

**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 Tuesday, 11 August 2020 at 10am  
(Day 6)

1 THE CHAIRPERSON: Yes, Mr Rice.

2

3 MR RICE: Mr Martin, a list of documents relevant to  
4 evidence given on Friday and yesterday has been prepared  
5 and circulated to the parties. It is entitled "Tender  
6 List D", dated 7 and 10 August. I will tender that list  
7 and the documents referred to in it.

8

9 THE CHAIRPERSON: Yes, thank you. That list with that  
10 marking will be admitted into evidence.

11

12 MR RICE: I call Richard Harris.

13

14 <RICHARD HARRIS, affirmed: [10.02am]

15

16 <EXAMINATION BY MR RICE:

17

18 MR RICE: Q. Is your name Richard Harris?

19

A. Yes.

20

21 Q. Mr Harris, are you employed by Anglo Coal at the  
22 Grasstree mine?

23

A. Yes, that's correct.

24

25 Q. Do you occupy the position there of deputy, that is to  
26 say, an ERZ controller?

27

A. Yes.

28

29 Q. With the assistance of solicitors, I think you have  
30 prepared an affidavit setting out some evidence for the  
31 inquiry?

32

A. Yes, that's correct.

33

34 Q. If I could ask that Mr Harris be shown his affidavit.  
35 Mr Operator, it is HRI.001.001.0001. You have been given  
36 a copy of that, Mr Harris?

37

A. Yes.

38

39 Q. You have worked at the mine for a number of years,  
40 apparently, between 2004 and 2012 and then returned in  
41 early 2018?

42

A. Yes.

43

44 Q. Taking up then the SSHR role for the second time,  
45 about 12 months ago?

46

A. Yes, that's right.

47

- 1 Q. In that role, you have, what, a total of four or five  
2 years' experience?  
3 A. Yes, about that.  
4
- 5 Q. One of the things that the Act requires is that the  
6 person who is appointed to that position or elected to that  
7 position holds the appropriate competencies?  
8 A. Yes.  
9
- 10 Q. Would you mind just saying what they currently are?  
11 A. I've got the S1, 2, 3 and G2 and the deputy's  
12 certificate of competency.  
13
- 14 Q. Well, S1, 2 and 3 I think you mentioned?  
15 A. Yes.  
16
- 17 Q. What's the content of each of those?  
18 A. I think they're just supervisory courses.  
19
- 20 Q. Supervisor courses?  
21 A. Yes, yes.  
22
- 23 Q. Does it follow that an SSHR needs to be at supervisor  
24 level?  
25 A. I'm not too sure. I did those courses quite some time  
26 ago.  
27
- 28 THE CHAIRPERSON: Q. Mr Harris, could I get you to keep  
29 your voice up a bit, please?  
30 A. Yes. Sorry, sir.  
31
- 32 MR RICE: Q. You have a decent amount of experience in  
33 mining. In carrying out the role as SSHR, does the  
34 competency that goes with being a deputy assist in the role  
35 and, if so, in what way?  
36 A. Yes, I think so. It's just the access and our  
37 knowledge of the mine as well helps us, where we can access  
38 all areas, and also supervisory skills. When we do  
39 workplace inspections, et cetera, we sort of see what's  
40 going on around the place and determine whether the  
41 workforce are doing the right thing or not.  
42
- 43 Q. Are you aware of any SSHR who has not been a full-time  
44 employee at Grasstree?  
45 A. Not that I'm aware of, no.  
46
- 47 Q. Has there been any that you are aware of who has not

1           been a supervisor or a deputy such as yourself?  
2           A.    Not from memory, no.  
3  
4           Q.    Were you nominated or did you --  
5           A.    I was nominated and I was the only one whose name was  
6           put up, also.  
7  
8           Q.    Is there an election necessary in that scenario?  
9           A.    Yes, they still went through with the election, yes.  
10  
11          Q.    Even though you were the only nominee?  
12          A.    Yes, yes.  
13  
14          Q.    You mention in your affidavit at paragraph 11 that it  
15          is rare for new people to put their names forward. Do you  
16          have any idea why people are reluctant to come forward to  
17          do that role?  
18          A.    Personally I think it's just because they think it's  
19          an arduous task. You're always dealing with issues  
20          throughout the mine, and some people just want to go to  
21          work and do their basic role and that's it.  
22  
23          Q.    Does the carrying out of the role sometimes bring you  
24          in conflict with other workers?  
25          A.    Not necessarily, no. I've a pretty good rapport with  
26          management and the workforce.  
27  
28          Q.    In that paragraph, you say that you kept getting asked  
29          by the lodge and the workforce to nominate. What are you  
30          referring to by "the lodge" there?  
31          A.    That's the CFMEU members and just in general a lot of  
32          the workforce, as CFMEU members.  
33  
34          Q.    You're a member yourself?  
35          A.    Yes, that's right.  
36  
37          Q.    So are you speaking of - CFMEU members would speak to  
38          you?  
39          A.    Oh, yes, most of the workforce does.  
40  
41          Q.    Ask you if you were interested in taking on that role?  
42          A.    Yes.  
43  
44          Q.    That's one source of expression of confidence,  
45          I suppose, by other workers?  
46          A.    And I think because I was at that mine previously,  
47          I still know a lot of people there, and I had done that job

- 1 before, as well.  
2
- 3 Q. You occupy that position in conjunction with Mr Hoare;  
4 correct?  
5 A. Yes, that's right.  
6
- 7 Q. Tell me, do you both work independently in carrying  
8 out the functions you have under the Act or do you  
9 coordinate in some way?  
10 A. We work independently on different rosters, but we do  
11 communicate with each other from time to time if there is  
12 an issue.  
13
- 14 Q. When you say you work independently on different  
15 rosters, what does that translate to in practice?  
16 A. Well, I work on - when I am on my seven days at work,  
17 Mr Hoare is at home on days off. So we just do half the  
18 year in that role, and he does the other half.  
19
- 20 Q. I'm sorry, you do half the year?  
21 A. Yes, seven on, seven off roster, so it's part-time.  
22 When I'm on my days off, he's the SSHR at work.  
23
- 24 Q. So there is always someone, always an SSHR, at work?  
25 A. Yes, yes.  
26
- 27 Q. Because you have alternating rosters?  
28 A. Yes, that's right.  
29
- 30 Q. You speak about your relationship with the ISHRs in  
31 paragraph 15. What kind of interaction would you typically  
32 have with them?  
33 A. Generally just phone calls, and if I go to a function,  
34 such as a safety conference, we generally have a chat there  
35 as well, and just some emails back and forth.  
36
- 37 Q. Is having an open and good line of communication with  
38 them of value to you in carrying out the SSHR role?  
39 A. Yes, it is. I rely on their experience and their  
40 knowledge of the mining industry and the legislation to  
41 help me out as well.  
42
- 43 Q. In what way do you rely on that?  
44 A. Just if I'm unsure of an issue, I call them up or  
45 email them and just ask them questions regarding what  
46 action I should take.  
47

1 Q. You mention at paragraph 19 that 80 to 90 per cent of  
2 the matters that arise in your capacity you describe as  
3 minor. Can you give us an idea about the kind of things  
4 that comprise that 80 to 90 per cent?

5 A. The majority of them would be a simple thing, like  
6 roadway dust or roadway conditions being unacceptable, and  
7 that's easily sorted out on shift. Whether you are an  
8 SSHR, a deputy, anyone can sort that out on shift, but  
9 quite often they approach the SSHR to talk to the MSO or  
10 the under-manager in charge and get that sorted, and it's  
11 as simple as ringing up and making a phone call to the MSO  
12 and getting a water cart or salter down there.

13  
14 Q. Within that 80 to 90 per cent that you refer to, would  
15 they be things that you might either observe yourself --

16 A. Yes, just driving down the pit in the back of the  
17 vehicle, you can see the dust, and then straightaway we get  
18 on to it.

19  
20 Q. So a particular work location might be in an  
21 unsatisfactory condition?

22 A. Yes.

23  
24 Q. Or perhaps a particular task might not be being  
25 performed as it should?

26 A. Yes, that can happen.

27  
28 Q. Is that the kind of thing?

29 A. Yes.

30  
31 Q. Again, do you observe that kind of thing yourself?

32 A. You can do, yes.

33  
34 Q. How else would it come to your attention, apart from  
35 what you see from being at the mine?

36 A. Just from coal mine workers bringing it to my  
37 attention, and there's other reports you can read as well.

38  
39 Q. Is there any difference in quality between that 80 to  
40 90 per cent that you refer to and the other 10 per cent  
41 that you might liaise with the ISHRs about?

42 A. Sorry, any difference in?

43  
44 Q. Quality, any difference in seriousness or what type of  
45 matter?

46 A. Not really. I haven't really had any serious events  
47 that I've had to deal with at Grasstree since I've been

1 back. So it's been good.

2

3 Q. Have you ever had to refer anything to an inspector?

4 A. No.

5

6 Q. Have you ever had to suspend operations?

7 A. Not as an SSHR since I've been back this time, but  
8 just in my capacity as a deputy I've stopped a longwall  
9 production briefly just because they didn't have sufficient  
10 dust suppression at the transfer, but that's nothing as an  
11 SSHR role.

12

13 Q. Have you been able to resolve such issues as have come  
14 to your attention, with the cooperation of the mine  
15 management, before getting to the stage of referring it to  
16 an inspector?

17 A. Yes, definitely. Like I said, most of it is sorted  
18 out on shift.

19

20 Q. You say "definitely" to convey that you are firmly of  
21 that view?

22 A. Yes.

23

24 Q. What is it about the dynamic that exists between you  
25 and the mine management that enables that to occur?

26 A. I don't know. It's just we ask for it, we ring up and  
27 say, you know, "It's very dusty. We need something done  
28 straightaway", and it gets done, because we want it to be  
29 a safe place to be in. Controlling dust is one of the  
30 simple hazards you see all the time, and there's an easy  
31 fix for it.

32

33 Q. Is the work of the SSHR something that you can plan  
34 ahead to allocate time to, or do you find that there are  
35 urgent situations when you have to drop your normal work?

36 A. Sometimes you can plan ahead with regards to an  
37 inspection, but also other things come up. Sometimes the  
38 management will want you to go and have a look at an area  
39 and see if everything is okay in that area. Like, if there  
40 is an incident, they might want you to go and have a look  
41 at something, but I haven't been called away from my normal  
42 duties to have a look at anything since I've been back  
43 there.

44

45 Q. Given the nature of your job as a deputy, how  
46 difficult is it to get away, once you are on shift, with  
47 the role that you have got?

1 A. It's not too bad. If something did happen, they would  
2 send in - they would give you a relief deputy to take on  
3 the role you are doing, and then you would go and  
4 facilitate whatever is happening in that other area of the  
5 mine.

6  
7 Q. Are you in production, by the way, or in development?

8 A. No, in outbye.

9

10 Q. In terms of safety issues that you discuss at  
11 paragraph 27, you mention that the mine has very set  
12 processes for people to report safety concerns. Can you  
13 say what you are referring to there?

14 A. We have hazard reports and also incident reports. If  
15 there is an incident, we are required to fill one of those  
16 out by the end of the shift, at least start the process,  
17 and there's --

18

19 Q. That's when some particular incident occurs, though,  
20 isn't it?

21 A. Yes.

22

23 Q. Perhaps by contrast with the kind of scenario you were  
24 talking about earlier where there might be roadway dust  
25 or --

26 A. Yes, just a hazard report would suffice or a deputy's  
27 report, and then that will get actioned and get the water  
28 cart running.

