

Statement of Greg Dalliston

Background and qualifications

1. I started in the mining industry in 1974 as a cadet mine manager.
2. I worked at Box Flat mine as a cadet from 1974 to 1975 and then I did a stint at New Hope in 1976. As a cadet I did my subjects for my Deputy and 2nd Class certificates by correspondence.
3. In 1976, Box Flat offered me a job as a miner. I went back to Box Flat and was there until the mine shut down in 1987. I was also a union branch official there for a period of time.
4. In 1987, I got a job at Central Colliery which was the first underground longwall coal mine in Queensland. I obtained my deputy's ticket in 1988 while employed at Central Colliery. In 1988, I started at Southern Colliery from the time it opened.
5. In 1993, I was elected as the District Union Inspector. That role became known as the Industry Safety and Health Representative in 2001. I held that position for 25 years.
6. During my career, I considered that that my primary role was the ISHR role. Three of us held that role at any one time. We were always on call. If one of us got a call, we would call the others. Our role involved entering mines and examining documents, investigating complaints and assisting in investigations by the inspectorate.
7. The Moura No. 2 explosion occurred on 7 August 1994. As part of my role as the District Union Inspector, I was involved in the investigation with the inspectorate, and was present on site when the second explosion occurred on 9 August 1994. We worked collaboratively with the inspectorate investigating the accident and collecting evidence.

8. When the Inquiry into Moura No. 2 started, I assisted the legal team for the union. I and the two other District Union Inspectors also put together some recommendations. The report was handed down in January 1996.
9. After the report was handed down, the government set up five Task Groups to review the Wardens Report recommendations and develop actions from them for Industry to implement. The task Groups were:
 1. safety management systems
 2. sealing of mines and re-entry
 3. training
 4. research and mines rescue and later MIP 10.
10. I was appointed on the working groups for safety management systems, and sealing of mines and assisted with Task Group 3 on Training.
11. When the *Coal Mining Safety and Health Act 1999* (the Act) was passed, the Coal Mining Safety and Health Advisory Council was established, and I was appointed to that council. The council's role was to consider the Act and Regulations and work out what competencies were needed. I was also appointed to the QMITAB, now Resource and Infrastructure Industries Skill Council and I was the deputy chair of that organisation until 2018 when I became the Chair until I retired in August last year.
12. I have always been very interested in improving national mining training standards.

Training for coal mine workers

13. When I started in the industry in 1974, there was only training by peers at the mine, but in 1990 the legislation was changed to include an approved training scheme for underground mines. Undertaking inductions and training in the various aspects of underground coal mining used to take about two weeks.

- Almost every mine employed a Training Manager and a Safety Manager. The Training Manager's sole job was to ensure the training scheme was implemented and applied, including induction of the new coal mine workers.
14. SIMTARS Safety in Mines Testing and Research Station, was built after concentrated actions by the miners' union in response to the Box Flat and early Moura mine disasters.
 15. SIMTARS was initially funded by the State Government, then the Mines Department through their budget but then changed to become fee for service.
 16. The Queensland mining industry through Royalties and an Industry levy pay a huge amount of money into the State government coffers.
 17. SIMTARS used to provide low cost training for industry in spontaneous combustion, ventilation, gas management and gas analysis.
 18. This has changed as persons within the Department try to cut costs.
 19. In the mid to late 1990s, a generic induction system was developed. The induction process for underground coal mines took about five days, with training in site specific Standard Operating Procedures (SOPs) taking place in addition to the induction training.
 20. Those generic inductions have disappeared.
 21. Now induction training is often done over a period of only two days. The assessment process is usually a multiple choice test, with the ability to keep trying until all the answers are answered correctly. Not many people these days do not pass an induction.
 22. Induction training is often done with Registered Training Organisations (RTOs) who train people in Brisbane or other places away from the minesite. People undertaking the inductions and training in the mine's SOPs often do not even go to a mine site; they are shown videos of mines as part of the process. Later,

the mine company must certify that some part of the induction was completed at the mine.

