

**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 Thursday, 13 August 2020 at 10.30am  
(Day 8)

1 THE CHAIRPERSON: Yes Mr Rice.

2

3 MR RICE: Mr Martin, I call Kylie Ah Wong, who I believe  
4 will be appearing remotely.

5

6 THE CHAIRPERSON: Yes.

7

8 <KYLIE AH WONG, affirmed: [10.30am]

9

10 <EXAMINATION BY MR RICE:

11

12 MR RICE: Q. Ms Ah Wong, I'm assisting the inquiry. Can  
13 I just ask firstly if you can see me and hear me  
14 satisfactorily?

15 A. Yes, I can.

16

17 Q. Is your full name Kylie Ah Wong?

18 A. Yes, it is.

19

20 Q. You are employed by Glencore Coal Assets Australia Pty  
21 Limited; am I right?

22 A. Yes, I am.

23

24 Q. The position you occupy is general manager of health,  
25 safety and training?

26 A. Yes, it is.

27

28 Q. With the assistance of the company's solicitors, have  
29 you prepared and signed a statutory declaration setting out  
30 some information to assist the Board?

31 A. Yes, I have.

32

33 Q. You have a copy of that there?

34 A. Yes, I do.

35

36 Q. Mr Operator, could we bring up document  
37 OCH.507.002.0001. We are just resolving a technical  
38 problem, Ms Ah Wong. You have a copy of that declaration  
39 with you?

40 A. Yes, I do.

41

42 Q. What I want to do is just go through some parts of it,  
43 ask you for some elaboration along the way, and we will  
44 pause to look at some of the documents that you have  
45 referenced in it. Okay?

46 A. Okay.

47

1 Q. Can I go straight to page 2, where you set out some  
2 brief details of the governance relationship between the  
3 various Glencore companies?

4 A. Yes.

5

6 Q. Do we understand correctly that Glencore plc is the  
7 ultimate holding company?

8 A. Yes, it is.

9

10 Q. It has international operations; am I right?

11 A. Yes, it does.

12

13 Q. Your employer, Glencore Coal Assets Australia - would  
14 you explain what role it has in the conduct of Glencore's  
15 business in Australia?

16 A. Okay. Glencore Coal Assets Australia is one of the  
17 industrial assets, and we're part of the coal business. So  
18 the coal business is inclusive of other operations,  
19 including Prodeco and South Africa, in the other  
20 jurisdictions.

21

22 Q. What is its function in the workings of the business?

23 A. We are part of the coal division, so part of the coal  
24 mining division.

25

26 Q. But what particular function does the company exercise  
27 in conducting that business?

28 A. Sorry, I'm not sure I'm understanding the question.

29

30 Q. All right. It may be easier if we go to annexure A to  
31 your statement.

32 A. Yes.

33

34 Q. It might provide a reference point to discuss what you  
35 and others do at GCAA?

36 A. Okay.

37

38 Q. Do you have that annexure? It is on page 0013 of your  
39 declaration.

40 A. I don't have that annexure in front of me, but I'm  
41 aware of what you're talking about.

42

43 Q. Can you see it on the screen now?

44 A. Yes, I can.

45

46 Q. In that row just below the black box with Mr Cribb's  
47 name, we see a range of people described variously as

- 1 general managers.  
2 A. Yes.  
3  
4 Q. Your name is amongst them?  
5 A. Yes, that's right. So are you looking for my function  
6 within the organisational structure?  
7  
8 Q. Well, I see that your name and your job distribution  
9 is listed on that row, along with a range of others.  
10 A. That's right.  
11  
12 Q. Are they all, as you are, employees of GCAA?  
13 A. That's right.  
14  
15 Q. What is the difference between a description, say, in  
16 your case as general manager and in other cases as  
17 a director?  
18 A. Okay. I guess the management structure is reflective  
19 of how we run our business. So we've got director of  
20 operations, and so on that annexure, you will see there's  
21 a director of operations across our underground and our  
22 open-cut operations. We also have functional directors  
23 that support the other directors, including the general  
24 managers that support that function as well. So I guess  
25 our role within the organisation is to define the  
26 processes, and the responsibility of the directors is to  
27 implement - they're responsible for the implementation of  
28 those processes as designed.  
29  
30 Q. At the risk of oversimplifying things, do you and  
31 others listed in that row try to identify processes and  
32 systems that are required to be followed by all of  
33 Glencore's operations?  
34 A. That's right. We establish the framework across all  
35 of the Glencore coal assets that we have within the  
36 portfolio, of which there are 17 operations, and the  
37 operations then are required to, I guess, implement those  
38 as we've designed them.  
39  
40 Q. In a sense, then, GCAA is imposing processes and  
41 systems on operations, which, as you have told us, they are  
42 then required to implement. Does it follow from that that  
43 GCAA also has some oversight in the carrying out of that  
44 implementation - auditing and so forth?  
45 A. Yes. I guess the way in which we work, we run  
46 a decentralised model, so we provide the framework in  
47 regards to how the operations are to operate. Each of our

1 operations has an operations manager, and in Queensland  
2 that would also be the site senior executive, who's  
3 responsible for, I guess, the decision making and the  
4 responsibilities of that particular operation. We provide  
5 a framework. So I guess to simplify it, we provide what  
6 they are required to do, when they are required to do it,  
7 and they establish how they are going to achieve that.

8

9 Q. I understand that, but is there also follow-up on the  
10 implementation at GCAA level to ensure that your  
11 requirements are being met?

12 A. Yes, that's right. We have quite a comprehensive  
13 assurance program that we run and implement.

14

15 Q. We see from the diagram that Oaky North underground,  
16 for example, appears to report directly to Mr Nicholls,  
17 being the director of underground operations within GCAA?

18 A. That's right, yes.

19

20 Q. Are we missing something in the shape of the operator  
21 company, Oaky Creek Holdings Pty Limited?

22 A. So Oaky Creek Holdings - Darren is the operator's  
23 representative of the Oaky Creek Holdings.

24

25 Q. And also an employee of GCAA?

26 A. That's right.

27

28 Q. So the interests and responsibilities of Oaky Creek  
29 Holdings are represented by Mr Nicholls' function. Do  
30 I understand correctly?

31 A. That's right.

32

33 Q. At the top of the page is Mr Cribb's name. Is he the  
34 chief operating officer of GCAA?

35 A. That's right.

36

37 Q. He would report to whom?

38 A. He would report to the chief executive officer of  
39 Glencore Coal. Glencore Coal is comprised, as I said  
40 before, of the three jurisdictions, being Australia,  
41 South Africa and Colombia.

42

43 Q. Can we go to page 3, where you describe details of  
44 measures of safety.

45 A. Yes.

46

47 Q. In paragraph 21 you have split that up into two

1 sections, (a) and (b)?

2 A. Yes.

3

4 Q. Do I understand correctly that these two measures  
5 listed as (a) and (b) are then applied to the performance  
6 review of management staff?

7 A. That's right.

8

9 Q. When I refer to "management staff", we're talking  
10 about people involved in management at the site - for  
11 example, Oaky North underground?

12 A. Yes.

13

14 Q. Would these measures also apply to officers at the  
15 corporate level of Oaky Creek Holdings Pty Limited?

16 A. Yes, they do. So I guess the expectations of somebody  
17 at, say, a director level across our business would be,  
18 I guess, a direct discussion and agreement with the chief  
19 operating officer in regards to the things that are  
20 deliverable for them over the following 12 months. So it's  
21 not as, I guess, straightforward as applying those two  
22 measures, but they're certainly considered. They're not  
23 the only two measures that would be applied.

24

25 Q. But am I right in saying that these two measures are  
26 safety measures that are applied to the performance review  
27 of all management staff?

28 A. Yes, that's right.

29

30 Q. But not the only ones, as you point out?

31 A. That's right.

32

33 Q. TRIFR - I think we know what that is.

34 A. Yes.

35

36 Q. The health and safety index is perhaps not so  
37 self-explanatory.

38 A. Yes.

39

40 Q. It has a number of components, and at the bottom of  
41 the page you mention that the way in which that health and  
42 safety index measure is calculated depends on another  
43 document, being the health and safety index KPI; am  
44 I right?

45 A. Yes.

46

47 Q. Could we go, Mr Operator, to document

1 OCH.504.001.0003. I have put up for display what  
2 I understand to be the health and safety KPI index. You  
3 are familiar with that?

4 A. Yes, I am.

5  
6 Q. How does it assist us to interpret your description of  
7 the health and safety index at paragraph 21(b) of your  
8 statement?

9 A. Okay, so the health and safety index comprises of  
10 those three elements. At the end of each year, we assess,  
11 using the criteria that you see in front of you, each of  
12 the operations against those three areas.

13  
14 So if I walk you through an example, each site is  
15 required to have an HSEC plan. So we do a review on each  
16 of the operations to establish, you know, was the plan  
17 developed, is it documented, have they been tracking  
18 progress and have they completed all of the things that  
19 they'd planned to complete? Now, if they do all of those  
20 things, then they get 100 per cent for that subcomponent of  
21 the index, and so on and so forth. The same with critical  
22 controls and also the HPRI mandatory actions, as mentioned  
23 there.

24  
25 Q. Am I right in saying that both of these measures -  
26 that is to say, the TRIFR and the health and safety index -  
27 are both, as it were, whole of site measures?

28 A. That's right.

29  
30 Q. Is the object of that to give everyone, as it were,  
31 a vested interest in health and safety and injury  
32 reduction?

33 A. That's right.

34  
35 Q. And that is by way of contrast to a performance  
36 measure which focuses on an individual's contribution to  
37 a particular objective; correct?

38 A. Yes.

39  
40 Q. Still looking at that document, in the item  
41 "HSEC Plan", I think you have given an example of that. It  
42 is a kind of annual plan for the operation; am I right?

43 A. Yes, that's right.

44  
45 Q. Is that devised at GCAA level?

46 A. We have two levels. We have a GCAA HSEC plan that is  
47 provided to our operations, and then the operations are to

1 develop their own individual HSEC plan for their operation  
2 which considers our plan and brings in the required  
3 elements from what we have planned but then understanding  
4 what they need at their own operation. So it will consider  
5 the GCAA plan but also the things that they need to,  
6 I guess, implement from an operational perspective, so it  
7 is specific to the site.