29

30 Q. So at that part of your affidavit, you are talking  
31 about the formal reporting mechanisms?

32 A. Yes.

33

34 Q. Things would come to your attention by other means,  
35 presumably?

36 A. Yes, deputy's reports are the other thing where you  
37 get information and just word of mouth from people  
38 underground.

39

40 Q. Are you able to tell us what kind of proportion of  
41 your work would be taken up with the role of an SSHR  
42 compared to your regular job, so to speak?

43 A. Your main role as a deputy is obviously the majority  
44 of it, but you do get a lot of phone calls out of work as  
45 well and just talking with management at the start of the  
46 shift about some issues, so it can take up a fair bit of  
47 time. I don't know what proportion.



- 1  
2 Q. You talk about the reporting culture at the mine from  
3 paragraph 29 onwards. You speak in several paragraphs  
4 about observations of contractors - for example, if you  
5 look at the first sentence of paragraph 30.  
6 A. Yes.  
7
- 8 Q. Can you say what experience you are referring to there  
9 that warrants that opinion?  
10 A. This is based on my experience as a deputy in the  
11 mines for the 15 years I've been deputy. It's not based on  
12 Grasstree. That's just from what I've seen over the years  
13 and that's been brought to my attention by some contracted  
14 firms over the years.  
15
- 16 Q. When you say "brought to your attention", can you tell  
17 us what kinds of things you see or you have been told?  
18 A. Both. Both from what I've seen and what I've been  
19 told. Yes, that's just the general consensus that a lot of  
20 the contract workers have. That's from what I've seen.  
21
- 22 Q. What kind of work are you speaking of?  
23 A. A lot of them do specialised work, such as conveyor  
24 belt installations and, yes, just different tasks that are  
25 solely contractor jobs. You might come across them doing  
26 something probably not to the procedure, and I have spoken  
27 to them, and they've just said, "Well, yeah, it's all right  
28 for you. You're permanent. You won't lose your job."  
29 That has happened over the years. It hasn't happened at  
30 Grasstree since I've been back, but it has happened in my  
31 mining career.  
32
- 33 Q. What, that a contractor has lost --  
34 A. No, that they have said that their perception is that  
35 they will lose their job over it, not that they have lost  
36 their job.  
37
- 38 Q. With what frequency have you heard that over the years  
39 you have been working?  
40 A. Oh, it's quite regular that that is a perception that  
41 they have. As I said, I've yet to see a contract firm go  
42 away from the mine. They just sort of stay there long  
43 term, but a lot of the contract workers do have that  
44 perception.  
45
- 46 Q. You refer also at paragraph 32 to pressure.  
47 A. Yes, and --

1  
2 Q. Is that a different kind of pressure to what the  
3 permanent workers experience?

4 A. Well, we're all under pressure to reach our targets at  
5 work, but, once again, that's what they're telling me that  
6 they're pressurised to. An example is a belt installation.  
7 I've been told from contractors in the past they had  
8 10 days to get the belt running, and then all of a sudden  
9 it's been brought back to seven days and they're a little  
10 bit stressed and pressurised to get that job done. Then,  
11 like, I make it certain to tell them that it doesn't matter  
12 when it gets done, as long as you don't hurt anyone or do  
13 something silly.

14  
15 Q. In your experience and observations, does that have  
16 any practical effect on reports of safety matters by  
17 contractors?

18 A. I think it does at times, yes. They may do something  
19 that is not a hundred per cent right, and it may not be  
20 a major breach, but it could, in effect, hurt them.

21  
22 Q. Does the kind of pressure you've been speaking about  
23 find reflection in whether or not safety issues are  
24 reported to the mine management?

25 A. A lot of the contractors are reluctant to report some  
26 safety issues. Sometimes they report them to me and I will  
27 take them to management, and they don't want their name to  
28 it. It's just in general a safety issue they will have,  
29 and I will bring it up. But once again, I haven't had too  
30 many issues since I've come back at Anglo this time.

31  
32 Q. You speak at paragraph 33 about having raised your  
33 concerns with management. Is that during your most recent  
34 12-month stint as SSHR?

35 A. Yes. Because of the pressures that the contractors  
36 have felt and those issues they have brought to me, I've  
37 actually gone to the production or operations manager at  
38 the time and spoken to him about it. The next day, he  
39 addressed the workforce at the pre-shift meeting and said  
40 there will be no reprisals for anyone who speaks up for any  
41 safety issues. So they reiterated it to the workforce.  
42 That happened over a couple of shifts, so everyone on my  
43 side heard about it.

44  
45 Q. Looking forward a little bit in your affidavit, if you  
46 would have a look at paragraph 35, you had been speaking in  
47 preceding paragraphs about the contractor situation.

1 A. Yes.

2

3 Q. When you refer to a fear of reporting that you  
4 describe, are you continuing to talk about contractors or  
5 of whom are you speaking?

6 A. Mostly contractors, yes. Generally the permanent  
7 workforce will speak up, and some contractors do,  
8 admittedly, but quite a few are reluctant.

9

10 Q. Have you seen, as you describe it, some people cutting  
11 corners?

12 A. Over the years, yes.

13

14 Q. To get the job done?

15 A. Yes.

16

17 Q. In the contract scenario that we're talking about  
18 here?

19 A. Yes.

20

21 Q. You talk about the fears and perceptions that you have  
22 referred to. Do they continue to exist, even though, as  
23 you describe it, firstly, you encourage workers to report  
24 safety issues; right?

25 A. Yes.

26

27 Q. Also, I think you refer at paragraph 41 to mine  
28 management encouraging workers to report safety issues?

29 A. Yes, that's correct.

30

31 Q. So do those perceptions and fears that you have  
32 described, in your experience, continue to exist  
33 notwithstanding that the mine encourages them to act  
34 differently?

35 A. Yes, I think they do.

36

37 Q. Is there any remedy to that, do you think?

38 A. Oh, no, I don't know. Like I said, if I say it and  
39 then management comes out and says it in front of everyone  
40 and people are still reluctant, I don't know what the  
41 remedy is.

42

43 Q. Is that something that has been an ongoing feature of  
44 your work as a miner not only at Grasstree?

45 A. Yes, yes.

46

47 Q. But at other places as well?

- 1 A. Yes.  
2
- 3 Q. You explain in paragraph 38 that some people just take  
4 it on themselves to work dangerously. Is there anything  
5 that can be done about that?
- 6 A. Just supervision to ensure they're following  
7 procedures and they're all accountable to do their own job  
8 safely, and supervision is a big thing, and the blokes just  
9 to work safely and not take shortcuts.  
10
- 11 Q. Have you had occasion to see an activity that you've  
12 disapproved of from a safety perspective and intervene on  
13 the spot?
- 14 A. Yes.  
15
- 16 Q. Is that any regular part of your job?
- 17 A. Sorry?  
18
- 19 Q. Is that a regular part of your job?
- 20 A. It's what we're supposed to do, but it is not  
21 a regular occurrence that I see it. Over my 15 years as  
22 a deputy, I have seen that, but it's not a regular  
23 occurrence, I wouldn't say.  
24
- 25 Q. One of the functions is to carry out inspections, and  
26 you make some reference to that at paragraph 64. You try  
27 to do some inspection every month or so; correct?
- 28 A. Yes.  
29
- 30 Q. Are we talking there about a whole of mine inspection  
31 or some part of it? I'm just interested to know what's  
32 your method?
- 33 A. I try to do the whole of mine if I can, as in I try to  
34 go a production panel, a development longwall and outbye  
35 areas, and it's generally - I coordinate it with the MSO,  
36 so I can get a vehicle so I can move around a lot easier.  
37
- 38 Q. Do you get someone to accompany you?
- 39 A. Not generally.  
40
- 41 Q. From management, I mean.
- 42 A. No-one's wanted to come. Sometimes I do my role as  
43 a deputy, and then once I've fulfilled that role, then  
44 I get a vehicle, say, after lunch and do a bit of an  
45 inspection then and then just at the end of the week write  
46 a report up over it. It's over a few days.  
47

- 1 Q. Do you have an agenda when you do an inspection or is  
2 it just, like, open slate and you look around to see what  
3 you can find?
- 4 A. I just have a look around, and I also talk to coal  
5 mine workers on the inspection and ask them if they have  
6 any issues they need to be brought up and just in general  
7 have a good look around the mine.  
8
- 9 Q. Are you free to go wherever you wish to, that is to  
10 say, from the management?
- 11 A. Yes.  
12
- 13 Q. Do you need to give notice of doing so?
- 14 A. I just normally email the MSO when I'm on days off or  
15 the week I'm at work and say, "Next week I'd like to do an  
16 inspection. Can I have a day or two to carry out that  
17 inspection?"  
18
- 19 Q. So you need to get approval, do you, to get the time  
20 allocated?
- 21 A. Yes, yes.  
22
- 23 Q. And get some transport as well?
- 24 A. Yes.  
25
- 26 Q. Is that the purpose of giving that notice?
- 27 A. Yes, and if they're short of deputies, then it will be  
28 postponed to another day or something.  
29
- 30 Q. By negotiation?
- 31 A. Yes.  
32
- 33 Q. One of the other functions that an SSHR has is  
34 reviewing procedures.
- 35 A. Yes.  
36
- 37 Q. You participate in that?
- 38 A. I have done some reviews, yes.  
39
- 40 Q. What procedures are we talking about - all of the  
41 mine's written documents?
- 42 A. Yes, just anything in the SHMS, standard operating  
43 procedures, SWPs, and I haven't done a great deal of it  
44 because I've only been back in that role a year.  
45
- 46 Q. There are a great many procedures at any mine, really,  
47 aren't there?

- 1 A. Yes, yes, there's lots.  
2
- 3 Q. Given the variety of procedures, what contribution can  
4 you practically make to the review that is necessary when  
5 they reach their expiry date?  
6 A. Just the fact I might have some experience in the  
7 procedure, and also with other people in the room reviewing  
8 it at the same time, a cross-section to review it. That's  
9 just --  
10
- 11 Q. You wouldn't have experience, would you, in the wide  
12 range of procedures applicable to the mine?  
13 A. Over the years, quite a few, but not all of them,  
14 obviously. But that's where they have other content  
15 experts or people that are experienced in the room and -  
16 yes.  
17
- 18 Q. What is involved in such a review? What takes place  
19 that you participate in?  
20 A. We just go through the procedure and see if there have  
21 been any changes to the mine or how the mine operates or if  
22 there's any equipment that has been updated, for example.  
23
- 24 Q. You are doing that with other personnel, I think you  
25 mentioned?  
26 A. Yes, yes.  
27
- 28 Q. How would that collection of people be determined?  
29 Who works out who is going to do that?  
30 A. It's usually the MSO or the department heads. I think  
31 they just get a fitter, an electrician and maybe an  
32 offroader from the different parts of the mine.  
33
- 34 Q. I appreciate you said you haven't been involved in so  
35 much of that since you came back to Grasstree, but is there  
36 an arrangement where, for the purpose of doing those  
37 reviews, an SSHR is always part of the review team?  
38 A. No, not always.  
39
- 40 Q. What determines whether an SSHR is included or not, do  
41 you know?  
42 A. No, just probably availability and - yes, I don't know  
43 the criteria there.  
44
- 45 Q. Do you do that when you are asked to do it?  
46 A. Yes. Some of the reviews are voluntary in town on  
47 overtime as well.