23. I do not believe these inductions are thorough or detailed enough.
24. These days, five or six national units of competency can be taught by an RTO over a couple of days. I do not believe this training is being done in a sufficiently thorough or detailed way. To improve this situation, some change is needed to mandate the components of Recognised Standard 11, perhaps by way of amending the regulations so as to prescribe them in the same way that some other matters are, such as, for example, in r 82(3) of the *Coal Mining Safety and Health Regulation 2017*.
25. The Coal Advisory committee had raised about SIMTARS being the first place for such training as during downturns in the industry a lot of RTOs cut back training in this area.
26. Previously people who wished to gain a statutory certificate from the BOE could gain competencies through the TAFE system then the Mining School in Rockhampton. But the Tafe/government shut down these courses due to only small numbers attending.
27. RTO took on delivery of these course but with limited numbers of candidate's costs were high and persons giving tutorials were often only deputy or 2CC level, and delivered all of the subjects.
28. The recent review of the RII Training package in 2018-2019 suggested that the underground coal training package should have pathways for mineworkers from induction through underground miners, face equipment operators then onto the Certificate IV for Mine Deputy and onwards to Certificate VI for ICC Mine Managers.
29. Training is provided for the ISHRs by the CFMEU above the requirement of the legislation. Examples are the:

- a) RIIRIS601D Establish and Maintain the Risk Management System
- b) RIWHS601D Establish and Maintain the WHS Management System
- c) RIIUND 603D Manage, Operate and Maintain the Mine Ventilation System Legislation Courses
- d) ICAM – Incident Causal Analysis Method training

30. When we had a good working relationship with the Inspectorate we were invited to attend some of their training sessions as getting specific mine OHS training is very hard.

31. With the number of fatalities and other functions such as Recognised Standard development and review, and complaint investigation, the ISHRs usually find it difficult to commit the time to training for themselves.

32. SIMTARS were developing a Virtual Reality training resource, which would have been of great benefit to the mining industry where some subjects like mine fires/ spontaneous combustion, outbursts which cannot be created in a real mine but can in VR.

33. This would have been advantageous in mineworkers training, statutory mine officials training, and able to be used for orals conducted by the BOE.

Ventilation and gas

34. While I expect that the Inquiry will have gas and ventilation experts give evidence, it is concerning that a lot of underground mineworkers do not understand the significance of how the gas drainage system minimises the amount of gas in the seam but the production rate, especially of longwalls producing up to 10 million tons of coal a year will release a large volume of gas which needs to be carried out of the mine utilising the ventilation system.

35. Anglo through Grosvenor, Moranbah North and Grasstree mines have some of the gassiest underground mines in the state. They also owned and operated Dartbrook Mine in NSW, a very gassy mine.
36. Grasstree mined with 3 headings in their development panels for some time to take the methane out of the mine and attempt to maintain the methane levels below the 2.5% deemed dangerous by the Qld legislation. This practice which is costly and can create delays in longwall mining operations, was dropped for some reason.
37. In my view, Inspectors and ISHRs have a role to play in improving the standard of training for coal mine workers. Decades ago, when I was an ISHR, a group of five people made up of ISHRs and inspectors would go and spend a week at a mine site to look at the mine's Safety and Health Management System, develop audit tools, return to the mine and talk to coal mine workers at the mine, and then produce an audit report (Safeguard Audits).
38. The process of doing such an inspection and writing up the report was very thorough and could take up to a month. In my view, it was a good way for the regulator to ensure that the mines Safety Management System met the legislative requirements, and were actually being implemented and were being used by the coal mine workers.
39. However, the mine companies did not like the audit process and those audits have been stopped. As the legislation has moved to Safety Management Systems the most effective way to ensure the risks at the mine are at an acceptable level of risk is by audit not only inspections. A single day audit such as the inspectors undertake now is no substitute for the process that used to be in place.
40. In my view, those sorts of audits should be reinstated. When you have legislation that is heavily reliant on the mine's safety and health management system to ensure safety at a mine, it is important that such systems be regularly

and thoroughly audited by the regulator, in addition to the Operators effectiveness audits.