8  
9 Q. Could I depart from the document you are looking at  
10 for the moment just to show the Board the annual plan, to  
11 see what it looks like. Mr Operator, we will come back to  
12 the document on display, but could you show, please,  
13 OCH.507.001.0298. Could you, for the sake of the  
14 discussion, enlarge the third block headed on the left with  
15 the word "Risk". Do you recognise that I have just put up  
16 on display the annual plan document for 2020 for GCAA?

17 A. Yes.

18  
19 Q. Tell me, so that we understand this document, is this  
20 something that is devised by GCAA and referred to the  
21 operation for implementation?

22 A. Yes, that's right.

23  
24 Q. We've just enlarged one section of it, being "Risk",  
25 for the sake of illustration. Those various matters having  
26 been identified in the plan, is the health and safety  
27 index, then, or at least the first component of it,  
28 measured against whether the site is able to satisfy the  
29 various things that are shown in this annual plan?

30 A. That's right.

31  
32 Q. I've blown up the "Risk" section of that, but in fact  
33 there are at least five other sections; correct?

34 A. Yes.

35  
36 Q. Thank you. That perhaps illustrates that the  
37 manager's annual appraisal is going to be measured in part  
38 by the performance of the site as a whole in the carrying  
39 out of its annual plan; correct?

40 A. That's right, yes.

41  
42 Q. If we go back to the previous document,  
43 OCH.504.001.0003, and then looking at the second component  
44 of the health and safety index, being "Critical Controls",  
45 would you mind explaining what that is a reference to?

46 A. For each of our catastrophic hazards, we have  
47 identified a suite of critical controls. Those critical



1 controls are implemented right across our business at all  
2 of the sites that are relevant to that particular  
3 catastrophic hazard.  
4

5 We also have a schedule, and that schedule also runs  
6 across all of our operations. This particular index result  
7 here will reflect back on the critical controls being  
8 completed in line with the schedule that has been  
9 developed. So we review, at the end of each year, that  
10 each site has completed their critical controls in line  
11 with the schedule.  
12

13 Q. We will come shortly to the catastrophic protocols  
14 document.

15 A. Yes.  
16

17 Q. But the critical controls referred to there are those  
18 that apply to the catastrophic protocol, or at least they  
19 have been identified pursuant to the catastrophic incident  
20 protocol?

21 A. That's correct.  
22

23 Q. In the carrying out of that protocol relating to  
24 catastrophic risk, there may be, as this second box  
25 contemplates, certain things that need to be done to comply  
26 with it?

27 A. That's right.  
28

29 Q. This second measure of critical controls looks at the  
30 performance of the site and the things that need to be done  
31 pursuant to the catastrophic protocols requirements?

32 A. That's right.  
33

34 Q. The third component, then, of the health and safety  
35 index is described as HPRI. HPRI is a high potential risk  
36 incident, is it not?

37 A. That's right.  
38

39 Q. According to the way in which it is defined by  
40 Glencore's documentation?

41 A. Yes, that's correct.  
42

43 Q. Do we understand that in the event that there was an  
44 HPRI and, consequent upon that, certain things were  
45 assigned to be done, this component is a measure of whether  
46 those things have been done?

47 A. That's correct.

- 1  
2 Q. In a good year, if you had no HPRIs, then this measure  
3 would not form part of the health and safety index measure?  
4 A. Across GCAA, yes.  
5  
6 Q. The other thing that you have mentioned at  
7 paragraph 22, and you have put it under the heading  
8 "Measures of Safety" in your declaration, is what you refer  
9 to as the "culture model".  
10 A. Yes.  
11  
12 Q. Do I understand correctly that that is not so much  
13 a measure, like the two items in paragraph 21 may be  
14 regarded as a measure, but more a set of expectations?  
15 A. It is a set of expectations. One of the reasons that  
16 we did put it in that particular section was that that was  
17 very relevant in 2019, because we did put it in as  
18 a measure across all of our operations in 2019 to ensure  
19 that each of our operations had a plan, and the plan was  
20 well advanced, in regards to the implementation of the GCAA  
21 culture model. So that was specific for 2019.  
22  
23 Q. Will compliance, if that's the correct word, with the  
24 culture model --  
25 A. Yes.  
26  
27 Q. -- feed in to more measurable safety outcomes?  
28 A. Yes, it does.  
29  
30 Q. Is that the way it is viewed?  
31 A. Yes, it does. The underpins, really, a good safety  
32 performance at any of our operations.  
33  
34 Q. Could I go to that document and show some part of it.  
35 Mr Operator, it is document OCH.504.001.0005. I've just  
36 displayed the cover of that document.  
37 A. Yes, I have it.  
38  
39 Q. Perhaps, Mr Operator, if we could go to page 3, which  
40 is 0007. The top third of that page, please, if you could  
41 zoom in. The second paragraph under "Purpose" identifies  
42 the expectations on both managers, employees and  
43 contractors.  
44 A. That's correct.  
45  
46 Q. The third paragraph refers to specific and measurable  
47 goals being included in performance plans, but is that

- 1 there speaking of the two measures that you have already  
2 spoken to, being TRIFR and health and safety index?
- 3 A. They are two of them, and they are relevant to the  
4 site, but from a key results area within our performance  
5 appraisal system we've also got managerial KPIs, and some  
6 of those managerial KPIs will be safety related, so it  
7 talks about visible leadership and those types of things.  
8
- 9 Q. Visible leadership, for instance?
- 10 A. That's right.
- 11
- 12 Q. GCAA sees a safety aspect to visible leadership?
- 13 A. Yes, definitely.
- 14
- 15 Q. If we could go to page 0011, please, in the bottom  
16 half of that page at section 6.1, is this a description of  
17 the expectations on all Glencore workers, which, if given  
18 effect to, will, so it's anticipated, feed in to good  
19 safety outcomes; is that fair to say?
- 20 A. Yes, that's fair to say.
- 21
- 22 Q. We see the first sentence of that. Is that the place  
23 that I think you may have referred to in your statement  
24 where you say the culture model places safety as the first  
25 and primary priority for every person?
- 26 A. Yes, that's correct.
- 27
- 28 Q. Is that reflected, for instance, in the first sentence  
29 of that section?
- 30 A. Yes.
- 31
- 32 Q. It lists certain key elements of the GCAA culture at  
33 the bottom of that page.
- 34 A. Yes.
- 35
- 36 Q. Could I perhaps go to another description of that  
37 a little later in the document at page 0020. We see the  
38 box in the top half of that page.
- 39 A. Yes.
- 40
- 41 Q. Is that intended to summarise the components of the  
42 desired WHS culture?
- 43 A. Yes, that's right.
- 44
- 45 Q. If we go to the next page, 0021, we see on that page,  
46 do we, a description of the various topics which were  
47 listed in the box we just looked at?

1 A. Yes, that's right. So the front page of that that we  
2 saw, the graphic, is really just a representation of the  
3 explanatory notes that follow, which is what we're looking  
4 at now.

5  
6 Q. Thank you. The coverage of this list of things - it  
7 extends, does it, to every employee?

8 A. Yes.

9  
10 Q. In fact, every worker?

11 A. That's right. Every worker - employees and  
12 contractors.

13  
14 Q. And management also?

15 A. That's exactly right, yes.

16  
17 Q. Everyone who works at a Glencore operation should  
18 aspire to this set of things?

19 A. That's exactly right.

20  
21 Q. Can I ask you about the next page, 0022. We see  
22 something that appears on the face of it to be a little  
23 different, inasmuch as it is headed "Process Safety".

24 A. Yes.

25  
26 Q. What is intended to be conveyed on that page?

27 A. I guess from a strong safety culture perspective, we  
28 see that there are two key elements, one pertaining to  
29 personal safety and the other process safety. I guess  
30 process safety is more targeting those - you know, the  
31 management of our fatal and catastrophic risk, which we  
32 recognise that from an organisational perspective we have  
33 some key responsibilities in those areas.

34  
35 Q. So process safety, then, includes what we are soon  
36 going to look at, being the catastrophic event protocol?

37 A. Yes.

38  
39 Q. And also the fatal hazard protocol?

40 A. Yes.

41  
42 Q. I see there the document lists "Assurance Process".

43 A. Yes.

44  
45 Q. Is that a review and testing of the operation of  
46 critical controls and fatal hazard protocols, amongst other  
47 things?

1 A. Amongst other things, yes, that's correct.

2

3 Q. This is probably at the implementation stage, but you  
4 may be able to assist: could you give me some idea as to  
5 how a Glencore operation would have workers, be they  
6 employees or contractors or labour hire workers, identify  
7 and associate with this model?

8 A. There's a number of different ways in which they do  
9 that. We run a Glencore generic induction, and we  
10 introduce the model at that induction and talk about its  
11 origin and its purpose. The way in which each of our  
12 operations have implemented or, I guess, are bringing the  
13 culture model to life can be different at each of the  
14 operations, and that's going back to that decentralised  
15 model that I was talking about earlier. We give them the  
16 framework, and how they implement that is within their area  
17 of responsibility.

18

19 Q. But following on from what we spoke about earlier,  
20 could we take it that GCAA would continue to assume an  
21 oversight of that implementation?

22 A. That's correct.

23

24 Q. To see that what is being done at site does in fact  
25 meet the required standard?

26 A. That's right. Under that process safety element,  
27 there are two key pieces or two key elements that are  
28 important in that regard. One is the assurance process,  
29 which is a more formal arrangement, but the other is the  
30 last point there around validation, and we do a lot of  
31 validation to confirm that those things are in place.

32

33 Q. We have spoken about performance review.

34 A. Yes.

35

36 Q. Every manager and employee of a Glencore operation is  
37 subject to a performance review; am I right?

38 A. Yes, and that's one of the - I guess if we have a look  
39 at the performance review process, we haven't necessarily  
40 got that consistently down to the individual employee at  
41 this point in time. That's something that some of the  
42 sites have achieved but not all. It's something that's  
43 part of the culture model and in some areas or some  
44 operations is in implementation.

45

46 Q. Speaking about contractors to whom a particular task  
47 or set of tasks might be outsourced, they come from

1 different entities?

2 A. Yes.

3

4 Q. Would there be any performance review applicable to  
5 that scenario?

6 A. Sorry, I just lost sound there.

7

8 Q. That's okay. I was just asking about contractors to  
9 whom tasks at a site might be outsourced.

10 A. Yes.

11

12 Q. Is there any component by Glencore of performance  
13 review for persons who are contractors?

14 A. Yes, so we have contractor review meetings that are  
15 established, and those contractor review meetings would go  
16 through all of those KPIs as established.