- 1  
2 Q. Are you asked to participate in that kind of thing by  
3 the MSO?  
4 A. Yes, or a department head.  
5  
6 Q. You don't by what criteria you might have been chosen  
7 to participate in the review of any particular procedure?  
8 A. No.  
9  
10 Q. Is there any review of procedures that you undertake  
11 outside the arrangement that you have just described, that  
12 is to say, do you proactively go and select a portion of  
13 the SHMS to review?  
14 A. Sometimes - not officially, but sometimes I will just  
15 read - if there has been an incident or something, I will  
16 sometimes be asked to have a look at a procedure from the  
17 workforce, and sometimes I will just have a quick read  
18 through that procedure while I'm at work.  
19  
20 Q. For what purpose, just to acquaint yourself with it?  
21 A. Yes, just to refresh myself on the procedure as well,  
22 because, like I said, there are hundreds of procedures and  
23 you'd be lucky to remember a few of them, you know.  
24  
25 Q. Would it be fair to say - again, I know you said that  
26 you haven't been involved so much in that side of things -  
27 when the Act speaks about reviewing procedures, in your  
28 case, are we predominantly talking about the review of the  
29 written procedures that the mine has for such a wide  
30 variety of things?  
31 A. Yes.  
32  
33 Q. Does Mr Hoare do more of that?  
34 A. I'm not too sure.  
35  
36 Q. All right, we'll ask him. In terms of the function of  
37 detecting unsafe practices, I think we have spoken about  
38 that, but just to sum it up, is it a combination of things  
39 that you observe from your work?  
40 A. Yes.  
41  
42 Q. And going around the mine doing inspections?  
43 A. Yes. I haven't seen too many unsafe practices since  
44 I've been back, but it's what I observe, and coal mine  
45 workers will bring stuff to my attention if they think  
46 something is being done that's unsafe.  
47

- 1 Q. Perhaps related to that, one of the functions is to  
2 investigate complaints?  
3 A. Yes.  
4
- 5 Q. Do you get complaints from coal mine workers?  
6 A. Yes, quite often.  
7
- 8 Q. Are they in the category of permanent employees or  
9 contractors or labour hire workers or all of the above?  
10 A. All of the above.  
11
- 12 Q. In equal proportions?  
13 A. Probably more from the permanent workforce.  
14
- 15 Q. What kinds of things are you speaking about?  
16 A. Like I said before, most of them are little things  
17 that can be fixed on site, like dust issues, conditions of  
18 roadways. If there is an incident, people just want to  
19 know more about that incident, and do I know anything more  
20 about the incident, but most is stuff we can get fixed  
21 basically immediately or within the next shift.  
22
- 23 Q. Is there any record kept of a complaint and any  
24 outcome?  
25 A. Not really. I just note it down in my notebook and  
26 then I go and ask questions of management. Like I said,  
27 it's basically sorted out straightaway.  
28
- 29 Q. Can complaints be made to you on a confidential basis?  
30 A. Yes.  
31
- 32 Q. And is that what some people do?  
33 A. Yes, yes.  
34
- 35 Q. Have you had experience where people have said to you,  
36 "Look, I want to speak to you about a certain matter, but  
37 I don't want you to mention my name"?  
38 A. Yes, that happens, yes.  
39
- 40 Q. Does it happen amongst the three groups that  
41 I mentioned?  
42 A. Yes, it does.  
43
- 44 Q. The employees and the contractors and the labour hire  
45 workers?  
46 A. Yes.  
47



1 Q. A representative from any of those categories might  
2 say such a thing to you?

3 A. Yes, that's right.

4  
5 Q. Is that common?

6 A. No, not really. Yes, it's not that common. It's just  
7 every now and then, someone will come and ask me or say  
8 something to me about it, but it's not - it wouldn't be  
9 a common practice.

10  
11 Q. You speak about the fact that you receive reports  
12 about HPIs in your affidavit from paragraph 55. To sum up  
13 about it from what you have said, by the time you get  
14 a notification, you are aware the mine is already taking  
15 action to deal with the situation?

16 A. Yes.

17  
18 Q. And there is not much in practice that you can do by  
19 way of responding?

20 A. No.

21  
22 Q. Insofar as you may have received some notifications of  
23 HPIs from Grasstree that this inquiry is concerned with,  
24 you haven't taken it on yourself to take any intervention?

25 A. No. When there has been the gas exceedance, a lot of  
26 them are just momentary and they're taken care of on shift  
27 by the MSO or the people in charge in management according  
28 to our TARPs, so basically they're dealt with straightaway.

29  
30 Q. You haven't had to deal with any HPI that involved  
31 injury?

32 A. Not that I can recall, no.

33  
34 Q. What you are speaking about at that part of your  
35 affidavit is like the gas exceedances where no-one has been  
36 injured?

37 A. Yes.

38  
39 MR RICE: Thank you, Mr Harris.

40  
41 THE CHAIRPERSON: Mr Holt?

42  
43 **<EXAMINATION BY MR HOLT:**

44  
45 MR HOLT: Q. Good morning, Mr Harris. My name is  
46 Saul Holt. I'm one of the lawyers for Anglo, including the  
47 Grasstree mine.

1 A. Okay.

2

3 Q. Just a few questions for you. You have indicated in  
4 your evidence, and indeed in your statement, that mine  
5 management - and I know that's just a general term, so  
6 people like Damien Wynn and Kelvin Schiefelbein - are  
7 pretty supportive of your role as an SSHR?

8 A. Yes.

9

10 Q. Just to put some meat on those bones, as you mention  
11 in your statement, there is a CFMEU-organised safety  
12 conference for SSHRs each year?

13 A. Yes, that's right.

14

15 Q. You are supported by the mine management to go to  
16 that?

17 A. Yes.

18

19 Q. In addition, you are also supported to go to the  
20 Queensland mine safety conference, as well, that is held  
21 each year?

22 A. Yes.

23

24 Q. I imagine not this year?

25 A. Not this year, no.

26

27 Q. Because of circumstances beyond anyone's control. You  
28 are supported in that role to go to both of those forms of  
29 training?

30 A. Yes, I've been there, yes.

31

32 Q. You have also talked about the fact - you raise it in  
33 your statement and you raised it also today - that there  
34 are times when your employment as a deputy and your role as  
35 an SSHR mean that it feels like a bit of a juggle at times?

36 A. Yes.

37

38 Q. But you also explained that in your experience, the  
39 mine, by which I imagine you mean management people like  
40 Damien Wynn and Kelvin Schiefelbein, are, as you put it at  
41 51, very good at facilitating your ability to perform your  
42 role as an SSHR?

43 A. Yes.

44

45 Q. That includes if you say, as you indicated, that you  
46 want to have a day or two to do an inspection, they will  
47 facilitate that by, where possible, having a reserve deputy

- 1           come in and take your spot?  
2           A.    Yes, that's generally the case, yes.  
3  
4           Q.    What about time for report writing and things - if you  
5           ask for that, do you tend to get it?  
6           A.    I would. A lot of that I do at home or in my room.  
7  
8           Q.    I was going to say - and I'll be forgiven for saying  
9           this, but it's said on instructions - if you need time for  
10          report writing, just please ask the SSE, because as with  
11          your inspections, you will be facilitated with time to do  
12          that?  
13          A.    Yes.  
14  
15          Q.    I imagine that's consistent with the approach you have  
16          seen from Damien Wynn and Kelvin, as well, about giving you  
17          time for those things?  
18          A.    Yes, I just find it's easier to do at home with less  
19          interruptions.  
20  
21          Q.    Understood. Thank you. Just dealing, then, with the  
22          reporting of safety issues at the mine and the kind of  
23          culture that is established by mine leadership around that,  
24          you indicate at paragraph 14 of your statement that there  
25          is good awareness, effectively, of your role as an SSHR  
26          because you speak each morning, as a deputy, at pre-start  
27          meetings?  
28          A.    Yes.  
29  
30          Q.    But also management often refer to you as the SSHR in  
31          a way that endorses your role?  
32          A.    Yes, that's right.  
33  
34          Q.    And make clear - that is, management make clear - that  
35          workers should come and talk to you about safety-related  
36          issues?  
37          A.    Yes.  
38  
39          Q.    You talk then at paragraph 27 - indeed, you mentioned  
40          it when you were speaking with Mr Rice just a moment ago -  
41          that the mine has set processes for people to report safety  
42          concerns?  
43          A.    Yes.  
44  
45          Q.    Again, as I understand it, you are not saying that's  
46          a bad thing. It's good to have clear reporting lines up of  
47          hazards and issues that might arise on the coal mine?

1 A. Yes.

2

3 Q. I think the point you are making, if I understand it  
4 right, is that even with those set processes, there are  
5 still people who are reluctant to use them?

6 A. Yes, and a lot of them, with those processes in place,  
7 instead of following procedure, they just come straight to  
8 me, which isn't an issue, but you do get, yes, sometimes  
9 inundated with simple things.

10

11 Q. I understand. But I guess at one level, given what  
12 you have talked about about some perceptions about  
13 reporting and not reporting and those sorts of things, you  
14 actually act as a bit of an escape valve, in a way, so that  
15 coal mine workers know they can come to you?

16 A. Yes, I think so.

17

18 Q. If they have any perception that there might be an  
19 issue, there's at least you there as a kind of escape valve  
20 for those processes?

21 A. Yes.

22

23 Q. As you say, if you need to report something  
24 anonymously because someone asks, then you just do that?

25 A. Yes, I would.

26

27 Q. And you don't, I imagine, have mine management coming  
28 to you saying, "Tell us who that is"?

29 A. No.

30

31 Q. In fact, can I suggest that in the time you have been  
32 at Grasstree, in your role as an SSHR, you have never  
33 observed someone be punished for genuinely raising a safety  
34 concern?

35 A. Not that I can remember.

36

37 Q. Indeed, the opposite, as you explain in your  
38 statement, if I can jump forward to paragraph 41: there is  
39 ongoing encouragement at the mine by both the SSHRs and by  
40 members of management to encourage workers to report safety  
41 issues, and that is done during pre-start meetings and when  
42 there are training days?

43 A. Yes.

44

45 Q. You note at paragraph 42 that sometimes the SSE - that  
46 is, Damien Wynn - comes and gives that message himself  
47 personally as a kind of demonstration of leadership on

1 those issues?

2 A. Yes, at the safety reset we had, and also at pre-start  
3 with the MSO, they reiterate that to the workforce.

4

5 Q. One of the challenges, as you in fact very  
6 straightforwardly note at paragraph 42, is that you have  
7 had the experience sometimes of a bit of cynicism about  
8 that from the workforce?

9 A. Yes.

10

11 Q. But your clear view, having worked with Damien Wynn,  
12 is that in fact it is genuine, as you say in your  
13 statement?

14 A. I believe it is, yes.

15

16 Q. Just briefly, then, dealing with inspections and the  
17 reports that follow up from inspections, one of the things  
18 that you do in your reports is to make recommendations, or  
19 in fact, firmer than that, you identify tasks that need to  
20 be completed from your perspective as SSHR?