The Board of Examiners

41. The Board of Examiners (BOE) was established by the *Coal Mine Act 1925* and is now in the *Coal Mining Safety and Health Act 1999*. I sat on the Board of Examiners from 1998 until 3 June 2020 (20 years).
42. The Board's role is to set exams and issue certificates of competency for statutory positions in the Queensland mining industry, including underground coal mines.
43. Failure rates in the BOE written law exams has been a concern of mine since the exams were introduced. While exact figures can be gained from the Board annual reports, I believe that we have had failure rates in the SSE exams of up to 60%. Failure rate on second sitting is also high considering to date a number of candidates have sat the same exam again.
44. Mutual recognition exams for persons who hold a Qualification in another state also have high failure rates.
45. The Board had observed that we had at least 7 candidates for the Deputy, 2CC and 1CC through the oral examination process, assessed as Not Yet Competent in mine gases, ventilation while being employed at mines in a ventilation officers position or holding the qualification from an RTO.
46. The Australian Mining Competency Advisory Committee (AMCAC) came out of the National Mine Safety Framework, which I was also involved in. One of AMCACs aims is to try to make the competencies consistent across the country, but that was not achieved by the time I retired.

Statutory competencies

47. The certificates of competency (CofC) issued by the Queensland BOE underground coal mining are:
- a. First class certificate of competency (underground mine manager);
 - b. Second class certificate of competency (under manager);
 - c. Deputy's certificate of competency;
 - d. Ventilation officer's certificate of competency.
48. Section 55 of the Act provides that the site senior executive for a coal mine must develop and maintain a management structure for the coal mine. Section 56 of the Act provides for the competencies of supervisors. However, the Act does not require that supervisors at mines hold any particular technical/mining competencies.
49. Section 60 of the Act requires that an underground mine manager must be appointed to control and manage the mine. That person must have a first class certificate of competency.
50. However, when the underground mine manager is away from the mine, the person who is put in charge of the mine in his or her absence can hold a first or second class certificate of competency, or even a deputy's certificate of competency.
51. In my view, having a deputy in charge of the mine is inadequate to ensure safety at the mine. At the very least, a person put in charge of a mine in the absence of the underground mine manager should at least have a second class certificate of competency.
52. Currently, people who have been to university and have then spent some time working underground can get a first class certificate of competency without holding the competencies of the 2nd Class and Deputy Certificates or working in those positions. However, the Board of Examiners is currently looking at changing that to require that a person have a greater period of time working

underground before they can sit for their first class certificate of competency. In my view, this is a good thing.

53. To my knowledge, the last time someone attained the coal first class certificate of competency was at the end of last year or the beginning of this year. Prior to that, I would estimate that only four or five people attained a first class certificate of competency in the last five years.

54. I am aware that some of the mining companies are putting employees through the training required for them to sit for a Deputy, 2nd class and first class certificate of competency. In my view, this is a good thing.

55. The process for attaining a statutory competency is that a person will sit an oral exam presided over by three persons holding the same CofC on behalf of the Board of Examiners (oral exam). At present, the failure rate for the first class certificate of competency oral exam is about fifty per cent. In my view, this suggests that the training being offered by the RTOs and assistance by the mine is not adequate.

56. I do not consider that adding a written technical component to the exam would assist in increasing the pass rate. Rather, the quality of training offered through the RTOs needs to be improved.

57. I have only heard of one complaint that the current assessment process is subjective. It occurred because a Board member asked questions of the applicant which were above the level that that applicant was trying to attain. That Board member no longer presides over exams.

58. Recently, the Board has established a written protocol for the conduct of exams, and the other functions of the Board.

59. At present, the Mutual Recognition Act allows a first class certificate of competency holder from New South Wales to come to Queensland and work as a Underground mine manager, 2nd Class Manager, deputy, Ventilation Officer or OCE. Previously, the Board of Examiners required such a person to

sit and pass a Queensland law exam to demonstrate they had the necessary competency to do that role in Queensland. Approximately three weeks ago, that requirement was changed so now someone can come from New South Wales and start working underground in Queensland in a statutory position without having to do the exam.