17

18 Q. Someone would develop KPIs for contractors?

19 A. That's right, and for the work that they have been  
20 engaged to do.

21

22 Q. Is there a safety component built in to those KPIs,  
23 can you tell us?

24 A. Yes.

25

26 Q. Can you give a description of what those indicators  
27 might be?

28 A. Say, for example, some of the contract arrangements at  
29 Oaky North talk about safety performance, so personal  
30 safety performance, talk about TRIFR and those types of  
31 things.

32

33 Q. Do contractors get any induction into the culture  
34 model we've spoken about?

35 A. Yes, they do. It's part of our induction process.

36

37 Q. What about those persons whose services may be  
38 provided by a labour hire company - are they subject to the  
39 same kind of performance review, or any performance review,  
40 as other employees are?

41 A. The same as - that's right, yes, they are. Typically  
42 our labour hire or our full-time equivalents, as I've  
43 referred to them before, will be subjected to the same  
44 arrangement as our own employees.

45

46 Q. Performance reviews are annual, are they not?

47 A. Typically, yes. Some of our operations have moved to

1 more six months to give, I guess, direct feedback. Part of  
2 the culture model that you see in there is scorecards.  
3 Scorecards is our way of giving feedback on an individual's  
4 performance, and, as I've said, some sites have moved  
5 towards doing that six monthly; others are annually; and  
6 some are still in implementation phase about giving that  
7 individual feedback.

8

9 Q. Your declaration goes on to the subject of assurance.  
10 A. Yes.

11

12 Q. Perhaps we will go to that. Could I start, though, by  
13 going to another document. It is entitled "Risk  
14 Management". Mr Operator, if you could bring up  
15 OCH.507.001.0151. Do you recognise that document,  
16 Ms Ah Wong?

17 A. Yes, I do.

18

19 Q. I want to go to the risk matrix, which is at page 22,  
20 page 0172, and if we could enlarge the left-hand side of  
21 the page. This is headed "GCAA Risk Management Matrix".

22 A. Yes.

23

24 Q. Am I right that the classifications that apply on this  
25 matrix serve to inform a number of other processes, one  
26 being, for example, the catastrophic incident protocol?

27 A. That's correct.

28

29 Q. This classification also feeds in to issues of  
30 incident classification and reporting and dissemination?

31 A. That's correct.

32

33 Q. It's a five-point scale; correct?

34 A. That's right.

35

36 Q. We have used the term "catastrophic incident" several  
37 times already. Do we see there under "Health & Safety" how  
38 that is defined for Glencore's purposes?

39 A. Yes, that's exactly right.

40

41 Q. Being a situation where a hazard has the capacity to  
42 cause multiple fatalities, being five or more?

43 A. That's right.

44

45 Q. And so on, on a descending scale down to item 1?

46 A. That's right.

47

1 Q. Having looked at that, could we move to the  
2 "Catastrophic Hazards" document.

3 A. Yes.

4

5 Q. That is, Mr Operator, OCH.507.001.0208. You would  
6 probably be familiar with that, Ms Ah Wong, would you not?

7 A. Yes, I am.

8

9 Q. We already identified from looking at the risk matrix  
10 what a catastrophic incident was. This document is  
11 intended, is it not, to be a set of measures with the  
12 object of preventing a catastrophic incident?

13 A. Yes, so the document is around how we treat, I guess,  
14 catastrophic hazards and how we identify things such as  
15 critical controls.

16

17 Q. Nobody wants to have a catastrophic incident, so can  
18 we take it that this is intended, really, to go as far as  
19 the company can take it to try to ensure that such a thing  
20 doesn't occur?

21 A. That's correct.

22

23 Q. Could we go to page 0212, please, in the bottom half  
24 of that page. A couple of things about this. Do we  
25 understand correctly that the methods and requirements of  
26 this document are measures for the management of  
27 catastrophic hazards?

28 A. Yes.

29

30 Q. It appears, and you could confirm for us, that the  
31 document is intended to follow and apply the nine-step  
32 methodology of the International Council for Mining and  
33 Metals?

34 A. That's right. We adopted the methodology that was  
35 developed as part of that project.

36

37 Q. Could we go to page 0215, please, Mr Operator. In the  
38 bottom half of that page, do we see there those hazards  
39 which have been identified as catastrophic hazards and  
40 which indicate the scope of coverage of the catastrophic  
41 hazards protocol?

42 A. Yes. When we first commenced, I guess, the critical  
43 control - we'll call it that, the critical control project,  
44 the first input to that was the broad brush risk  
45 assessment, which is what you're seeing in front of you.  
46 That's reviewed annually, but that was our starting point  
47 when we commenced the project, yes.



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Q. Could we go back, Mr Operator, to page 0211. In the second paragraph under section 4, it refers to the broad brush risk assessment and it refers to the hazards identified through that.

A. Yes.

Q. Is that a reference to the table we just looked at?

A. That's correct.

Q. Looking down further on that page, there are a number of aspects that are listed from (a) to (d). Could we expect that at site level, there will be documentation complying with all of (a) to (d)?

A. All of the documentation that is referenced there will be at a GCAA level, and so we facilitate it - if we have a look in that same document, there is what our role was as GCAA and the role of the operations, and our role was to facilitate the development of each of those things listed there from (a) to (d). The site's role was to take that information and then implement it into their safety and health management system.

You will see there on section (b) that we developed a bow tie risk analysis that underpins all of our catastrophic hazards. So that filters through to site, with them doing a review of their risk assessment at a site level to confirm they have picked up all of those controls and then the critical controls implemented into their hazard management plan. So those things sit at a GCAA level.

Q. I understand. If we go to the next page, 0212, there is actually a table. If we could blow up the first half of that page, that offers a further description of what you were just telling us about; am I right?

A. That's correct, yes.

Q. Again, although it may not be listed at this section of the document, insofar as each operation's implementation of the requirements, there is a mechanism, is there, for GCAA to review and monitor each operation's implementation?

A. Yes. Yes, we do, and we're actually at the stage now where not only do we monitor the implementation, but we are in progress at the moment of doing full verification on implementation and a review of all of our critical controls as part of that validation assurance process.

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Q. Looking at that, the identification of critical controls is at GCAA level?

A. That's correct.

Q. So for each of the hazards that we have looked at - and perhaps the most relevant ones are fire and explosion --

A. Yes.

Q. -- someone at GCAA would identify not just the controls but, as it reads, critical controls for those hazards?

A. I guess although we facilitate the process, there is high engagement across all of our operations. So if you use ignition of gas or fire and explosion as an example, we facilitated the bow tie, which included - we brought together a cross-section of people from across our operations, from operator level through to management, operations manager and director level, and, as a result, facilitated that process to identify the controls and then also the critical controls. So although we facilitate it, we didn't sit in a room separately and identify what those critical controls were. We used the subject matter experts to facilitate that.

Q. It is that bow tie assessment process that is intended to distil not just controls but the few critical controls applicable to a given hazard; am I right?

A. Yes, that's right. That's pivotal to it.

Q. Could we just go, Mr Operator, to page 0217. In the top half of that page, we see the bow tie there. Is that a depiction and an explanation of the process of selection?

A. Yes, that's correct.

Q. If we could go back to talk through the mechanics of this by reference to another part of the document, from page 6 onwards, page 0213, this section of the document, it appears, begins to describe what the content of the protocol looks like?

A. Yes, that's right.

Q. We have spoken a bit about planning already and the identification of critical controls.

A. Yes.

1 Q. But then in terms of who has responsibility, do we see  
2 that commencing at the bottom of that page with the heading  
3 "Catastrophic Hazard Owner"?

4 A. Yes, that's right.

5  
6 Q. Is it right that for each catastrophic hazard, say,  
7 fire or underground explosion, there will be not one but  
8 two catastrophic hazard owners - one at GCAA and one at the  
9 operation?

10 A. Operational level; that's correct.

11  
12 Q. If we could just show the next page, we see at the top  
13 there the responsibilities attaching to the site  
14 catastrophic hazard owner. I take it that those two owners  
15 would work in conjunction with each other to achieve the  
16 outcomes of the protocol?

17 A. Yes. Ultimately we have a catastrophic hazard owner  
18 at a GCAA level, which is one of the chief operating  
19 officer's direct reports, and they're responsible for  
20 overlooking that catastrophic hazard across each of the  
21 operations in which it's relevant. Once we get to an  
22 operational level, again that needs to be a senior leader  
23 in the operation, and that person is responsible for the  
24 oversight of that catastrophic hazard at their operation.  
25 Therefore, if there is anything - you know, if there are  
26 any questions or if there's - the monitoring of performance  
27 and all that type of thing is the responsibility of the  
28 owner at those two different levels.

29  
30 Q. You say it's someone who is fairly senior in  
31 leadership.

32 A. Yes.

33  
34 Q. Would that translate normally to someone like the mine  
35 manager, or can you tell us who a typical occupant would  
36 be?

37 A. Yes, it has to be - any of the catastrophic hazard  
38 owners has to be a direct report to the operations manager  
39 or, at a GCAA level, a direct report to the chief operating  
40 officer. It could be the mining manager; it could be the  
41 technical services manager, if it comes to something such  
42 as strata failure or something along those lines; say, for  
43 example, if it's emergency capability, it might be the  
44 safety manager, but it needs to be somebody senior in the  
45 organisation.

46  
47 Q. To take Oaky North underground, for example, there

1 will be someone who can be identified as the person who is  
2 responsible for the critical control of explosion in an  
3 underground mine?

4 A. Yes, the catastrophic hazard, yes.

5

6 Q. He or she would be expected to do those things listed  
7 under the heading we see displayed, "Site Catastrophic  
8 Hazard Owner"?

9 A. Correct.

10

11 Q. We're going to talk a bit more about performance  
12 appraisals in a moment, but can you tell me why the hazard  
13 owner's performance against these requirements relating to  
14 critical controls of a hazard would not form part of that  
15 individual's annual performance appraisal or, indeed, be  
16 a basis for his remuneration?

17 A. They may very well be, and that's where the managerial  
18 KRAs or the key areas are important, because the TRIFR and  
19 the HSEC index that we spoke of are site wide, and so  
20 a catastrophic hazard owner - it's very particular to their  
21 role, so you would expect that that would be more likely to  
22 be a component of their managerial KPIs.