21 A. Yes.

22

23 Q. I am right, aren't I, that again you get a very good  
24 response to that from management?

25 A. Yes, generally. I discuss the matters with the  
26 operations manager at the time, and they put those tasks on  
27 to a spreadsheet for someone to action.

28

29 Q. Could we have a look, please, Mr Operator - I will  
30 just show you a document - at ACM.004.002.0024. Can we  
31 make that a little bigger, please. If we go down to the  
32 bottom, we can see here an email. I know there's some  
33 confidential stuff in there just so that people's private  
34 details don't get published, but there is an email from  
35 you, which, can I suggest, incorporates your report. This  
36 is back in October 2019, so the reference to you not having  
37 done one for a few years is not a criticism. Obviously  
38 enough, you just hadn't, because you had only recently  
39 restarted your role.

40 A. Yes.

41

42 Q. In any event, we can then see that that gets sent up  
43 to Rob for forwarding to the SSE, the UMM and to assign  
44 actions from your report?

45 A. Yes.

46

47 Q. Then if we scroll so we can see the top part of the

1 email, please, you can then see that you get an email back  
2 from Damien Wynn, the SSE?

3 A. Yes.

4

5 Q. Noting:

6

7 *Thanks Richard. We will action*  
8 *accordingly.*

9

10 Then Kelvin - who you would understand to be  
11 Mr Schiefelbein, the UMM --

12 A. Yes, that's right.

13

14 Q. -- saying:

15

16 *Please capture actions as per normal*  
17 *process.*

18

19 A. Yes.

20

21 Q. The normal process, as you say, is that it goes into  
22 Anglo's local mine task management system and then gets  
23 allocated for completion?

24 A. Yes.

25

26 Q. I guess the point I'm making is that, from your  
27 perspective, it seems that the things you are recommending  
28 are taken seriously and actioned by mine management?

29 A. Yes.

30

31 Q. That is, they seem to respect and value the role that  
32 you play on the mine?

33 A. Yes, I think so.

34

35 Q. Dealing, then, with the issue that was raised with you  
36 about different groups of coal mine workers on the site,  
37 you made reference to or you were asked questions about  
38 Anglo employees, contractors, and labour hire as three  
39 different groups. At paragraph 31 of your statement --

40

41 THE CHAIRPERSON: Q. Sorry, is that correct, that you  
42 are talking about three different groups?

43 A. That was what was put forward, yes.

44

45 MR HOLT: I'm going to explore that exactly for the  
46 reasons I think that you are identifying, Mr Martin.

47

1 THE CHAIRPERSON: Thank you, Mr Holt.

2

3 MR HOLT: Q. I think there has been a bit of confusion,  
4 as various witnesses have given evidence, about precisely  
5 what categories we are talking about there, so can we just  
6 be clear about it. You know, don't you, that there are  
7 Anglo employees, that is, full-time employees, as you are,  
8 on the site as coal mine workers?

9 A. Yes.

10

11 Q. And in addition, there are people who you know are -  
12 there is a group of people that you know exist who are on  
13 the mine by virtue of a labour hire company?

14 A. Yes.

15

16 Q. Those people, though, are integrated into the crews  
17 with the Anglo employees, aren't they?

18 A. Yes.

19

20 Q. They wear the same clothes?

21 A. Yes, a lot of them do.

22

23 Q. From an outside perspective when you are looking at  
24 them, you wouldn't be able to tell who was who within a  
25 particular crew, and many of them are very longstanding  
26 people at the mine; they have been there for a long time?

27 A. Yes.

28

29 Q. They participate in SLAMs?

30 A. Yes.

31

32 Q. They can be part of cross-sections to do risk analyses  
33 and, for all intents and purposes, they are simply part of  
34 that group?

35 A. Yes.

36

37 Q. As you say at paragraph 31, you don't know what  
38 proportion of the workforce of the mine falls into those  
39 categories, because those workers generally wear the same  
40 Anglo uniform and, for all intents and purposes, look like  
41 employees of Anglo; right?

42 A. Yes.

43

44 Q. Are you even aware - and I'm not suggesting you should  
45 be or not; I'm not being critical - that the proportion of  
46 labour hire workers in that category, that is, who are  
47 integrated in terms of uniform, and so on, on Grasstree, is

1 pretty small; it is only about, at any one time, 80 coal  
2 mine workers on the Grasstree site?

3 A. No, I wouldn't have a clue.

4

5 Q. Then when we talk about contractors, again just so  
6 we're all using the same language, you're talking there  
7 about people who come in from contracted companies to do  
8 specialised services, and again a practical distinction is  
9 they are wearing their own company's shirts?

10 A. Yes.

11

12 Q. For example, HD Mining, who are specialist longwall  
13 movers - you would see them around?

14 A. Yes.

15

16 Q. And, for example, Valley Longwall, who are gas  
17 drainage specialists?

18 A. Yes.

19

20 Q. We are talking about, at least for present purposes,  
21 so we're all using the same language - that's the  
22 contractors we are talking about when we say that?

23 A. Yes.

24

25 Q. As I understood what you were talking about in terms  
26 of that experience you have had over the years, it's been  
27 mostly focused on that contractor group; is that right?

28 A. Yes, the labour hire and contractors, both of them.  
29 The contractors that are integrated with the workforce -  
30 because I've only been back there 12 months, I don't -  
31 there's a lot of change of people, I don't know who's who,  
32 but when the labour hire workers wear their specific work  
33 gear, obviously they're easily identifiable. So it's a bit  
34 of both.

35

36 Q. I understand. Thank you. But again, from your  
37 perspective in terms of the way in which mine management at  
38 Grasstree, in the time that you have been back, treats  
39 those labour hire coal mine workers who are in with the  
40 Anglo workers on the crews, you see no difference in the  
41 way that they are treated in terms of safety reporting?

42 A. No.

43

44 Q. Mr Rice asked you a question, and I just want to see  
45 if I can press for the benefit of your experience a little  
46 bit more on it. He was asking about your evidence that you  
47 still saw and had seen over a long period of time this



1 perception that you might be punished for raising issues  
2 about safety?

3 A. Yes.

4

5 Q. You have indicated at Grasstree you see no evidence of  
6 anyone ever being punished for raising issues of safety?

7 A. No.

8

9 Q. Again, he asked you this, but maybe with the benefit  
10 of just thinking about it, is there anything you can think  
11 of from your perspective that might help to improve that,  
12 to bridge that gap if it does still exist for some coal  
13 mine workers, or is that effectively you in your role?

14 A. Yes, I don't know what can fix it, but because I know  
15 a lot of the contractors and come across their work groups  
16 a lot and deal with them a lot, I think they feel  
17 comfortable in talking to me and bringing issues to my  
18 attention, knowing that they will remain anonymous and  
19 I can hopefully sort things out.

20

21 Q. I guess your advice for mine management would be:  
22 keep doing what you're doing, and even more, potentially,  
23 in terms of just constantly communicating that reporting  
24 safety issues is something that mine management supports?

25 A. Yes.

26

27 Q. Encourages and doesn't punish?

28 A. Yes.

29

30 Q. Just in terms of the HPIs that you were referring to  
31 and then the way in which those are dealt with and  
32 reported, you would be aware of the existence of the  
33 learning from incident, the LFI process?

34 A. Yes.

35

36 Q. Just to be clear, in terms of access to that, whilst  
37 you talk about access to those LFI reports, you are aware,  
38 I imagine, that the LFI reports are attached to the safety  
39 health and management system and accessible from various  
40 computer terminals at the mine?

41 A. Yes.

42

43 Q. If you choose to go and access them?

44 A. Yes.

45

46 Q. That includes, doesn't it, terminals which are  
47 available with generic access in public spaces for coal

1 mine workers to access if they choose to?

2 A. Yes, I only use the computer in the office, but  
3 I imagine they would be available.

4  
5 Q. You noted, I think, in your statement that, in any  
6 event, there has in recent times, as we have heard about  
7 from Mr Schiefelbein and others, been a renewed emphasis on  
8 communicating the results of those LFIs to the workforce  
9 through safety briefings and toolbox talks and those sorts  
10 of things?

11 A. Yes, because the workforce want to know more about  
12 what controls have been put in place to prevent  
13 reoccurrence.

14  
15 Q. I imagine you would understand this: one of the  
16 challenges, if you are part of the SLT, part of the  
17 management team of a mine like Grasstree, is that people  
18 want more information, but equally they don't want to be  
19 overwhelmed with too much information, and you are  
20 constantly trying to tweak the balance?

21 A. Yes.

22  
23 Q. You would be aware, for example, that if an HPI LFI  
24 process related to a particular work area, that would well  
25 and truly be communicated to that work area because it  
26 directly related to the work that they were continuing to  
27 do?

28 A. Yes.

29  
30 Q. And the changes that have been made recently are to  
31 try to make that material more available outside those  
32 immediate work groups?

33 A. Yes.

34  
35 MR HOLT: Yes, thank you, Mr Martin.

36  
37 THE CHAIRPERSON: Mr Roney?

38  
39 Q. Mr Harris, just while Mr Roney is coming to the  
40 microphone, does management inform workers that they can  
41 bring safety issues to you anonymously and that you will  
42 take care of it with management?

43 A. They do tell the workforce that they can bring the  
44 issues to me. I don't think they specifically state  
45 anonymously, but it would be anonymous if the worker wanted  
46 it that way.

47

1 Q. It's implied in what they say?

2 A. Yes.

3

4 Q. And clearly understood, apparently?

5 A. Yes.

6

7 Q. Just before Mr Roney starts, you told Mr Holt that  
8 there has been no occasion that you are aware of that any  
9 worker has been punished at Anglo for bringing a safety  
10 issue to bear. Have you any knowledge of any other place,  
11 without naming the place, that such a thing has occurred?

12 A. Only through hearsay. I haven't actually seen it  
13 myself, but through just general talkings at mines, yes.

14

15 THE CHAIRPERSON: Thank you. Yes, Mr Roney.

16

17 **<EXAMINATION BY MR RONEY:**

18

19 MR RONEY: Q. Just a few things, Mr Harris. My name is  
20 Peter Roney. I'm for One Key, the labour supplier.

21 A. Okay.

22

23 Q. You would be aware, are you, that One Key supplies  
24 a reasonably significant number of labour hire staff to the  
25 Grasstree mine?

26 A. Yes.

27

28 Q. Are you aware that there is from time to time  
29 a One Key representative at the Grasstree mine to oversee  
30 the work of those workers?

31 A. As in underground?

32

33 Q. Well, anyone - well, Grasstree - do you mean working  
34 underground or outbye?

35 A. Yes.

36

37 Q. Any of the above?

38 A. Yes.

39

40 Q. Have you dealt with that representative from time to  
41 time?

42 A. Oh, not that I know of.

43

44 Q. But you know there is one there, do you?

45 A. Yes.

46

47 Q. You were asked a number of questions by Mr Holt.

1 I think his first few questions might have been directed to  
2 the question of whether there was that level of integration  
3 with the permanent workforce and the labour hire workers,  
4 and you said essentially that there was that level of  
5 integration, they wore the same clothes, they worked in the  
6 same crews, et cetera?

7 A. Yes.

8

9 Q. You also told him that the labour hire staff  
10 participated in the conduct of risk assessments, which he  
11 called SLAMs and RSAs - sorry, a range of risk assessments  
12 of various kinds that the permanent workforce also engage  
13 in?

