE and indeed other role-holders on the site, and the fact that you have the Met Coal business sitting in Brisbane, together with Anglo American internationally.
A. Yes.

Q. Can you explain for the benefit of the Board, given that you sit in charge of the middle bit of that, if I can put it that way, what you see as being Met Coal 's role and Anglo American's role in supporting site to make the decisions that must be made on site as a matter of statute?
A. From a Met Coal perspective, we're accountable for the overall managing of the business - set the business plan, set the strategies, look at the priorities of the business. This is all done in the context of and consultation with the sites as well.

In the case of a really key role for the Met Coal business in the Brisbane office is to provide, we call it functional expertise. The people we have in Brisbane should be the experts in their respective fields and should be able to provide advice and challenge to the sites. They don't have the decision-making authority, but they do have that technical expertise or functional expertise to be able to challenge sites to ensure that we're actually making the best decisions possible for that site and for the overall Met Coal business.

Q. When you talk about that functionality, we've heard

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about the technical services area, which is under the leadership of Mr Rocchi; is that correct?
A. Yes.

Q. He's a former Chief Inspector of Mines?
A. Yes, he was a former chief inspector, yes.

Q. In terms of the kind of support that that group gives, how significant is it to the SSEs and the local mines?
A. They provide a very valuable resource. Particularly the topic being gas management, you've got two people that work in Luca Rocchi's group that are probably some of the world-renowned experts on gas management. The complexities of the issues that the site is trying to deal with can be extremely complex, and that team is the critical resource to be able to resolve some of these issues. The workshop that was identified there, that was run by the technical group out of Brisbane, and bringing people outside of our business as well, to provide the support and the solutions to sites.

Q. I was going to ask about that, because there seemed to be some criticism of the invitation list or at least those that ultimately attended that workshop. Given that you've explained that you have some world-renowned experts already in that technical team on gas management, why did you see the need to bring in external experts to come and be part of that process, as well, from outside Anglo completely?
A. One of the things I think across the Met Coal business, we're always looking for the best ideas and the best expertise. In this case, yes, we have the expertise internally, but for something as complex as gas management, with the number of factors in there, we wanted to have an additional set of eyes and ideas and support to be able to build the strategies and look at the challenges and what we need to do. And we've done in this other areas around strata as well, where we do have good strata expertise and geoscience expertise, but we will go out and get another opinion to give us more information, to challenge our own internal thinking.

Q. In terms of the availability of expertise in Brisbane, is that just intended to be reactive or is it also partly about identifying further opportunities, I guess particularly using technological advancements?
A. Yes, and there's two components to it. Obviously if there are issues on site that are immediate, this team is

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mobilised to go help on the immediate issue, on the urgent stuff that's happening, but a lot of their primary focus is really around the longer-term and strategic issues as to how do we improve the business? These will be things that, again, will take that broad-brush expertise and are trying to change the way in which we do business, and whether that be technology or some of our business processes, our modelling - you know, in the case of gas, one of the things that this team is doing, in conjunction with another group, is - gas modelling is probably one of the most complex things you can find in the world. There are not too many people that can do it. We did a piece of work in 2019 on using data analytics and data science for cavity prediction. That took six different databases and actually created algorithms and learning processes to actually predict strata reaction, and we use that at Grosvenor mine.

That team is now building - well, within Met Coal, I'm building a data analytics team. One of the first priorities from that team is I want a gas analytics team in there to start building better gas models that can take into account multiple databases and understand the variations and variabilities that can happen in a normal mining environment.

So this is the type of work that those groups in the functional centre do. Can't expect a VO or even a technical services manager at site to be able to dedicate the time and resources to that, but we've got to do that work on behalf of them.

Q. Just one final topic for the end of the day. You've been taken, during the course of questioning mainly by our learned friend Mr Hunter and our learned friend Ms Holliday, to some lines and small parts of various documents. You've been involved in that process for a number of hours, particularly lines or small parts taken out of memoranda that you've written or that you've approved of.
A. Yes. Mmm-hmm.

Q. In your statement, you've set out, of course in much more comprehensive detail, the actual architecture of the safety and health management system that Anglo has?
A. Yes.

Q. Is that an architecture which only functions when you

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send a memo or only functions when you receive a phone call, or how is that designed?
A. The architecture referred to in the witness statement - it is the way we shape all of our internal Met Coal processes. So the SHE way gives you the overall framework. We develop our own SHE way - I'm not sure if the document's actually attached to the witness statement or not, but there's a SHE way for Met Coal business, and again that's the framework of how we're going to manage the overall safety framework for the business.

From that, you really start tying together the specific processes around operational risk management, which led to a lot of the critical controls, baseline risk assessments, and feeds into the site processes and the PHMPs, SOPs. It's also looking at using that framework to develop our elimination of fatalities program as well. The risk assessments, I don't want to get into too much detail around our six elements of the elimination of fatality --

Q. We'll do that tomorrow.
A. But that process around the operational risk management, the fundamental principles of leadership from the SHE way, a lot of those principles we built into our elimination of fatality program, and that is the key driver that we use in the business to drive safety within Anglo American.

Q. In terms, though, of two levels of that architecture as well, there's obviously the safety and health management system, which is an obligation on the SSEs and on the site?
A. Yes.

Q. And then also, as you've noted, SOPs as well and the other underlying documents that are used to manage certain kinds of activities and certain kinds of risks?
A. Yes.

Q. Are you aware - I'm sure you would be - that Mr Gavin Taylor, a former Chief Inspector of Mines, has been asked for the purpose of this process to assess those systems and to assist the Board in that regard?
A. Yes, I am, yes.

Q. In terms of the SHMS, that is, the corporate structure that provides that framework, are you aware that he has described that as being of a high standard?

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A. Yes, I'm aware it's of a high standard.

Q. In terms, then, of the SOPs, particularly the SOPs that relate to the longwall, has Anglo got a process of independent audit for those as well? You've brought in, at various stages, independent auditors to look at those processes?
A. Yes, through our standard assurance processes, at least every three years we get the ABAS group, which is an independent group, no-one from Met Coal, that comes in from Anglo American, and they will employ third party experts, as well, as they need it, and they will review the SOPs particularly focused on the priority unwanted events in that specific site to ensure critical controls are in place that are reflected down to the SOPs to the right level. So that happens at least every three years, and then there is always a follow-up review after to ensure any findings and any shortcomings have been addressed.

The other thing we do within Met Coal is, again, that corporate technical team - we have something called the OMS, which is operating management system, which is our standards, and twice a year an independent group from the Brisbane office will go out to the site and go through, are you complying to the standards of that business, and look at the quality in which they're complying to the standards in that business.

Q. In terms of those SOPs particularly relating to the longwall environment, are you aware that Mr Taylor, former Chief Inspector of Mines, has described those in a statement provided to the Board as being, in his words, "commendable and among the best I have viewed" for Grasstree and Moranbah mines?
A. Yes, I've seen that commentary. That was something that we look through on a regular basis through that, again, OMS process, but having the third party to actually look at it is very valuable.

MR HOLT: Thank you.

I certainly won't finish tonight, but I don't think I will be more than about 20 minutes tomorrow, Mr Martin, if that gives people a sense of time.

THE CHAIRPERSON: Thank you. And Mr Jones is right for tomorrow?

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MR HOLT: Yes, no difficulty there.

THE CHAIRPERSON: All right. Thank you. 10 o'clock tomorrow, please.

AT 4.34PM THE BOARD OF INQUIRY WAS ADJOURNED TO TUESDAY, 18 AUGUST 2020 AT 10AM

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