23

24 Q. You would know whether that occurs or not, wouldn't  
25 you?

26 A. No, not necessarily within - if it's within their  
27 performance review.

28

29 Q. What I was really asking was - you appear to be  
30 telling us that for a given hazard owner, that person's  
31 performance against this responsibility might well be  
32 included in their annual performance review?

33 A. Yes.

34

35 Q. But would that be atypical, because there are not many  
36 people amongst the management who occupy such a position?

37 A. Yes, that would be right, yes.

38

39 Q. Having said that, do you know whether, in fact,  
40 a performance measure relating to this function has been  
41 included in performance review documents for hazard owners?

42 A. Look, I can't say absolutely. I certainly believe as  
43 part - because this formed part of the HSEC plan, so, for  
44 example, if we refer back to the HSEC plan, there are  
45 certain projects within that that would be assigned to  
46 individuals at the site. They often - or they then feature  
47 as part of their managerial KPIs. So the catastrophic

1 hazards that you saw in the HSEC plan would not align to  
2 their performance review. Now, again, I can't say that  
3 absolutely, but that's typically how it would work.  
4

5 Q. Would you happen to know, if this responsibility was  
6 reflected in a manager's performance appraisal, what  
7 weighting it might be given?

8 A. In relation to the catastrophic hazard implementation,  
9 all of the sites have fared very well. We review the  
10 critical controls on a monthly basis against the schedule,  
11 so there has been a couple of times where the critical  
12 control check hasn't been completed within the period, but  
13 the performance over the period has been relatively good.  
14

15 Q. What I was really asking was about the composition of  
16 the performance review. We're going to talk about XPAD.

17 A. Yes.  
18

19 Q. Correct me if I'm wrong, but the composition of  
20 criteria for performance review adds up to a total of 100?

21 A. Yes, that's correct.  
22

23 Q. Broken up into - HSEC is one of them?

24 A. Yes, that's right.  
25

26 Q. Typically business performance is another category?

27 A. That's correct.  
28

29 Q. And then there might be also management KPIs, such as  
30 we discussed earlier - visible leadership and so forth?

31 A. Yes.  
32

33 Q. Those various components get a weighting or a figure  
34 out of 100, so that all the things combine to add up to  
35 that total of 100?

36 A. That's right.  
37

38 Q. What I was really asking, if you know, is what  
39 weighting might be given to the responsibility we still see  
40 displayed of a manager with respect to his responsibilities  
41 as catastrophic hazard owner?

42 A. Look, I don't know, I can't answer that question  
43 absolutely. As I said, the weightings applied at each of  
44 the operations is at the discretion of the operations  
45 manager. So, no, I can't answer that.  
46

47 Q. Just moving on in this process to the various

1 responsibilities, we see next that a technical expert is  
2 assigned to the process?

3 A. That's correct.

4

5 Q. Then below that, there is another function called  
6 catastrophic site champion?

7 A. Yes.

8

9 Q. Would you mind explaining how that function differs  
10 from the responsibilities of the catastrophic hazard owner?

11 A. Yes, so the document that we have in front of us was,  
12 I guess, at the early stages of the project, in the  
13 implementation phase, and as part of that we recognised  
14 that we needed an individual at site that was responsible  
15 for facilitating the implementation of the catastrophic  
16 hazards and the critical controls in their entirety. So,  
17 really, this role was reflective of project implementation.  
18 They were to take the information as developed and then  
19 facilitate the implementation at a site level in  
20 conjunction with the owners.

21

22 Q. Could the hazard owner and the site champion be the  
23 same person?

24 A. It could have been, but typically the site champion  
25 that was identified was the safety manager or somebody  
26 within the safety team, and so they would assist in  
27 facilitation, and so it's not - with any of the  
28 catastrophic hazards, they weren't necessarily identified  
29 as an owner.

30

31 Q. In relation to a given hazard, let's just say an  
32 underground explosion, where would we look to find the list  
33 of critical controls identified and applicable to that  
34 hazard? Would it be somewhere within GCAA, would it be at  
35 the site, or both?

36 A. Both. All of our critical controls have now been  
37 integrated into our fatal hazard protocols, and from a site  
38 perspective, you would expect to see that each of the  
39 critical controls have been brought into and identified  
40 within each of the - within the relevant hazard management  
41 plan.

42

43 Q. Could we go I think finally in this document to  
44 page 0222, to section 6. Does this describe an expectation  
45 that each operation will develop something called a hazard  
46 management plan?

47 A. Yes.

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Q. Is that anything different from what we have in Queensland, being regulatory requirements for certain principal hazard management plans?

A. No, that's one and the same. The hazard management plan is reflective of the hazard - for example, a gas management plan as required under the legislation but also is a requirement under this protocol.

Q. This part of the document makes the point, I think, particularly in the note at the bottom of the page, that the various controls, being critical controls, are expected to be incorporated into the existing site documentation, that is to say, incorporated into the SHMS?

A. That's correct, and that was intentional and recognised that we couldn't afford and didn't want this to be a bolt-on process, that it had to be integrated into the way the site managed their principal hazards, and they manage their principal hazards through their hazard management plans.

Q. Nonetheless, the hazard owner at site, even though the implementation of this protocol is, as it were, dispersed in to the SHMS, the hazard owner would presumably be able to quickly identify which features of it comply with this protocol?

A. That's correct. We do that a couple of different ways. Within the hazard management plan, we've created a logo that sits beside each of the controls that have been identified as critical, and that is to feature within the hazard management plan, so if you are referring to that document, you can very easily see which of the controls housed within it are critical controls. And the second thing is --

Q. What was the - I'm sorry to interrupt you. What was the title of that document you were just referring to?

A. What I'm talking about is the site hazard management plan. So any of the site hazard management plans that you pick up at an operation where critical controls are relevant - as you read through that document, you should be able to visibly see any of the controls that are critical controls, because we have identified or developed a logo that is to sit next to it, just so people can see and recognise where the critical controls feature within the site hazard management plans.

1 Q. Just to be clear, so we're not at cross-purposes, when  
2 you refer to a hazard management plan, it could be known at  
3 site level as a principal hazard management plan?

4 A. That's correct.

5

6 Q. So for Glencore's operations, we should, for example,  
7 be able to pick up any of the PHMPs that are required under  
8 the regulation to be kept and, by reference to the logo  
9 that you described, we would see from that which features  
10 from within the whole document are critical controls?

11 A. That's correct.

12

13 Q. Those measures are reported on and monitored at GCAA  
14 level; am I right?

15 A. That's correct.

16

17 Q. Could I next ask you about a different but perhaps  
18 related document, and it is the fatal hazard protocol.

19 A. Yes.

20

21 Q. Mr Operator, could we have OCH.507.001.0107. I take  
22 it you are pretty familiar with that, too, Ms Ah Wong?

23 A. Yes, I am.

24

25 Q. Could we go to page 4, which is 0110, and perhaps blow  
26 up the left half of the page under the heading  
27 "Background". I want to understand what is the  
28 interrelationship between this document and the one we  
29 previously looked at, being the catastrophic hazards  
30 protocol.

31 A. Yes, so the fatal hazard protocols, as developed, have  
32 quite a history within GCAA. They were developed back in  
33 2010, and the background that you have up there I guess  
34 identifies how they were developed at that time.

35

36 Since developing the fatal hazard protocols, we've  
37 enacted or conducted the catastrophic hazard project, which  
38 now identifies the critical controls. We're now in the  
39 process of bringing those critical controls into this  
40 document here. The one that you have there is, I guess -  
41 we're in the process of updating that, so the critical  
42 controls are housed within the fatal hazard controls.

43

44 Q. So you are going to more obviously and more clearly  
45 integrate the two; is that the idea?

46 A. Yes, and we're almost at the end of that, and so the  
47 last piece of work was to support that with this updated



1 protocol that you have here in front of you. At the time  
2 of the incident, though, at Oaky North, this is what was in  
3 place. So one of the updated fatal hazard protocols that  
4 we do have, that I believe was forwarded, was the fires and  
5 explosion, and that just shows you the updated version,  
6 which includes the critical controls.

7  
8 Q. I see. Well, could we go forward to just look at one  
9 of the fatal hazards, being fire and explosion?

10 A. Yes.

11  
12 Q. Could we perhaps go to page 0115. Under the heading  
13 "Underground", it refers to ignition of gas, which is of  
14 relevance to the inquiry.

15 A. Yes.

16  
17 Q. This document and the processes behind it, as you told  
18 us, predated the catastrophic hazards protocol project;  
19 correct?

20 A. Yes, that's correct. We do have, though - the fire  
21 and explosion FHP that you have here in front of you was  
22 updated prior to December and, as I said, it has the  
23 catastrophic risks included within it. So the one that  
24 we're looking at now was superseded.

25  
26 Q. We're looking at it, though, because it was the one  
27 that happens to have been in place at the time of the  
28 incident?

29 A. No, sorry, it wasn't. So although the front part of  
30 that document in regards to the background hadn't been  
31 updated, the actual FHP for fires and explosion has been  
32 updated and was in place at the time of the incident.

33  
34 Q. "SHP" [sic] - I'm sorry, can you help me?

35 A. Sorry, FHP, fatal hazard protocol, sorry.

36  
37 Q. I see.

38 A. So, yes, there is an updated fatal hazard protocol for  
39 fires and explosion that was in place at the time of the  
40 incident last year.

41  
42 Q. The various measures that are described at 2.2.2 are  
43 controls, but do I understand correctly they would not  
44 necessarily qualify as critical controls?

45 A. No, that's correct, they wouldn't necessarily be  
46 a critical control.

47

1 Q. Just in relation to this protocol document, is there  
2 some system of monitoring and review of compliance with  
3 what it specifies?

4 A. Yes, that's correct, so we've got quite  
5 a comprehensive assurance program that sits over the top of  
6 all of our fatal hazard protocols that includes second and  
7 third party review.

8  
9 Q. Could you explain that, please, "second and third  
10 party"?

11 A. Sorry, second and third party auditors, so that are  
12 not part of the operation.

13  
14 Q. The second and third parties being?

15 A. In some cases, the second party would be from  
16 corporate, so from GCAA, and they would go to the  
17 operation; and the third party would be somebody that we  
18 engage for the purposes of - and a content expert on the  
19 actual topic that we would engage to go to the operation  
20 and confirm compliance to these mandatory requirements.