14 A. Yes.

15

16 Q. So there is really no distinction, is there, because  
17 in fact the labour hire staff are treated for all material  
18 purposes within the mine at a very practical level as if  
19 they were just like every other worker?

20 A. Yes.

21

22 Q. And their expectations are the same as every other  
23 worker's expectations there, that they will participate in  
24 risk assessments?

25 A. Yes.

26

27 Q. And they do, don't they?

28 A. Yes.

29

30 Q. Every day, there are risk assessments done at  
31 Grasstree that you are aware of?

32 A. Yes, there is a risk management process that - part of  
33 their everyday job is to assess risks in their workplace.

34

35 Q. Independently of your role as the SSHR, you have  
36 worked as a deputy?

37 A. Yes.

38

39 Q. Excuse my confusion about this, but do you still do  
40 any deputy's work in this mine or is this --

41 A. Yes.

42

43 Q. So as a deputy, then, you would be also responsible  
44 for overseeing and having an active participation in these  
45 various risk assessments?

46 A. Yes.

47

- 1 Q. It's just not right, is it, to say or to even suggest  
2 that there is any reluctance at all on the part of labour  
3 hire staff who are working in the mine to participate  
4 genuinely in those risk assessments?  
5 A. No, and it's an obligation of the Act that they  
6 participate in them.  
7
- 8 Q. But at the practical level --  
9 A. Yes.  
10
- 11 Q. -- it's not just a going through the motions exercise;  
12 they do actually interestedly participate in --  
13 A. From what I have seen, yes.  
14
- 15 Q. I know you have said that they are more or less  
16 indistinguishable from the permanent workforce, but would  
17 there be occasions, in your experience, where a crew might,  
18 for example, consist entirely of labour hire staff?  
19 A. I know the longwall process crew does. They're  
20 One Key workers generally, I think.  
21
- 22 Q. They would be expected, on any given shift, to conduct  
23 some kind of risk assessment amongst the range of possible  
24 ways in which you can do a risk assessment?  
25 A. Yes.  
26
- 27 Q. In your experience, they do those risk assessments?  
28 A. Yes.  
29
- 30 Q. Even when they are not joined by permanent workforce?  
31 A. Yes.  
32
- 33 Q. Now, one of the questions Mr Holt asked you was  
34 whether you had ever seen anyone punished at Grasstree for  
35 raising a safety concern. Perhaps "punished" might have  
36 been an intentional word, but I suspect that what he meant  
37 was in any way adversely treated --  
38 A. Yes.  
39
- 40 Q. -- criticised or even subtly suggested that they had  
41 acted inappropriately in raising those concerns. So if you  
42 will assume that's what my question is about?  
43 A. Yes.  
44
- 45 Q. Have you ever seen anyone at Grasstree even remotely  
46 treated adversely for raising a safety concern?  
47 A. No.

1  
2  
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Q. That would include the employees of contractors - not labour hire people now, contractors, to use your distinction?

A. Yes.

Q. Now, I'm sticking with the distinction that you have identified in your answers in response to Mr Holt's questions. So we've got - he has called them Anglo employees, so the permanent workforce; you have got the subcontractors, who will be a corporate organisation, perhaps with its own employees; and then you would have the labour hire supply individuals.

A. Yes.

Q. So keeping in mind that distinction, the comments that you have made in your statement which Mr Rice asked you about from about paragraph 19 on, to do with reluctance by contractors and their staff to do various things, that's a comment, is it, about these contractors?

A. Yes.

Q. Not about labour hire supply?

A. In 19? Generally it's contractors and labour hire, different - I find quite often they are reluctant to bring stuff forward, as in to speak out. That's why they talk to a deputy.

Q. But, you see, it is the case, isn't it, that labour hire staff don't have any specific time frames in which to perform their contracts? They are part of the general workforce; correct?

A. As in the work - in the crews?

Q. Yes.

A. Yes.

Q. So whilst a specific contractor might have some sort of timeline in which to complete a task, that's not the case, is it, for the general workforce or for the labour hire staff?

A. But labour hire - is One Key labour hire in the process?

Q. I'm sorry?

A. One Key is labour hire in the process crew? They're not contractors, they're from a labour hire company also -

1 is that --

2

3

Q. My point is that insofar as labour hire form part of the general workforce, not the contracted staff, they are not under that time pressure or contractual pressure to perform by any particular time or any particular way?

4

5

6

A. Yes, okay. Okay, yes, that's right.

7

8

9

Q. Do you see where I'm coming from?

10

11

12

A. Yes. It's just a bit confusing. Sort of, contractors, I'm sort of meaning labour hire and contractors in general.

13

14

15

16

Q. I see. Well, I thought you made it clear in your answers before that you were actually drawing the distinction between --

17

18

A. Yes.

19

20

Q. -- contractors and its staff and labour hire individuals.

21

22

23

A. It's just - I consider them all contractors because they're not permanent workforce. That's what I'm trying to get across, but I see what you're getting at now.

24

25

26

27

28

29

30

31

Q. Can I come back, then, to my questions. It's the case, isn't it, that insofar as labour hire supply employees are concerned, who work with the general coal mining workforce, there's no reluctance, in your experience, and certainly not at Grasstree, in coming forward to report any concerns about safety issues; correct?

32

33

34

A. No, and I haven't had a great deal to do with those workers, as I said, because they're in part of the crew.

35

36

37

38

Q. To the extent that you have had any dealings with them, they have behaved in the same way as the permanent workforce in terms of identifying and reporting safety issues?

39

40

A. Yes, from what I've dealt with.

41

42

Q. Before you were at Grasstree, you were at Oaky No. 1, I think?

43

44

A. Yes, that's right.

45

46

Q. For four or six years, or something like that?

47

47

- 1 Q. That's a Glencore mine, is it?  
2 A. Yes.  
3  
4 Q. Did it have any labour hire staff at that mine?  
5 A. I think it did, yes.  
6  
7 Q. If you don't recall --  
8 A. I don't recall exactly who.  
9  
10 THE CHAIRPERSON: Q. Was there any reluctance there of  
11 anyone coming forward to raise safety issues?  
12 A. Yes, pretty similar to at Grasstree. I was a deputy  
13 there, not an SSHR, and there was certainly some  
14 reluctance.  
15  
16 Q. Are you referring to contractors now, or what are you  
17 referring to?  
18 A. Mainly, yes, contractors.  
19  
20 Q. And making the distinction between contractors and  
21 labour hire personnel?  
22 A. Yes, and - some were labour hire, because we had HD at  
23 Oaky 1 as well.  
24  
25 MR RONEY: Q. But the point is you're saying there were  
26 some labour hire people there, but they weren't --  
27 A. Yes, they were integrated with the crews again.  
28  
29 Q. And, again, the same issue --  
30 A. And I didn't know who was contract or not, as in the  
31 work - in the crews.  
32  
33 Q. So even at Oaky No. 1, the labour hire staff who were  
34 integrated with the general workforce behaved in the same  
35 way as the general workforce in terms of identifying and  
36 reporting safety issues?  
37 A. Yes.  
38  
39 Q. You may not be able to answer this, so please tell me  
40 if it is outside of your area of knowledge, but is it your  
41 experience that at Grasstree, the labour hire supplied  
42 staff in fact tend to be there in the long term - in other  
43 words, there is very little attrition or change amongst the  
44 workforce?  
45 A. Yes, generally, from what I've seen.  
46  
47 Q. So some of them, indeed most, I would suggest, who are



1 sent there as labour hire staff stay there indefinitely,  
2 for years, even?  
3 A. Yes.  
4  
5 Q. Because of that, they are very knowledgeable about the  
6 practices at the mine and the mine's requirements for the  
7 way in which tasks are to be done safely and so on;  
8 correct?  
9 A. Yes.  
10  
11 MR RONEY: Thank you.  
12  
13 THE CHAIRPERSON: Ms Holliday?  
14  
15 MS HOLLIDAY: No questions, thank you.  
16  
17 THE CHAIRPERSON: Mr Crawshaw?  
18  
19 MR CRAWSHAW: Just one.  
20  
21 **<EXAMINATION BY MR CRAWSHAW:**  
22  
23 MR CRAWSHAW: Q. Mr Harris, at paragraph 17 you give  
24 some evidence about Mr Woods representing you in  
25 a voluntary interview with the inspectorate.  
26 A. Yes.  
27  
28 Q. Do you remember who the inspector was?  
29  
30 THE CHAIRPERSON: Is there any need for this, Mr Crawshaw?  
31 I thought you were keen to keep out names earlier in the  
32 inquiry. Has that changed?  
33  
34 MR CRAWSHAW: No, not particularly. I'll just ask this  
35 question, then. I withdraw that question.  
36  
37 Q. Did the inspector who conducted the interview object  
38 to Mr Woods representing you?  
39 A. No, not at all.  
40  
41 MR CRAWSHAW: Thank you.  
42  
43 THE CHAIRPERSON: Mr Rice?  
44  
45 MR RICE: No, thank you, Mr Martin.  
46  
47 THE CHAIRPERSON: Mr Clough?

1  
2 MR CLOUGH: Q. I just wanted a little bit of  
3 clarification on clause 27 of your statement, where you  
4 spoke about when a safety issue was raised, it goes up the  
5 chain and then you say to the SSHR. Is my understanding  
6 correct in that it is incumbent on the person raising the  
7 safety issue to escalate it to the next level if they are  
8 not happy with the response, so they start with the  
9 supervisor, if they are not happy, they go to the deputy -  
10 is that how it works?

11 A. That's correct.

12  
13 Q. So that person could ultimately get all the way to the  
14 SSE?

15 A. Yes.

16  
17 Q. Where do you fit in that chain? Is it where an  
18 individual feels that they would rather not continue up the  
19 chain - is that where they come to you?

20 A. I think it's because they think it's easier to come to  
21 me. I haven't heard of or had any experience of it going  
22 further up the chain and then not being dealt with and then  
23 having to come to me since I've been back. So basically  
24 I think they come to me because it's easy for them and I'm  
25 easily accessible and it can be dealt with straightaway.

26  
27 MR CLOUGH: Yes, that makes it clear. Thank you very  
28 much. No more questions.

29  
30 THE CHAIRPERSON: Mr Rice, are you happy for Mr Harris to  
31 be excused?

32  
33 MR RICE: Yes.

34  
35 THE CHAIRPERSON: Mr Harris, thank you for your  
36 attendance. You are excused.

37  
38 <THE WITNESS WITHDREW

39  
40 MR RICE: I call James Hoare.

41  
42 <JAMES HOARE, sworn: [11.08am]

43  
44 <EXAMINATION BY MR RICE:

45  
46 MR RICE: Q. Is your name James Hoare?

47 A. Correct.

1  
2 Q. You are employed at the Grasstree coal mine?  
3 A. Yes, I am.  
4  
5 Q. You are employed as a deputy there?  
6 A. I am.  
7  
8 Q. I gather you have worked at Grasstree since about  
9 2006?  
10 A. That's correct.  
11  
12 Q. And you have been occupying the position of SSHR there  
13 since February 2013?  
14 A. That's correct.  
15  
16 Q. You have set out some details of evidence that you can  
17 give in a draft affidavit; am I right?  
18 A. That's correct.  
19  
20 Q. I think it was done yesterday; am I right?  
21 A. It was.  
22  
23 Q. You didn't have a chance to sign it off?  
24 A. No.  
25  
26 Q. Nonetheless, I will show you the draft and get you to  
27 have a look at it. Mr Operator, I believe it is document  
28 HJI.001.001.0001. Is that the draft document that you  
29 prepared?  
30 A. Yes, it is.  
31  
32 Q. Are you happy with the content of it?  
33 A. Yes.  
34  
35 Q. It is correct to the best of your knowledge?  
36 A. To the best of my knowledge, yes.  
37  
38 Q. You have been sitting in and listening to Mr Harris  
39 give evidence, have you not?  
40 A. I have.  
41  
42 Q. Obviously both of you jointly occupy the SSHR position  
43 at Grasstree. What is your take on whether you act  
44 independently or coordinate your functions?  
45 A. Most of the time, we work independently because we  
46 very rarely see each other, with the seven on, seven off,  
47 but if we have an incident come up that we think might

1 affect the other side, I'll give Richard a call or he'll  
2 ring me just to talk about it.

3

4 Q. Is that the preferable arrangement, that you be on  
5 alternate shifts so that there is someone there each day?

6 A. Yes, yes. It works better, so there is always one of  
7 us there at all times.

8

9 Q. What proportion of your time is taken up with that  
10 role?

11 A. I would say between 20 and 30 per cent.

12

13 Q. You're a deputy in development; am I right?

14 A. That's correct.

15

16 Q. Does that give you a sufficient kind of technical  
17 grounding or background in the operation of the mine to  
18 fulfil your function in respect to other departments, other  
19 areas in the mine?

20 A. Yes, I've virtually - I've worked in every area of the  
21 mine, longwall, outbye and development, over my career.

22

23 Q. For that 20 to 30 per cent of your time which is taken  
24 up with those duties, do you find any resistance at any  
25 level in the mine to taking the time that's necessary to  
26 carry out that role?

27 A. No, not resistance. Sometimes it can be difficult if  
28 we are short of ERZ controllers, but we generally work  
29 through that. If there is an incident, there is no issue  
30 with me going to look at that, but, yes, sometimes we have  
31 to organise ahead, just say if we want to do an inspection.

32

33 Q. If you need to inform management that you have a task  
34 or a function that needs to be performed, is there a normal  
35 go-to person or persons?

36 A. I normally go to the MSO, the under-manger running the  
37 shift, and we will work it through there.

38

39 Q. Can you get away once a shift starts?

40 A. Most of the time, yes. Very rarely would I have to go  
41 to the panel first, but that has happened.

42

43 Q. What line of communication do you have with the more  
44 senior management, say Mr Schiefelbein?

45 A. Yes, pretty good with Kelvin. He has, like, an  
46 open-door policy. I've never been turned away from his  
47 office when I've gone with a query on something.

- 1  
2 Q. Is there any occasion where you need to deal directly  
3 with the SSE?  
4 A. A couple of times, and the same, I've always - never  
5 been turned away from the SSE's office, either.  
6  
7 Q. Would you have a look at paragraph 27 of your draft.  
8 You speak there about processes for reporting and  
9 escalating safety issues. Do you see that?  
10 A. Yes.  
11  
12 Q. When I asked Mr Harris about that, he told us he was  
13 referring to the incident reports and hazard reports and  
14 those kinds of formal procedures. Does that apply to you  
15 also?  
16 A. Yes, it does, yes.  
17  
18 Q. By what mechanism do you become aware of safety issues  
19 that might need your attention?  
20 A. Depending on the severity of it. With a pretty  
21 important incident, I will be informed by either MSO or  
22 Kelvin Schiefelbein. With the smaller incidents, I think  
23 you're looking for whether the mine workers will come and  
24 talk to me - is that what you're looking for?  
25  
26 Q. In terms of the severity of incidents, Mr Harris  
27 ventured the opinion that 80 or 90 per cent were in the  
28 minor category.  
29 A. Yes.  
30  
31 Q. Would you agree with that?  
32 A. I would agree with that, yes.  
33  
34 Q. What kinds of things are you referring to within that  
35 category?  
36 A. Oh, they will go from the shower heads don't work  
37 properly in the bathroom, to dust and stuff like that, road  
38 conditions, same as Richard said, virtually.  
39  
40 Q. Talking about your functions under the Act,  
41 inspections is the first of them. Do you have any program  
42 for inspections or do you do it on an as-needs basis?  
43 What's your method?  
44 A. No, I just do it as needed. Same as Richard, I try  
45 and get a day set aside and travel to all parts of the  
46 mine, engage with any work group that I come across.  
47

- 1 Q. Do you and Mr Harris coordinate for that purpose?  
2 A. We try to. We try to take month about, if we can, to  
3 do an inspection.  
4
- 5 Q. Otherwise you might be doing the same thing?  
6 A. Same thing twice a month instead of - yes.  
7
- 8 Q. You work it out between you to avoid that kind of  
9 thing?  
10 A. Yes, try to, yes. I'll say, "I'm going to do it next  
11 month", and then we just go from there.  
12
- 13 Q. Do you have a particular method or an agenda as to  
14 what you are looking to achieve on the inspection, or is it  
15 just a matter of having a look around?  
16 A. It's generally just have a look around, but I always  
17 try and invite, like, the underground mine manager or his  
18 delegate to come with me.  
19
- 20 Q. Why is that?  
21 A. I just find it easier, if we run across incidents,  
22 just to talk about it straightaway, so they're aware of it  
23 and I'm aware of it.  
24
- 25 Q. You have spoken about delegating rectification jobs to  
26 the superintendent.  
27 A. Yes.  
28
- 29 Q. Is that the correct scenario?  
30 A. That's right. That's what I try and do, yes. When  
31 I do a report, I will delegate whichever area it is to that  
32 superintendent to get that rectification work done.  
33
- 34 Q. It is probably a matter of just asking if those things  
35 could be done; is that --  
36 A. It is. But when we do the report, we always put it on  
37 the paper and into the Enablon so they have an action and  
38 a time frame to do it.  
39
- 40 Q. As you identify things that you think need be done,  
41 you put them in your report?  
42 A. I do.  
43
- 44 Q. Is the task somehow entered into Enablon as well?  
45 A. Yes. I will send that report to all the senior people  
46 at the mine, and one of the secretaries puts that into  
47 Enablon, as far as I know. I don't do that.

- 1  
2 Q. And it's assigned to someone to complete?  
3 A. Yes.  
4  
5 Q. Have you ever had to refer any safety issue to an  
6 inspector?  
7 A. I have once rung up for just advice on a single entry  
8 that we had - that we were going to have, so we had to have  
9 a risk assessment in place to work in that single entry,  
10 and I just got some advice off the inspectors for that.  
11  
12 Q. But you're aware that if you don't get a satisfactory  
13 outcome, under section 99, I think it is, you can escalate  
14 by referring the unsatisfactory situation as you see it to  
15 an inspector?  
16 A. That's correct, yes.  
17  
18 Q. Have you ever had to do that?  
19 A. No.  
20  
21 Q. Have you ever had to order that operations be  
22 suspended for any reason?  
23 A. Not operations --  
24  
25 Q. You know that power exists under section 101?  
26 A. Not suspended the whole of operations, no.  
27  
28 Q. Or any part of it?  
29 A. Yes. I have stood conveyor belts down with strata  
30 issues and conveyor issues, which stood the mine for  
31 24 hours, yes.  
32  
33 Q. On - is that a single occasion?  
34 A. Single occasion on one of my inspections, yes.  
35  
36 Q. Is there any other occasion that springs to mind?  
37 A. No.  
38  
39 Q. One of the tasks, or one of the functions, is to  
40 review procedures. You make some reference to that at  
41 paragraph 19, if you just want to have a look at it.  
42 A. Yes.  
43  
44 Q. Are the procedures you are referring to the kind of  
45 written procedures that the mine will have many of by way  
46 of SOPs or work instructions and the like?  
47 A. Yes, there will be hundreds of them, yes.

- 1  
2 Q. How much of your time or how much of your function as  
3 an SSHR is taken up with that activity?  
4 A. When I have a couple of spare hours, I try and sit  
5 down and just read through some of them. It's not an easy  
6 job to do.  
7  
8 Q. No. But you are aware that the procedures generally,  
9 if not wholly, have an expiry date and then they have to be  
10 reviewed?  
11 A. That's correct.  
12  
13 Q. Am I right?  
14 A. Yes.  
15  
16 Q. And that's what you are speaking of, that kind of  
17 review process?  
18 A. That, or if someone raises an issue with something and  
19 I need to refresh myself with that procedure so I can  
20 answer their questions.  
21  
22 Q. In terms of the formal review process, is it the case,  
23 as you understand it, that an SSHR will always be part of  
24 that review?  
25 A. No.  
26  
27 Q. Or only part of the time?  
28 A. Part of the time.  
29  
30 Q. Do you know what the criteria are for someone to ask  
31 for you to be involved?  
32 A. No, I don't know what that criteria is, no.  
33  
34 Q. Would you typically be asked by the MSO to participate  
35 in this review process?  
36 A. No, I think it's more the department heads, the  
37 superintendents, who's in charge of that area and is going  
38 to run the review, will ask if I'm available.  
39  
40 Q. Do you participate in that without being asked?  
41 A. I have a couple of times said, you know, "I'm here,  
42 I'll sit in on this", but very rarely.  
43  
44 Q. You have been permitted to do that?  
45 A. Yes.  
46  
47 Q. That's rare, I think you just said?



1 A. Yes, rarely, yes.

2

3 Q. What practical contribution can you make to that task,  
4 given the wide range of procedures that exist?

5 A. It's only experience and knowledge of most of the jobs  
6 that I've done. Most of the procedures that are reviewed  
7 will have an affected area - people from the area, so the  
8 content experts and the operators.

9

10 Q. In terms of detecting issues that might need your  
11 attention, putting the review process to one side now, how  
12 are such issues drawn to your attention?

13 A. Generally word of mouth from coal mine workers.  
14 I pick up some things on my inspections, but normally it's  
15 people will come and talk to me.

16

17 Q. You have heard, when Mr Harris was being questioned,  
18 that there was some interest in whether matters would be  
19 raised by any of the three categories, being employees,  
20 outsourced contractors and, thirdly, the labour hire  
21 workers?

22 A. Yes, yes.

23

24 Q. Tell me to what extent issues are brought to your  
25 attention by those three categories?

26 A. The majority of the complaints that are brought  
27 forward are by permanent workers. Occasionally you will  
28 get one or two from, like, WorkPac or One Key, and very  
29 rarely, if ever, will a contract company employee say  
30 anything.

31

32 Q. Have you assessed any reason why the majority, as you  
33 say, would be from permanent employees?

34 A. No. I have my theories, but I can't prove that they  
35 are dealt with any different to anyone else.

36

37 Q. In terms of the raw numbers, though, of matters that  
38 are brought to your attention, from what you say, they are  
39 skewed towards the permanent employees?

40 A. That's correct.

41

42 Q. What kinds of matters would be in the category of  
43 complaints?

44 A. Just respirable dust complaints, roadway conditions,  
45 normally just stuff like that.

46

47 Q. Conditions of the workplace?

1 A. Condition of the work areas, yes. If the roads - if  
2 there's a sump or dirty area that they have to work,  
3 a permanent employee will probably say, "We need to fix  
4 this first and get that done", where the contractor will  
5 just continue to work in it.

6  
7 Q. What about the existence of any unsafe practice in the  
8 performance of a task - do those kinds of matters get  
9 referred to you?