21  
22 MR RICE: I think we have exhausted that subject,  
23 thank you.

24  
25 THE CHAIRPERSON: Would that be a convenient time to have  
26 a 15-minute break?

27  
28 MR RICE: Yes, Mr Martin.

29  
30 THE CHAIRPERSON: We'll just take a 15-minute break,  
31 Ms Ah Wong.

32  
33 THE WITNESS: Okay, no problem.

34  
35 **SHORT ADJOURNMENT**

36  
37 MR RICE: Q. We'll look at one more document before we  
38 move on. Mr Operator, could I have OCH.507.001.0105. Can  
39 you see that displayed, Ms Ah Wong?

40 A. Yes, I can.

41  
42 Q. Is that the more current version of the requirements  
43 of the fatal accident protocol?

44 A. The fatal hazard protocol, yes, it is, for fires and  
45 explosion.

46  
47 Q. Mr Operator, could we highlight on the right-hand side

- 1 of the page, the bottom half of the page. To take an  
2 example, at 2.3.2 we see here, I think similarly to the  
3 previous version that we looked at, that a list of controls  
4 are identified referring to flammable gas, but then if we  
5 look at page 0106, on the right-hand side of that page, if  
6 it could be enlarged, we see there, do we not --
- 7 A. Sorry, I've just got sound back. Sorry, I lost sound  
8 there for a little while.  
9
- 10 Q. Okay. I'm just drawing attention to the content and  
11 format of this document, and I have now on display that  
12 part of this document which lists critical controls. Can  
13 we take it that what is shown there is the product of the  
14 application of the catastrophic hazard protocol process?
- 15 A. That's correct, yes.  
16
- 17 Q. In the various SHMS documents, for example, PHMPs,  
18 would we see a logo adjacent to any measure referable to  
19 those critical controls?
- 20 A. That's correct.  
21
- 22 Q. Is that a process, then, of progressively updating, as  
23 it were, Glencore's management documents to apply that  
24 format?
- 25 A. That's correct, and that was part of the project.  
26
- 27 Q. Is it work in progress, so to speak?
- 28 A. Yes, it is. I think we have the majority of our  
29 principal hazard management plans updated. I think there  
30 is potential refinement in how the logo is used, because  
31 there is also the risk of overusing it, but, yes, that  
32 should be applied at all of our operations.  
33
- 34 Q. I suppose some obvious places to look would be the  
35 principal hazard management plans for methane drainage,  
36 ventilation and so forth?
- 37 A. Correct, yes.  
38
- 39 Q. I'm looking at paragraphs 28 and 29 of your  
40 declaration.
- 41 A. Yes.  
42
- 43 Q. You say at paragraph 28 that contractors are subject  
44 to identical safety reporting criteria and requirements.  
45 What kind of requirements are you talking about?
- 46 A. The requirement to report hazards, report incidents -  
47 no different to our employees, contractors are required to

1           comply with the same process.

2

3           Q.    Hazard or incident reporting?

4           A.    Yes, that's right.

5

6           Q.    In paragraph 29 you go on to say what the figure is  
7           for safety reports by contractors.

8           A.    Yes.

9

10          Q.    Are you talking there about the same kind of document,  
11          being the incident or hazard reports, something that goes  
12          wrong that triggers a reporting requirement?

13          A.    That's right.

14

15          Q.    Given that it's that kind of a document, it is no  
16          surprise, is it, that the safety reports by contractors  
17          would correlate to their proportion of the overall  
18          workforce?

19          A.    Yes, no, and that's right. I think this was something  
20          that I guess was triggered for myself and my team after the  
21          Brady report was issued and there was an inference that,  
22          I guess, contractors didn't feel that they could report and  
23          that there were potential reprisals for doing so. I guess  
24          just to try to get some type of indicator as to whether  
25          that was occurring across any of our operations, one of the  
26          things was, okay, is there an under-reporting from our  
27          contractors? So I guess the pleasing thing is that it does  
28          correlate. It's an indicator.

29

30          Q.    But does it not depend, really, on what we are talking  
31          about in terms of reporting? I tried to establish from you  
32          that what you were talking about was the kind of mandatory  
33          form-filling and document completion that goes with the  
34          occurrence of an incident, being one category?

35          A.    Mmm-hmm.

36

37          Q.    Another category being an informal indication by  
38          a worker of some safety concern that they may have through  
39          observation or experience, which doesn't involve an  
40          incident and the reporting that goes with it. Do you see  
41          the distinction I'm trying to make?

42          A.    I think so. I mean, realistically the purpose, like  
43          I said, of that particular analysis was simply to see are  
44          we getting the same number of incident reports and hazard  
45          reports through relating back to the employment profile at  
46          the operation, because if they weren't reporting them  
47          through, then potentially we wouldn't see that number

1 relate back to the employment profile.

2

3 Q. In your statement next you speak about the induction  
4 process, and you've already described that.

5 A. Yes.

6

7 Q. At paragraph 31 you go on to talk about assessment of  
8 competencies.

9 A. Yes.

10

11 Q. I take it that the review that you are speaking of  
12 there applies to all workers who are new to a site?

13 A. Yes, that's correct.

14

15 Q. Whether they be employees or labour hire people?

16 A. Could be anyone. So anyone that's commencing work at  
17 Oaky North, for example, we have a training needs analysis  
18 that identifies the competencies that are required for them  
19 to perform that role. So it doesn't matter whether you are  
20 a manager or an employee, at a development face or  
21 a contractor working in a longwall, we have identified the  
22 competencies required. That review was done for everybody  
23 performing work at Oaky North.

24

25 Q. That applies notwithstanding that a few of the  
26 contracts that I've seen that Glencore has with labour  
27 providers requires the provider to ensure that people have  
28 appropriate competencies?

29 A. Mmm-hmm.

30

31 Q. So what you are doing is checking that that is so; am  
32 I right?

33 A. That's right. That's exactly right.

34

35 Q. As you describe it, it's a bit more than that, because  
36 you are also identifying need for further training?

37 A. That's right.

38

39 Q. And, again, that applies to any worker?

40 A. That's correct.

41

42 Q. There are other aspects of training that you refer to  
43 in paragraphs 34 and 35, being scheduled training days and  
44 periodic refresher training.

45 A. Yes.

46

47 Q. I take it there is no differentiation between whether

- 1 a worker is an employee or a more casual arrangement under  
2 a labour hire contract?
- 3 A. No, that's right. They all participate in the  
4 training days and they are all required to participate in  
5 refresher training, because the refresher training is based  
6 off or is driven from the competencies that you have.  
7
- 8 Q. Can we move, then, to incident reporting. Earlier in  
9 the piece, when we looked at the risk matrix, I think you  
10 agreed with me that the classification of incident on the  
11 risk matrix served to inform the nature of investigation  
12 and the quality of reporting that would follow from an  
13 incident; correct?
- 14 A. That's correct.  
15
- 16 Q. Could I go to a document which is an Oaky Creek  
17 document, that is to say, it appears to be a site-specific  
18 incident reporting document.
- 19 A. Yes.  
20
- 21 Q. Mr Operator, it is OCH.505.002.0001. Do you see the  
22 front page of that?
- 23 A. Yes.  
24
- 25 Q. I know there is another document at perhaps a higher  
26 level that deals with investigations, but this appears to  
27 be a site-specific one. Does it look like that to you?
- 28 A. Yes, yes.  
29
- 30 Q. Could we go to page 0005. It is very dense, with  
31 small text. You see the red column. Could we enlarge the  
32 red column. We see in the enlarged column the various  
33 requirements imposed on the persons whose position is  
34 listed on the very left-hand side of the page in response  
35 to the category of incidents identified in the red box;  
36 correct?
- 37 A. Yes.  
38
- 39 Q. Could you clarify for me what is the content of the  
40 words "High Potential Incident", designated "HPI", in that  
41 heading?
- 42 A. Yes.  
43
- 44 Q. Is it a high potential incident that has some  
45 particular classification under Glencore's appellation?
- 46 A. No, our reference to this level of incident would be  
47 a high potential risk incident. When referencing "high

1 potential incident", that's a legislative, I guess, term  
2 utilised in that heading. Notwithstanding that in that  
3 document later on they do identify that the investigation  
4 is to be done in alignment with a potential consequence, as  
5 opposed to, it appears in the heading of this table, that  
6 it assumes that a high potential incident will have an ICAM  
7 that supports it.

8  
9 Q. Just to be clear, the HPI as it's shown there - are  
10 you telling us that that incorporates what has been  
11 described as a legislative HPI, that is to say, one that  
12 occurs by operation of the regulation in Queensland, the  
13 excess of 2.5?

14 A. Yes, that's correct.

15  
16 Q. That is included, is it, notwithstanding that it may  
17 not fit the category 4 and 5 classifications as per the  
18 risk matrix that we looked at?

19 A. That's correct.

20  
21 Q. What confused me, may I say, is that in the incident  
22 that we have looked at, in December 2019, there did not  
23 seem to be any investigation report beyond the lower-level  
24 incident investigation report applicable to lesser  
25 incidents.

26 A. That's correct. I think the referral to "high  
27 potential incidents" without quantifying it back or linking  
28 it back to a potential consequence is what is missing in  
29 the title of this table. By broad-brushing it or just  
30 having the title there, "High Potential Incident", is not  
31 how it's operating in practice. The application of doing  
32 an intermediate investigation, which is what they have  
33 done, and identifying it as a potential consequence of 3,  
34 or moderate, is in line with the GCAA incident reporting  
35 requirements.

36  
37 Q. Forgive me if I am not quite understanding.

38 A. Yes.

39  
40 Q. In relation to the incident in December 2019, which  
41 had its fairly straightforward aspects to it, are you  
42 saying that that incident would, by virtue of its status as  
43 an HPI under the regulation, have triggered all of the  
44 processes depicted under the red box?

45  
46 THE CHAIRPERSON: We've lost sound again.

47

1 THE WITNESS: Sorry, there we go. I've got it back.

2

3 MR RICE: Q. Did you hear what I asked, Ms Ah Wong?

4

5 THE CHAIRPERSON: Try again, Mr Rice.

6

7 MR RICE: Okay.

8

9 Q. What I was asking was, with respect to the incident in  
10 December 2019, whether, by virtue of its status as an HPI  
11 under the regulation, the occurrence of that incident would  
12 trigger the response that is shown underneath the red box?