10 A. Not from the contractors normally. It's only if  
11 I walk up and find that condition and stop the job and make  
12 them - make it get repaired.

13  
14 Q. You can't call to mind an instance of an unsafe work  
15 practice that has been complained about by a worker to you?

16 A. A contractor?

17

18 Q. Well, a worker in any of those three categories that  
19 I mentioned to you.

20 A. No, I've had - no, not - no-one's come to me that I've  
21 had to actually go and stop the job, no.

22

23 Q. Well, maybe it's not stopping the job, but it might be  
24 to simply observe or take note of a particular practice and  
25 do something about it. Have you had that kind of  
26 experience?

27 A. Oh, in general, like, people going over fatigue hours  
28 and stuff like that - people report that stuff to me.

29

30 Q. You touch on this at paragraphs 40 and 41. Maybe if  
31 you wouldn't mind having a look at that. In paragraph 40  
32 you talk about reports from permanent workers.

33 A. Yes.

34

35 Q. You say your experience is that they don't have any  
36 reluctance to come and speak to you about issues?

37 A. No.

38

39 Q. What kinds of issues are you talking about there?

40 A. Like I said, from - they will complain about the  
41 bathrooms, the showers, the roadways, just general smaller  
42 stuff, yes.

43

44 Q. People can come to you anonymously?

45 A. They can. I make it quite clear, and I really make it  
46 clear to the contractors that I never use names, it's  
47 always "coal mine worker". It's as simple as that.

- 1  
2 Q. In paragraph 41 you go on to contrast the situation of  
3 labour hire workers who you say don't feel comfortable  
4 raising issues. Can I just ask you what you base that on?  
5 A. I base that on the times that I've walked on to a job  
6 site where they're working in conditions that you would not  
7 expect people to work, and they don't raise it up, they  
8 don't talk to the panel deputy or myself and they don't  
9 stop the job.  
10  
11 Q. Is that the example of the hand raking of contract  
12 that you give?  
13 A. Exactly, yes.  
14  
15 Q. That's an instance?  
16 A. Yes.  
17  
18 Q. Did you conclude from that that they were reluctant to  
19 raise the conditions in which they were carrying out that  
20 task?  
21 A. They thanked me for stopping the job after I'd done  
22 it.  
23  
24 Q. What was the interaction that you had on that  
25 occasion? You observed this activity?  
26 A. Yes. I walked in. The workers were hand raking  
27 concrete approximately 20 metres, pulling it back, instead  
28 of using wheelbarrows or having a machine, in hot and humid  
29 conditions. Yes, it wasn't a good practice at all.  
30  
31 Q. Did you ascertain why it was being done in that way?  
32 A. No. Well, they said they weren't supplied with  
33 a machine to do the job. It was a tight area, but they  
34 could have used wheelbarrows or maybe a Kanga or something  
35 to cart the concrete.  
36  
37 Q. What did you take it on yourself to do?  
38 A. I stopped the job. Then I got on to - because the  
39 ventilation was slow, it was legal but it was slow, I got  
40 on to the ventilation officer and got permission to put  
41 more air in that heading to cool the area down and told  
42 them to get wheelbarrows to move the concrete.  
43  
44 Q. Was there some lack of awareness on their part as to  
45 the better way to go about it, or what's your explanation,  
46 do you think?  
47 A. I am sure that the men knew that there was a better

1 way to do it, but I don't think they were game to say, "We  
2 want this equipment to do this job."  
3

4 Q. They hadn't been given --

5 A. They hadn't been given that equipment, no.  
6

7 Q. -- the equipment that you thought was necessary?

8 A. Yes.  
9

10 Q. So, to sum up, that's an example of your intervening  
11 to rectify that situation?

12 A. Yes.  
13

14 THE CHAIRPERSON: Is that a convenient time for a break,  
15 Mr Rice?  
16

17 MR RICE: Yes, if I might just have one or two minutes  
18 more, Mr Martin, I will be finished.  
19

20 Q. There's just one, perhaps two more things. It will  
21 only take a short time, Mr Hoare. You mention in  
22 paragraph 42 about labour hire workers tending to have  
23 less-experienced crews?

24 A. Yes.  
25

26 Q. I was wondering, are crews not made up of a range of  
27 workers with diverse experience?

28 A. Not for - labour hire, most of those workers are in  
29 the panels with our blokes - with the permanent blokes,  
30 sorry. But some of the contract companies, a lot of their  
31 workers, that's their entry into the coal mining industry,  
32 so they tend to have a lot of inexperienced people - one or  
33 two experienced blokes and three or four that are under  
34 12 months.  
35

36 Q. So they can be entry-level workers?

37 A. Yes.  
38

39 Q. But in terms of their distribution or integration into  
40 a crew, is there any mechanism in place that you know of at  
41 the mine to ensure that a crew is not wholly made up of  
42 inexperienced workers, that is to say, to distribute the  
43 workers so that the experience is a reasonable profile?

44 A. There is no criteria that I know of. It's just we  
45 have inexperienced yellow hats. When they come on site,  
46 they have to do three months underground before they can  
47 receive a white hat. So yellow hat means "keep an eye on

1 this", and they're not allowed to work by themselves.

2

3 Q. Would you have a crew made up of yellow hats, though?

4

A. No.

5

6 Q. How would the yellow hats be distributed, in your  
7 experience?

8

A. One-to-one experience, one yellow hat to one  
9 experienced person.

10

11 THE CHAIRPERSON: Q. Is that other person meant to have  
12 a mentoring role, therefore?

13

A. Yes, that's generally the idea of it. I do have some  
14 concerns with some of the companies: they will have  
15 someone with less than 12 months' experience and have  
16 a yellow hat with them.

17

18 MR RICE: Q. Finally and briefly just on the HPis, the  
19 gas exceedances, in your case, you'd received a number of  
20 notifications, I think, of the occurrence of these  
21 incidents at Grasstree that the inquiry is concerned with?

22

A. I did, yes.

23

24 Q. You say, I think, that you didn't in fact follow up on  
25 any of them. I think that's correct, is it not?

26

A. I did follow up. When I got back - when I was  
27 notified and back to site, I asked the mine manager or the  
28 MSO what happened, what was done, before they'd go back to  
29 production, just so --

30

31 Q. Anything else beyond that verbal communication about  
32 what happened?

33

A. No.

34

35 Q. Is there some reason for that?

36

A. Oh, there was no - they explained to me what has  
37 happened. Just a spike, it's gone over. The gas - you get  
38 a goaf fall, you'll get a spike, and it's only there for  
39 10, 15 seconds, then it's gone again. There's not much we  
40 can do about that.

41

42 Q. You refer to the discussion that you might have with  
43 the mine manager about the event to understand what  
44 happened.

45

A. Yes.

46

47 Q. Has there been any occasion in which you have had to

1 intervene beyond that?

2 A. No.

3

4 MR RICE: Thank you, Mr Hoare.

5

6 THE CHAIRPERSON: We will adjourn for 15 minutes,  
7 thank you.

8

9 **SHORT ADJOURNMENT**

10

11 THE CHAIRPERSON: Yes, Mr Holt.

12

13 **<EXAMINATION BY MR HOLT:**

14

15 MR HOLT: Q. Mr Hoare, you have been present this  
16 morning and you will know that my name is Saul Holt. I'm  
17 one of the lawyers for the Anglo group of companies,  
18 including the one that runs Grasstree. I have just a few  
19 questions for you. You heard me asking some questions of  
20 Mr Harris this morning, I think. Would you confirm as  
21 well, I think, that you do also attend the CFMMEU organised  
22 SSHE training each year, the conference that is run?

23

A. Yes, I do.

24

25 Q. You are supported to do that by the mine?

26

A. Yes.

27

28 Q. The same with the Queensland Safety Conference as  
29 well?

30

A. Yes.

31

32 Q. Obviously not this year, for reasons we all know.  
33 Thank you. You have described in your report - and again  
34 you might have heard me ask a similar question or say  
35 a similar thing to Mr Harris - times when balancing or  
36 juggling your role as an SSHR and your role as a deputy can  
37 be difficult?

38

A. Yes.

39

40 Q. You have referred to a couple of times where you  
41 haven't been able to get the reports done monthly as you  
42 want to and as is important for you to do?

43

A. Yes, that's correct.

44

45 Q. Can I again say, with permission, I hope, that if that  
46 occurs, my instructions are, please do raise it with the  
47 SSE and the others in the senior leadership team on the

1 site to ensure that you are able to do that process?

2 A. Yes.

3

4 Q. Thank you. You have indicated that you have a good  
5 relationship with the senior leadership team. You name  
6 particularly Mr Schiefelbein and also Mr Joel Duffy?

7 A. Yes.

8

9 Q. You identified that there was an open-door policy, you  
10 had never been turned away by either them or Damien Wynn,  
11 the SSE?

12 A. That's correct.

13

14 Q. I am sure you would agree that's a really important  
15 part of you being able to perform your function properly,  
16 is to have a good and trusting relationship with those  
17 members of the senior leadership team?

18 A. Yes, it is.

19

20 Q. In terms of how safety concerns at Grasstree get  
21 escalated, there is obviously the kind of more formal  
22 reporting mechanisms - that is, the filling out of incident  
23 reports, hazard reports that go up through the supervisor  
24 and up through the company structures; you would be aware  
25 of those?

26 A. Yes.

27

28 Q. Then I think, if I can put it this way, what you have  
29 been describing and what Mr Harris has been describing, and  
30 indeed what makes perfect sense is, there are guys, for  
31 whatever reason, or coal mine workers, for whatever reason,  
32 who prefer to come to you and have a more informal or even  
33 an anonymous process for that kind of reporting?

34 A. That's correct, yes.

35

36 Q. To that extent, this idea of having multiple ways for  
37 coal mine workers to raise safety issues and ensure that  
38 they get escalated to appropriate levels, I'm sure you  
39 would agree, is a good thing?

40 A. Yes.

41

42 Q. And when you raise those again with management,  
43 anonymously or otherwise, with the senior leadership team,  
44 whether through your reports or otherwise, you are,  
45 generally speaking, supported in what you are seeking to do  
46 by management at Grasstree?

47 A. Yes.

1  
2 Q. An example of that is the inspection reports that you  
3 do that you told us about a little bit earlier where you  
4 indicated that you allocate tasks at the end of an  
5 inspection and then those tasks get put into the Enablon  
6 system for people to action and get followed up on?

7 A. That's correct.

8

9 Q. Mr Rice was testing you a bit on that and saying,  
10 "Aren't you just requesting those things than telling  
11 people what to do?", but the reality is, isn't it, at  
12 Grasstree, what you say needs to be done is taken really  
13 seriously by the SLT and nine times out of ten becomes  
14 a task that must be completed in accordance with your  
15 report?

16 A. Yes, I wouldn't say nine out of ten. I would prefer  
17 ten out of ten.

18

19 Q. I just was hoping - I didn't know whether there might  
20 be one you might tell me about where it hadn't happened, so  
21 I was just covering my bases. Let's have a look, please,  
22 at ACN.004.002.0010, Mr Operator. The detail doesn't  
23 matter for my purposes, but you can see obviously enough  
24 with your name at the top, that's the content of a report  
25 that you have done?

26 A. Yes.

27

28 Q. Can we just go to the next page, please, Mr Operator  
29 and down to the bottom. There is a table there. This goes  
30 to the next page but, again, for present purposes it  
31 doesn't matter. When you talk about identifying actions  
32 that need to be done following your reports, that's an  
33 example of it?

34 A. That's correct.

35

36 Q. And you would be aware - in fact not just aware, you  
37 are involved in a process where those are communicated up  
38 to the SSE, and I'm going to say nine times out of ten, but  
39 it might be ten, Mr Wynn, as the SSE, comes back to you to  
40 confirm receipt and to confirm that those tasks have been  
41 put into the system for actioning in the normal way?

42 A. Yes.

43

44 Q. If we just grab one example of that if we can, and it  
45 is another number, Mr Operator, ACN.003.002.0012, which is  
46 the page number I need; I suspect the beginning of the  
47 document is 0001. Thank you. Now, again, things have been



1 blanked out just for privacy reasons, for people's email  
2 address and the like, but you can see there:

3  
4 *Thanks Jim. I have reviewed the report and*  
5 *will action accordingly.*

6  
7 A. Yes.

8  
9 Q. Again, you get that kind of response from Mr Wynn  
10 probably ten out of ten, but I will at least say nine out  
11 of ten times for these purposes?

12 A. Yes.

13  
14 Q. Can we then turn, please, to another topic you have  
15 referred to, and that is this question of the difference in  
16 willingness to report safety issues or to raise safety  
17 issues, depending on what kind of role a coal mine worker  
18 might have. You understand the topic I'm talking about  
19 generally?

20 A. Yes.

21  
22 Q. For our purposes - again you heard me talk to  
23 Mr Harris about this kind of relationship between three  
24 groups, one is Anglo employees, of which you are one?

25 A. Yes

26  
27 Q. The second is labour hire people who are on site but  
28 in Anglo shirts and integrated into Anglo crews?

29 A. Yes?

30  
31 Q. Then there are contractor groups or subcontractor  
32 groups who are in their own shirts for their own contracted  
33 company doing a particular task?

34 A. Yes.

35  
36 Q. And at Grasstree, again as we heard from Mr Harris, it  
37 is right, isn't it, that actually, as far as the first two  
38 groups are concerned, so permanent Anglo employees and the  
39 labour hire people who are integrated into the Anglo teams,  
40 on the face of it, it's hard, if not impossible, to  
41 distinguish one from the other?

42 A. Correct.

43  
44 Q. And they are integrated well and truly in terms of the  
45 risk assessment processes we've been discussing?

46 A. Yes.

47

- 1 Q. And they are subject to the same supervisory  
2 structures and so on as well?
- 3 A. Yes.
- 4
- 5 Q. And then, though, you also see on site the  
6 subcontractors or contractors who, as we say, are doing  
7 these specific tasks which they have been brought in to do?
- 8 A. Yes.
- 9
- 10 Q. Those groups, though, are also still, for example,  
11 part of, you would be aware, the monthly planning, part of  
12 safety briefings, all those sorts of things? So again they  
13 are integrated into the risk management structures of the  
14 site?
- 15 A. That's correct, yes.
- 16
- 17 Q. If we can drill into the example, because it is good  
18 to practicalise these things that you gave us - that is,  
19 the example at paragraph 41 of your statement, which was  
20 a group of people who are working on the 910 conveyors and  
21 were hand raking the concrete?
- 22 A. Conveyor install, yes.
- 23
- 24 Q. Without being critical at all, if I suggested to you  
25 that that group that were doing that were in fact  
26 a contractor group rather than labour hire in that  
27 integrated sense?
- 28 A. They were a contractor group, yes.
- 29
- 30 Q. So that group was in fact not the labour hire people  
31 who were integrated with the Anglo workforce but a separate  
32 company that had been contracted in?
- 33 A. Yes.
- 34
- 35 Q. I won't name them, but a separate company?
- 36 A. Yes.
- 37
- 38 Q. In terms of the willingness to report issues coming  
39 out of that at Grasstree, given how hard it is to  
40 distinguish between the labour hire people who are  
41 integrated into the Anglo teams or crews and the Anglo  
42 permanent employees, is the real difference that you are  
43 drawing between those contractor groups versus the crews  
44 who are in Anglo shirts in terms of reporting?
- 45 A. Yes, it is. That's the difference.
- 46
- 47 Q. I understand, thank you. While we are talking about

1 those issues, you raised an issue about experience and  
2 yellow hats and white hats, which I've had to learn about  
3 in the last few days?

4 A. Yes.

5

6 Q. Yellow hats are the coal mine workers who have been -  
7 who are in that "new to the industry" phase before they  
8 have effectively got to a level of competency where they  
9 are allowed to wear their white hat and are signed off for  
10 those purposes?

11 A. Yes, less than three months.

12

13 Q. You mentioned three months but it is a minimum of  
14 three months, isn't it?

15 A. Yes.

16

17 Q. But it is as long as it takes for them to reach  
18 a certain level of competency?

19 A. Yes.

20

21 Q. So it is not just three months, no matter how you have  
22 gone, you get a white hat; you actually have to demonstrate  
23 a level of competency at that time?

24 A. Yes, they have to get signed off. They do an  
25 interview with the MSO and then an interview with the mine  
26 manager before they receive a white hat.

27

28 Q. You described the process that exists for yellow hats  
29 to be supervised by white hats on a one-to-one ratio?

30 A. Yes.

31

32 Q. But again, just in case there was any confusion about  
33 that, which I'm not being critical of you for at all, the  
34 number of yellow hats on site - for example, I'm instructed  
35 at present there are about 18 yellow hats on site, total?

36 A. I've no idea.

37

38 Q. Ballpark that would sound about right?

39 A. Ballpark, yes.

40

41 Q. Out of a workforce of more than 700?

42 A. Yes.

43

44 Q. Again, when you are talking about the criticism that  
45 you make or the observation that you make about  
46 inexperienced crews, you are talking there about those true  
47 contractors groups aren't you, your observations of them?

1 A. I am.

2

3 MR HOLT: Thank you.

4

5 THE CHAIRPERSON: Mr Roney?

6

7 <EXAMINATION BY MR RONEY:

8

9 MR RONEY: Q. Mr Hoare, Peter Roney is my name, for  
10 One Key. Really I think I have just one question left  
11 after those that have been asked of you already. In  
12 paragraph 40 of your statement, and in other places,  
13 I think in 41, you mention what I think has now been  
14 clarified as a reference to contractors' workers not  
15 feeling comfortable raising issues with you?

16 A. Yes.

17

18 Q. And in particular in paragraph 40 you say the  
19 permanent workers at the mine report in regularly and have  
20 no concerns with raising issues with you. So these  
21 permanent workers that you refer to there include the  
22 labour hire staff who are part of the general crews, the  
23 integrated crews?

24 A. Yes, that is correct.

25

26 Q. Again, in reference to both paragraphs 40 and 41, the  
27 comment about concerns raising issues with you, that's just  
28 your experience of persons reporting concerns of any kind  
29 with you in your capacity as SSHR?

30 A. That's correct.

31

32 Q. So there are certainly other ways, aren't there, in  
33 which concerns about safety issues or work conditions or  
34 any of the issues that might arise, that might cause  
35 concern, can be reported and dealt with?

36 A. Yes.

37

38 Q. Apart from being the subject of a report to you or  
39 a complaint to you?

40 A. Yes.

41

42 Q. And in your experience, are there many, many such  
43 issues which are raised with supervisors and management  
44 that never come across your desk, as it were?

45 A. Yes, there are.

46

47 MR RONEY: Thank you.

1  
2 THE CHAIRPERSON: Mr Crawshaw?  
3  
4 MR CRAWSHAW: No questions, thank you, Mr Chair.  
5  
6 THE CHAIRPERSON: Mr Rice, anything?  
7  
8 **<EXAMINATION BY MR RICE:**  
9  
10 MR RICE: Q. Just one thing I haven't asked either of  
11 you, Mr Hoare. Is there any additional pay associated with  
12 being an SSHR?  
13 A. No.  
14  
15 Q. For neither of you?  
16 A. Neither of us, no.  
17  
18 Q. Or across the board, so far as you know?  
19 A. As far as I know, never, no.  
20  
21 MR RICE: Thank you.  
22  
23 THE CHAIRPERSON: Mr Clough?  
24  
25 MR CLOUGH: Q. Mr Hoare, I just have one question. The  
26 yellow hat process for new starters, does that actually  
27 extend to contractors that come in to do a job, like  
28 a construction job putting in a drive head?  
29 A. Yes, everyone on site.  
30  
31 Q. Are you aware of the process the mine might use to  
32 actually check somebody's experience when they come in for  
33 a short-term job?  
34 A. No, I'm not. Not aware of it.  
35  
36 MR CLOUGH: Okay, thank you.  
37  
38 MR RICE: Mr Hoare can be excused, Mr Martin.  
39  
40 THE CHAIRPERSON: Thank you, Mr Hoare. You are excused.  
41  
42 **<THE WITNESS WITHDREW**  
43  
44 THE CHAIRPERSON: I understand another witness is not  
45 available today.  
46  
47 MR RICE: Yes. We had scheduled another witness after

1 lunch, Mr Martin, but her evidence is not ready. We are  
2 looking to reschedule her later in the week. So those are  
3 the witnesses we are in a position to have called today.  
4 You might adjourn until 10 in the morning.  
5

6 THE CHAIRPERSON: Okay. Just before you go - and this is  
7 particularly relevant for Mr Holt and it would be for  
8 Mr Clothier - obviously there has been concentration here  
9 on labour hire employees. I'm just noticing that the terms  
10 of reference talk about particular employment arrangements  
11 and I noticed that you moved on from the contractors to the  
12 labour hire workers just before. Have you been put at  
13 a disadvantage in any way, now that I raise that, as to  
14 whether or not the contractors fall within that category  
15 and should be looked at as well?  
16

17 MR HOLT: The short answer to your question is no, we  
18 haven't been put at a disadvantage, and there are certainly  
19 witnesses to come who can address issues of that kind from  
20 Anglo's perspective. I understand the point you raise and  
21 I will certainly give it some more detailed consideration  
22 in light of the terms of reference, but I don't consider  
23 there to have been any disadvantage to date.  
24

25 THE CHAIRPERSON: All right. Has any other party present  
26 been disadvantaged by not any greater scrutiny, to date at  
27 least, in relation to contractors?  
28

29 MS HOLLIDAY: No.  
30

31 THE CHAIRPERSON: All right. Thank you.  
32

33 MR CRAWSHAW: Might I just say something, Mr Chair?  
34

35 THE CHAIRPERSON: Yes, Mr Crawshaw.  
36

37 MR CRAWSHAW: Firstly, we've always thought contractors  
38 fell within the terms of reference, in particular in the  
39 section that you mention.  
40

41 THE CHAIRPERSON: Yes.  
42

43 MR CRAWSHAW: Secondly, I don't think I will be able to  
44 appear tomorrow, but Mr Anderson, who is sitting at the Bar  
45 table, will appear for the CFMMEU.  
46

47 THE CHAIRPERSON: All right. Thank you for that. Nothing

1 further, then?

2

3 MR RICE: No, thank you.

4

5 THE CHAIRPERSON: Thank you. We will adjourn until 10am.

6

7 **AT 12.06PM THE BOARD OF INQUIRY WAS ADJOURNED**

8 **TO WEDNESDAY, 12 AUGUST 2020 AT 10AM**

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