13 A. Sorry, I did lose sound at the start, but I think I do  
14 understand your question. According to this table, it  
15 suggests that as a high potential incident, it should  
16 trigger the requirements within this table.

17

18 Q. Could we zoom out, or perhaps zoom in to the orange  
19 section. The reason I asked, Ms Ah Wong, is that we did  
20 not seem, in the case of this incident, to have anything  
21 beyond what is described there as the incident report and  
22 investigation booklet.

23 A. Yes, that's correct, and that's the level of  
24 investigation that was conducted.

25

26 Q. Well, I'm not understanding, then, because I thought  
27 you told me when we blew up the section of the page  
28 underneath the red box that you would have expected that  
29 the measures described underneath the red box would have  
30 been applied to this incident?

31 A. Yes, according to this table, yes, that's correct, and  
32 I'm suggesting to you that the --

33

34 Q. But, I'm sorry --

35

A. Sorry.

36

37 Q. I'm just saying that doesn't appear to have happened.

38 A. No, I agree with you, and I guess I'm suggesting that  
39 the headings within the table aren't reflective of the  
40 expectations or the way in which they are operating. Later  
41 on in this very document, they talk about having an  
42 incident investigation that is reflective of the potential  
43 consequence. Unfortunately - look, again, I'm inferring,  
44 but I suggest that when the requirements of the GCAA  
45 procedure were incorporated into the site procedure, the  
46 review of the headings of this table was missed, and so  
47 it's still directing them to do a higher-level



1 investigation.

2

3 Q. So do I understand correctly there may have been some  
4 glitch in the system at the time of this incident,  
5 resulting in the preparation only of the incident report  
6 and investigation booklet and not something more detailed?

7 A. Yes, and I'm suggesting that the way in which they  
8 conducted or the level of investigation that they conducted  
9 was appropriate. It was that this table wasn't - or the  
10 table headings don't necessarily direct them to do the  
11 level of investigation that was required.

12

13 Q. What is the point, then, of including in the table  
14 "High Potential Incident", if it doesn't actually have any  
15 bearing on the various measures shown as "What" and "When"?

16 A. Yes, I agree with what you're saying. I think that  
17 the headings of this table, it would be more appropriate to  
18 be driven by potential consequence as opposed to giving the  
19 descriptors that are in there at the present time.

20

21 Q. So in terms of what you would expect in the future,  
22 would it be more accurate to omit from the red box the  
23 words "High Potential Incident"?

24 A. Yes, I think the headings in that particular table  
25 would be better to reflect the risk standard as opposed to  
26 giving just titles of an incident, because the title of an  
27 incident or what it's classified as doesn't necessarily  
28 indicate the potential consequence, which is what all of  
29 our investigations are driven from.

30

31 Q. So to come back to the incident in question, the  
32 incident report was prepared at no more elaborate  
33 investigation, such as an ICAM, because of the assessment  
34 that was made of its potential consequence; is that right?

35 A. Correct.

36

37 Q. The incident, I gather, was nonetheless reported to  
38 your team, who conducted some kind of a review of it; is  
39 that right?

40 A. Yes. Yes, that's correct. Each reportable incident  
41 or, in this case, a high potential incident is reported  
42 within our system and an email is sent around to  
43 a distribution listing letting you know that that  
44 reportable incident or that HPI has occurred. Each of  
45 those, my team or myself - I may not get to 100 per cent of  
46 them, but the majority of them I do read, just to review  
47 and understand the incident and what has gone on.

- 1  
2 Q. And is it more than that, to see whether the treatment  
3 that it had been given by the time it came to you needed to  
4 be changed or escalated in some way?  
5 A. That's correct. If we see an incident come through  
6 and we believe it should be a higher potential consequence  
7 or it should attract a higher level of investigation, then  
8 that would trigger us to make some inquiry in regards to  
9 what has happened and more about the incident itself.  
10  
11 Q. Is it correct to say that because this particular  
12 incident didn't have the level 4 or 5 potential  
13 consequences as it was assessed, there would have been no  
14 dissemination of its occurrence and any learning that came  
15 out of it more widely in GCAA than the review that your  
16 team conducted?  
17 A. Not formally, no. It would have appeared within our  
18 monthly report, but only the fact of what the incident was,  
19 not the learnings associated with it.  
20  
21 Q. The nature of the incident and any learnings from it -  
22 does it follow, then, in this case, that they would remain  
23 at the site?  
24 A. Correct.  
25  
26 Q. And not, for instance, be shared by some mechanism  
27 with other Glencore mines for what it might reveal?  
28 A. No, that's right. If it was a potential consequence 4  
29 or 5, we've got quite an extensive and wide-cast  
30 communication process that supports that, but not for  
31 a lower-level incident. That would typically remain at the  
32 operation or potentially shared within the - so, for  
33 example, with this one, the underground operations managers  
34 have a weekly meeting that's chaired by the director of  
35 underground operations. It may have been tabled there for  
36 people's information, but that's not a formal arrangement.  
37  
38 Q. The initial classification of potential consequence so  
39 as to dictate what level of reporting might be required,  
40 who would do that?  
41 A. It depends on the comfort of the frontline supervisor  
42 or, in this case, the deputy to do that. He or she may  
43 make reference or may consult with the shift supervisor or  
44 the underground mine manager. So it would typically be the  
45 line supervisor, and if they need to consult, then that  
46 consultation is to occur.  
47

1 Q. Can we move on to the next topic, which is at  
2 paragraph 48 of your declaration. You point out there that  
3 the workforce profile is approximately 65 to 35 as between  
4 full-time and supplementary labour.

5 A. Yes.

6  
7 Q. Can you just explain for us what drives the use of  
8 supplementary labour?

9 A. In the case of Oaky North, it would be specialist-type  
10 tasks, it would be, I guess, the filling in or  
11 participation in some of the operating crews as such. So,  
12 yes, there's a number of tasks that we have identified that  
13 are required of contractors to perform, such as secondary  
14 support, the erection of ventilation control devices and  
15 the like. Those tasks are identified and then contracted  
16 out.

17  
18 Q. I'm just wondering, if there is an ongoing need for  
19 a certain level of labour, why not just employ them?

20 A. Well, I think that's exactly what we've done. Some of  
21 those tasks are better suited to a contractor and the  
22 skills that they bring to the operation and can shift, as  
23 well, in relation to the types of things, the types of  
24 tasks, that they are required to do.

25  
26 Q. Are you explaining that at least by and large, the  
27 supplementary labour performs more specialist tasks?

28 A. In some cases. In some cases they perform specialist  
29 tasks. They do also provide, I guess, supplementary labour  
30 on some of the operating crews and the like, as required.

31  
32 Q. Is it just a more flexible arrangement for Glencore to  
33 have a proportion of supplementary labour that can be  
34 adjusted up and down?

35 A. Look, that's probably not a question for me, to be  
36 honest, in relation to how it's determined operationally,  
37 the balance between the contractors and employees.

38  
39 Q. Okay. Can we go to the final area, which is  
40 performance appraisal and performance-based remuneration.  
41 At paragraph 54 you refer to the XPAD process. That's an  
42 acronym for the - well, your statement tells us that it is  
43 a reference to the GCAA performance and development system.  
44 That's the annual performance review system; am I right?

45 A. That's correct.

46  
47 Q. We touched on this a bit earlier, but could you

1 confirm for me that the XPAD review system is based on  
2 a composite set of criteria, with a score being achieved  
3 out of 100?

4 A. That's right.

5

6 Q. That applies, does it, to all levels of management?

7 A. Yes, it does.

8

9 Q. What would be the lowest level - deputy, or?

10 A. Yes, I think it - yes, I believe deputies are  
11 included.

12

13 Q. And extending up to corporate level, such as yourself,  
14 for example?

15 A. That's correct, yes.

16

17 Q. You would have something similar?

18 A. Yes, I will.

19

20 Q. Or at least the same XPAD process?

21 A. Yes, that's correct.

22

23 Q. You have identified that the score of 100 can be  
24 broken up into KPIs such as you describe and also CSIs.

25 A. Yes.

26

27 Q. For a given individual, how is the composition of  
28 criteria arrived at and what weight applies to those  
29 criteria?

30 A. I guess GCAA provides thresholds in relation to the  
31 weighting for each of those criteria, and it's at the  
32 discretion of the operation's management to determine what  
33 the weighting is for each of those individuals within those  
34 threshold amounts. I believe they have been provided.

35

36 Q. Yes. So you say it's done at the operational level?

37 A. Correct.

38

39 Q. Would, say, the mine manager devise an XPAD profile  
40 for someone at a lower level, say a deputy; is that the way  
41 it works?

42 A. Yes, that's correct.

43

44 Q. Likewise, the SSE might devise one for the UMM?

45 A. That's right.

46

47 Q. Who would devise the SSE's profile?

- 1 A. It would be the director of underground operations.  
2
- 3 Q. At the directors level or general managers, such as  
4 yourself, is it Mr Cribb who would do that?  
5 A. Correct.  
6
- 7 Q. They are not all the same; am I right?  
8 A. No, that's right.  
9
- 10 Q. Indeed, is it correct to say that the composition of  
11 the criteria is fashioned according to the focus of the job  
12 of the individual?  
13 A. That's right.  
14
- 15 Q. There are bonuses available for all levels of  
16 management, am I right, beyond fixed salary?  
17 A. That's correct.  
18
- 19 Q. The bonus that will be applied depends on the score  
20 that is reached from the XPAD review?  
21 A. That's correct.  
22
- 23 Q. You have given a hypothetical example of that in the  
24 schedule attached to your statement.  
25 A. That's correct.  
26
- 27 Q. Perhaps we don't need to go to that.  
28 A. Yes.  
29
- 30 Q. There is one document we have been given that I might  
31 ask your assistance in explaining. Mr Operator, could we  
32 have document OCH.504.001.0001. This was provided to the  
33 Board on the basis that it was, I think, a document  
34 applicable to an XPAD assessment for someone at the  
35 executive management level?  
36 A. Mmm-hmm.  
37
- 38 Q. At corporate level; am I right?  
39 A. Yes, that's correct.  
40
- 41 Q. Are we talking Oaky Creek level or GCAA level in this  
42 instance?  
43 A. GCAA level - or OCH, yes.  
44
- 45 Q. Well, I was looking at it and expecting to see  
46 a configuration of criteria that added up to 100, according  
47 to what we discussed.

1 A. Yes, yes.

2

3 Q. But I don't see that arithmetic in this document, so  
4 could you perhaps explain what it is?

5 A. Yes. This is - if we have a look at or are referring  
6 back to the XPAD process, we have the two elements upfront,  
7 which is the HSEC and the business performance, but then  
8 sitting under that we've also got the managerial KPIs,  
9 which aren't listed on here, which is the piece that you've  
10 got missing, which are relevant to the individual.

11

12 Q. So it's just missing that component of, what do you  
13 call them - CSIs?

14 A. Yes, that's correct, the managerial CSIs.

15

16 Q. So whatever the missing percentage is out of 100, you  
17 would expect that to be referable to the CSIs that aren't  
18 depicted here?

19 A. That's correct.

20

21 Q. Otherwise, we can see the weighting as between HSEC  
22 and business performance?

23 A. Yes, that's right.

24

25 Q. Understood, thank you. Tell me, just say so if this  
26 is beyond your area, but in terms of employees who may be  
27 involved, say, in production, there is an enterprise  
28 agreement; correct?

29 A. Yes, there is.

30

31 Q. It specifies the availability of a bonus of some  
32 dollars per metre of retreat in the case of production?

33 A. Yes, it does.

34

35 Q. Is that a bonus that is applicable if certain  
36 production expectation is exceeded; is that the way it  
37 works?

38 A. Yes, that's right.

39

40 Q. It just didn't appear to be stated in those terms in  
41 the enterprise agreement, so I was just looking for  
42 clarification. Is there a standard method of keeping  
43 workers informed of what production targets are and whether  
44 they are being reached or not?

45 A. I can't say absolutely. I would assume that there  
46 would be.

47

1 Q. What about bonuses applicable to labour hire workers -  
2 would we need to look to their contracts with their  
3 providers for that?  
4 A. I believe so, yes.  
5  
6 Q. It is your understanding, though, that the labour hire  
7 workers would be eligible for bonus payments?  
8 A. If that's the case - I'm not saying that they are. If  
9 that's the case, it would be housed within their contract  
10 arrangements.  
11  
12 Q. With the body who is technically their employer, being  
13 the labour provider?  
14 A. That's right. Sorry, I do know that in the case of  
15 Oaky North, the full-time equivalents that work in our  
16 development and longwall operations do receive a production  
17 bonus.  
18  
19 Q. Do you know whether it is the same or similar to the  
20 employees?  
21 A. I believe it's the same.  
22  
23 MR RICE: That's all I had. Thank you, Ms Ah Wong.  
24  
25 THE WITNESS: Thank you.  
26  
27 THE CHAIRPERSON: Ms Dann?  
28  
29 MS DANN: No questions, thank you, Mr Martin.  
30  
31 **<EXAMINATION BY MR CRAWSHAW:**  
32  
33 MR CRAWSHAW: Q. Ms Ah Wong, I'm also appearing  
34 remotely.  
35 A. Yes.  
36  
37 Q. I don't know whether you can see me.  
38 A. I can.  
39  
40 Q. I appear for the CFMMEU. Could I just ask you about  
41 that last topic that Mr Rice took you to.  
42 A. Yes.  
43  
44 Q. As a safety person, do you cast your eye over  
45 arrangements relating to bonuses in agreements or contract  
46 arrangements?  
47 A. In the EA agreement, no, I don't.

- 1  
2 Q. Let's just take them one at a time. The enterprise  
3 agreement - you say you don't cast your eye over it.  
4 Presumably you have just cast your eye over it for the  
5 purpose of these proceedings, have you?  
6 A. That's correct, yes. In the case of Oaky North,  
7 that's correct.  
8  
9 Q. And that's the first time you've looked at it?  
10 A. That's correct.  
11  
12 Q. You don't see it as part of your role to see whether  
13 there is any safety component in bonus arrangements?  
14 A. No, no, I don't see it as part of my role. I'm more  
15 interested in the safety performance and the infrastructure  
16 that they have in place than in regards to the bonus  
17 received.  
18  
19 Q. Your answer is the same, presumably, in relation to  
20 contract arrangements with labour hire employees and  
21 contractor employees?  
22 A. That's right. The contractor arrangements or the  
23 contracts that are in place are through negotiations at  
24 a site level, so I would expect that the relevant people  
25 are involved at an operational level in regards to the  
26 compilation of those.  
27  
28 Q. I take it you don't know whether there are enterprise  
29 agreements applicable to contractors or labour hire  
30 providers at Oaky North?  
31 A. No, I'm not aware, no.  
32  
33 Q. Could I just go back to paragraph 29 of your  
34 statement. Mr Rice asked you about this. I just want to  
35 be sure about your answer.  
36 A. Yes.  
37  
38 Q. That doesn't include any analysis of complaints about  
39 safety?  
40 A. No --  
41  
42 Q. Well --  
43 A. -- and that - sorry.  
44  
45 THE CHAIRPERSON: Sorry, Mr Crawshaw, I think you both cut  
46 each other off.  
47



1 Q. Ms Ah Wong, were you going to elaborate on your answer  
2 there?

3 A. No, I was just going to agree that this is simply  
4 looking at the safety reports received and doesn't include  
5 complaints.

6  
7 THE CHAIRPERSON: Thank you. Yes, Mr Crawshaw.

8  
9 MR CRAWSHAW: Q. I take it that no analysis was made of  
10 complaints?

11 A. No, that's probably not correct. I guess - look, this  
12 was included in the statement, but in review of, I guess,  
13 trying to ascertain as to whether there was a potential  
14 issue around the reporting of incidents and hazards and  
15 raising concerns, there was a number of different things  
16 done. A review of incident reports and those submitted was  
17 one. Another was around having a look at our injury rates  
18 and where our - you know, who was being injured, were they  
19 contractors or were they over-represented, and another was  
20 any other complaints received.

21  
22 Q. Why didn't you include those analyses in your  
23 statement?

24 A. I think this was just one point, because if we drilled  
25 down on a number of the things that I put in my statement,  
26 it would have been quite comprehensive. This was simply  
27 a high-level indicator or one of the indicators that  
28 I reviewed. And it's not absolute. I do want to say I'm  
29 not suggesting that simply that data suggests that that's  
30 all we do. I guess it's just making sure that we were  
31 looking and making sure that those things weren't  
32 identifying to us that potentially we didn't have the  
33 reporting culture that we're trying to achieve.

34  
35 Q. In relation to the matters that weren't in your  
36 statement, are you suggesting that you had similar results?

37 A. Correct.

38  
39 Q. In relation to complaints, what was the analysis that  
40 took place there?

41 A. I guess what I'm saying more broadly is that any of  
42 the data that we reviewed, there wasn't any indication from  
43 the data that there's a potential issue in regards to  
44 incidents not being reported through.

45  
46 Q. Well, what data did you review in relation to  
47 complaints?

- 1 A. It was only those three areas - sorry, just in regards  
2 to the complaints that have been submitted, was there any  
3 safety - was there any concern raised in relation to an  
4 incident occurring that we may not have heard of or an  
5 incident occurring that wasn't reported or we didn't know  
6 about or anything of those - you know, all those types of  
7 indicators that may suggest to us that there is the area of  
8 concern. And we didn't find anything, again, across the  
9 data points.
- 10
- 11 Q. So did you analyse written complaints?  
12 A. Yes, so anything that has come through, correct.
- 13
- 14 Q. Any written complaints that had come through?  
15 A. That's right.
- 16
- 17 Q. Obviously it wasn't possible for you to analyse verbal  
18 complaints about safety?  
19 A. That's right, and that's what I'm saying. This  
20 doesn't necessarily suggest anything; it was an indicator.
- 21
- 22 Q. Paragraph 29 is not dealing with written complaints,  
23 is it?  
24 A. No, that's right.
- 25
- 26 Q. But you say there was an analysis of written  
27 complaints; is that correct?  
28 A. There was a review, yes, there was.
- 29
- 30 Q. Has that been provided to the Board?  
31 A. No.
- 32
- 33 Q. Has the analysis referred to in paragraph 29 been  
34 provided to the Board?  
35 A. Only what is written there in the paragraph.
- 36
- 37 Q. Can I just ask you this: might we just get,  
38 Mr Operator, the following document on the screen,  
39 BJO.001.001.0001 at 0012. While that is coming up,  
40 Ms Ah Wong, did you read the statement or affidavit of  
41 Mr Joe Barber from Oaky North?  
42 A. Yes, I did.
- 43
- 44 Q. Can you see the screen, Ms Ah Wong?  
45 A. Yes, I can, yes.
- 46
- 47 Q. If we just look at paragraph 77, Mr Barber said there

1 were approximately 130 permanent employees at the mine,  
2 plus a further 300 who are contractors or labour hire.

3 A. Yes.

4

5 Q. Do you remember reading that?

6 A. I don't remember reading it, but I'm reading it now.

7

8 Q. It may be that Mr Barber was referring to production  
9 and engineering employees when he said there are  
10 130 permanent employees. Assuming that to be the case, do  
11 you have any issue with that figure?

12 A. I don't know that - outside of the fact I don't know  
13 that it's accurate.

14

15 Q. You have given certain figures as to permanent  
16 employees as distinct from contract and labour hire  
17 employees?

18 A. Yes, per cent - not distinct numbers, percentage  
19 employed.

20

21 Q. Yes.

22 A. Yes, that's right.

23

24 Q. I presume when you were talking about permanent  
25 employees in those percentages, you were talking about all  
26 permanent employees at the Oaky North mine?

27 A. Correct.

28

29 Q. There is a lot of permanent employees at the mine that  
30 don't do production and engineering roles?

31 A. Yes.

32

33 Q. Whereas contractors and labour hire do production and  
34 engineering tasks?

35 A. And they have the managerial support as well at the  
36 site, so they're represented in surface-type roles just as  
37 much as our own people. They are not all production  
38 operators, no.

39

40 Q. But certainly there would be a lot more employees in  
41 managerial roles that are directly employed by Oaky North  
42 than persons who are in managerial roles employed by  
43 contractors and labour hire providers?

44 A. By absolute number, they will be. But in relation to  
45 that 35:65 per cent split, again, I would be guessing as to  
46 whether that's relative to the managerial staff for our  
47 contractors, bearing in mind that they do have managerial

- 1 and admin support that is present at the operation.  
2
- 3 Q. When you talk about admin support, you are talking  
4 about essentially office tasks?  
5 A. Sorry, yes, admin being one part of it, but then  
6 you've got the coordination of their activities as well, so  
7 I wouldn't be able to say absolutely that that's not a fair  
8 representation of management in that 65:35 split.  
9
- 10 Q. Where do you get the 65:35 from?  
11 A. That's, I guess, the split in relation to our  
12 full-time equivalents and contract workforce, the numbers  
13 as provided by the operation. I don't have them with me  
14 now.  
15
- 16 Q. Someone from the actual mine gave you those figures;  
17 is that right?  
18 A. Correct, that's right.  
19
- 20 Q. Do you know whether it includes management at all?  
21 A. In those numbers? Yes, it will, both for contractors  
22 and for our own people.  
23
- 24 Q. If I could just go back to the written complaint  
25 analysis that you said you conducted, was that over  
26 a three-year period or was that only in relation --  
27 A. Correct.  
28
- 29 Q. I'm sorry?  
30 A. No, correct, over the last three years.  
31
- 32 Q. There was, of course, a time in that three-year period  
33 where permanent employees who were production and  
34 engineering employees were largely not present at the mine;  
35 isn't that right?  
36 A. That's correct.  
37
- 38 Q. There was a long lock-out that occurred from June 2017  
39 to March 2018.  
40 A. I don't know - I'll take your word for the dates. I'm  
41 not a hundred per cent sure of what the actual dates were.  
42
- 43 Q. You know there was a long lock-out during that  
44 three-year period?  
45 A. I do know, yes, yes.  
46
- 47 Q. You wouldn't be expecting any complaints from

1 permanent employees who were production and engineering  
2 employees during that time?

3 A. No, that's right.

4

5 Q. You said the balance between contractors and labour  
6 hire employees, on the one hand, and permanent employees,  
7 on the other hand, was not a matter for you.

8 A. Yes.

9

10 Q. Do you remember saying that to Mr Rice?

11 A. Some of the questions in relation to how we  
12 determine - you know, the employment profile at the  
13 operation is not something that, yes, I would be involved  
14 in, no.

15

16 Q. Who is it a matter for?

17 A. That would be a matter for the operations managers and  
18 the director of underground operations.

19

20 Q. The latter being Mr Nicholls, who you referred to  
21 earlier?

22 A. Yes, that's correct.

23

24 MR CRAWSHAW: No further questions, thank you, Mr Chair.

25

26 THE CHAIRPERSON: Thank you. Mr Dollar?

27

28 MR DOLLAR: No questions, Mr Martin.

29

30 THE CHAIRPERSON: Mr Clothier?

31

32 MR CLOTHIER: Just a few questions, thank you.

33

34 **<EXAMINATION BY MR CLOTHIER:**

35

36 MR CLOTHIER: Q. Could we go, please, Mr Operator, back  
37 to OCH.505.002.0001. Then if we could go, please, to  
38 page 0005 of that document and the table that presents.  
39 Ms Ah Wong, do you recall Mr Rice asking you about the  
40 reference to HPIs in this table?

41 A. Yes, I do.

42

43 Q. I think you said that that was not a Glencore concept  
44 but the statutory concept of an HPI.

45 A. Correct.

46

47 Q. You pointed out that the heading to this table appears

- 1 to treat all HPIs in the same investigation category as  
2 category 4 and 5 incidents?  
3 A. Yes.  
4  
5 Q. Whether or not in fact they are categorised as 4 or 5  
6 incidents?  
7 A. Yes, that's correct.  
8  
9 Q. I think you mentioned that there was another part of  
10 the document that referred to investigation level based  
11 upon categorisation on the 1 to 5 scale?  
12 A. Yes, that's right.  
13  
14 Q. Were you referring to section 7, which appears at  
15 page 0010, if we can bring that up?  
16 A. Yes, this is the area that refers - or draws it back  
17 in to the potential consequence.  
18  
19 Q. So, to be clear, for HPIs, the level of investigation  
20 isn't dependent merely upon them being an HPI; it is  
21 dependent upon the categorisation of the consequences on  
22 the 1 to 5 scale?  
23 A. That's correct.  
24  
25 Q. You say in your statement that there are a number of  
26 GCAA processes and documents that sit above this  
27 site-specific document.  
28 A. Yes.  
29  
30 Q. Is that consistent - that is, treating the level of  
31 investigation not on the statutory significance but upon  
32 the potential consequence within those categories - with  
33 the GCAA procedures and requirements?  
34 A. Yes, that's right.  
35  
36 Q. In this case, the incident on 6 December was  
37 categorised, was it not, as a category 3 health and safety  
38 incident?  
39 A. Yes, that's right.  
40  
41 Q. Under the GCAA procedures, did that call for an  
42 intermediate level of investigation?  
43 A. That's correct.  
44  
45 Q. Not an ICAM level of investigation?  
46 A. No, that's right, yes. Intermediate.  
47

1 MR CLOTHIER: Thank you. I have nothing further.

2  
3 THE CHAIRPERSON: Mr Rice?

4  
5 MR RICE: No, thank you.

6  
7 THE CHAIRPERSON: Mr Clough?

8  
9 MR CLOUGH: Q. Ms Ah Wong, I do have a couple of  
10 questions. I'm interested in the governance that your  
11 function provides to the organisation.

12 A. Yes.

13  
14 Q. The first question is in relation to the health and  
15 safety index. Looking at the components, would it be fair  
16 enough to say they're a bunch of leading indicators that  
17 you're measuring?

18 A. Yes, that's correct, yes.

19  
20 Q. The TRIFR, of course, is a lagging indicator?

21 A. Lagging, that's correct.

22  
23 Q. So is the intention there to balance the leading  
24 indicators with the lagging indicators in your KPIs?

25 A. Yes. That's exactly right. One is about the leading  
26 and lagging indicators, but the other thing was that there  
27 was a balance between personal and process safety.

28  
29 Q. It's fair enough to say that the TRIFR would be an  
30 output from the leading indicators?

31 A. Yes, that's right.

32  
33 Q. And could be said to be a measure of whether or not  
34 you have actually picked the right leading indicators?

35 A. Yes. Yes, that's right.

36  
37 Q. The second thing I want to ask about is the  
38 identification of critical controls. Just to give you  
39 a little bit of background, I've been through this process  
40 myself, so I just want to get you to share some of your  
41 experiences with it. The first question is: is there  
42 actually a competency or an available package in the  
43 industry to train people up to use this process, are you  
44 aware?

45 A. No, not as far as I'm aware. We, in the initial  
46 stages of this, utilised the personnel at the University of  
47 Queensland, Maureen Hassall and her team, to assist,

1 I guess, in a mentoring/coaching role, recognising that  
2 there wasn't anything out there that we could go and be  
3 trained in and that we needed to make sure that we built  
4 the capacity internally, that we made sure that it was our  
5 people that developed the skill and the ability to be able  
6 to facilitate this process. So we did utilise them,  
7 certainly in the early stages, until we felt comfortable  
8 enough to take on the facilitation role internally.  
9

10 Q. Would you know how many critical controls you actually  
11 identified in total for the group?

12 A. We have 71.

13  
14 Q. One of the issues I personally found was people  
15 confusing monitoring and supporting activities with  
16 critical controls. Do you have any comments on that?

17 A. Yes. One of the other - not only did we take on the  
18 ICMM, I guess, process, but we also integrated the outcomes  
19 of the ACARP study that was done in regards to what is  
20 a control; Maureen Hassall was a part of that.  
21

22 I guess one of the things that we found in the  
23 facilitation of the critical control workshops was not only  
24 were we taking everybody through quite a new process, which  
25 was a bow tie analysis; the second was then getting people  
26 to understand what is a control, that it's not a hazard  
27 management plan, it's not these broader concepts that we've  
28 utilised for some time.  
29

30 We found that quite challenging in the early stages  
31 until people got an understanding of what that was, which  
32 then fed in to making sure that the performance  
33 specification of the critical control was also accurately  
34 described, which then drove those things that needed to  
35 trigger, or what were the stop points then identified for  
36 each of those and then how did we confirm that they were  
37 working when we needed them to work.  
38

39 Q. Would it be fair enough to say that if you get that  
40 step wrong, you may end up with a substantial  
41 administrative burden that is very difficult to implement?

42 A. That's very correct. We found, as well, we're at the  
43 process - 2020 for us is a verification of the process in  
44 its entirety, so not only are we verifying that the sites  
45 have implemented it as it needed to be implemented, we're  
46 also going back and doing a full review of all of our  
47 critical controls, recognising that it was a new process



1 and it's really a step change for the industry to, I guess,  
2 embrace the concept.

3  
4 So we're actually going back to the beginning and  
5 trying to refine what we've done, and I think some of the  
6 things that you have mentioned there we have found we do  
7 need to review just to make sure that they are refined and  
8 we've got people looking in the right areas at the right  
9 things. We definitely think there are some improvement  
10 opportunities that we can take in this review that has been  
11 triggered.

12  
13 Q. Just one last question. Would you actually recommend  
14 the adoption of critical controls management to augment the  
15 current prescribed principal hazard management plans? Do  
16 you see that as a way forward?

17 A. I think it's an opportunity. I think at the end of  
18 the day, that has to be coupled, though, with a fairly  
19 substantial or integrated assurance program that supports  
20 it. The critical controls are really but one indicator,  
21 and it's the assurance program, for me, that it sits within  
22 that is just as important.

23  
24 MR CLOUGH: I have no further questions. Thank you.

25  
26 THE CHAIRPERSON: Yes, thank you. Ms Ah Wong, thank you  
27 for your evidence today. You are excused.

28  
29 **<THE WITNESS WITHDREW**

30  
31 THE CHAIRPERSON: Mr Rice?

32  
33 MR RICE: Just one matter, Mr Martin. There is a tender  
34 list of documents arising from yesterday's proceedings. It  
35 has been circulated to the parties. I will tender the list  
36 and the documents referred to in it.

37  
38 THE CHAIRPERSON: Thank you. The list and the documents  
39 will be admitted into evidence.

40  
41 MR RICE: Perhaps the Board could adjourn until Monday.

42  
43 THE CHAIRPERSON: Yes, thank you. Adjourn the inquiry  
44 until 10am on Monday, thank you.

45  
46 **AT 1.05PM THE BOARD OF INQUIRY WAS ADJOURNED**  
47 **TO MONDAY, 16 AUGUST 2020 AT 10AM**

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