60. In my view, that is a concern. When sitting the exam was required, the pass rate was at about 40 per cent. That demonstrates the need for the exam requirement to be reinstated, to ensure that those coming to work in statutory positions in Queensland have the necessary competency to do so.

Site senior executives

61. Coal mine site senior executives (SSEs) do not need to have any mining qualifications, nor do they need to hold a first class, second class or deputy's certificate of competency.

62. Coal mine SSEs are only required to have the risk management competency which can be obtained in about three days.

63. Despite the obligation imposed on an SSE by section 42 of the Act to develop and implement a safety and health management system for all persons at the mine, including contractors and service providers, the Act does not require an SSE to hold the Establish and Maintain Safety and Health Management System competency. Rather, it is sufficient if someone else at the mine holds the Establish and Maintain Safety and Health Management System competency.

64. In my view, the Act should require that the SSE needs to hold that unit of competency, given how central the mine's safety and health management system is to safety at a mine.

Inspectors

65. When the Act was passed in 1999, section 126 provided:

Qualifications for appointment as inspector

126. The chief executive may appoint a person as an inspector only if the chief executive considers the person has—

- (a) a professional engineering qualification relevant to coal mining operations from an Australian university or an equivalent qualification; and
- (b) appropriate competencies, and adequate experience, at senior level in mining operations, to effectively perform an inspector's functions under this Act.

66. That is no longer the case. Now, section 126 provides:

126 Qualifications for appointment as inspector

The CEO may appoint a person as an inspector only if the CEO considers the person has appropriate competencies and adequate experience to effectively perform an inspector's functions under this Act.

67. As a result, inspectors no longer have to have any particular qualifications or competencies. Now, it is possible for an inspector with a deputy's certificate of competency, or no certificate of competency at all, to go into a mine and tell the mine manager what to do.

68. It also means that an inspector with no certificates of competency can lift a directive given by an experienced ISHR who does hold a certificate of competency.

69. In 2004, the Queensland government engaged an independent body to undertake a detailed review of the Queensland mines inspectorate. The Final Report on the Queensland Mines Inspectorate Review was published on 2 March 2005.

70. As far as I am aware, that report was not widely circulated. The recommendations were not all acted on.

71. In my view, the government should undertake an updated review of the inspectorate, including to consider the issue of competencies and pay for inspectors.
72. Inspectors have the power to issue 8 different directives but are very hesitant to issue a directive under the Act and instead use a thing which they call a SCP (Substandard Condition or Practice) which is not called up anywhere in the legislation, I believe that they should utilise their powers under the legislation.

The role of ISHRs

73. It used to be the case that ISHRs were able to attend at the site of a serious accident to gather evidence. Our presence was accepted by the inspectorate.
74. Usually, all three of us would attend at an accident scene. Our investigations were geared towards understanding the nature and cause of the accident. One would take the role of lead investigator. The second would assist in gathering documents. The third person would speak to people, including to people who did not feel comfortable talking to the inspectorate or the company. These roles would remain static during the course of an investigation.
75. DUI /ISHR assistance in investigations was shown at Moura N0 2 when the DUI talked with mineworkers and then found the deputy statutory report which had been written reporting a "benzene smell" which after being given to the IMT assisted in giving direction to the potential cause of the explosion very early.
76. For approximately the first 10 Frictional ignitions which occurred in the mid 1990s on, the ISHRs were the ones who conducted detailed investigations and issued directives to ensure coalmine workers were at an acceptable level of risk.
77. The Grasstree Supreme Court decision only was handed down after the ISHRs had issued directives which were varied or set aside by the Inspectorate. This decision shut the mine of over 6 months until the mine was brought into

compliance with the legislation for number of escapeways. Until that time it was similar to Pike River NZ where 29 people died.

78. To assist with the utilisation of data from HPI reporting the ISHRs and CFMEU approached the Inspectorate/Department to request access to the Departments HPI and incident data base. To date this has not occurred.
79. The CFMEU has then had to spend resources to record these incidents again.
80. There is a benefit to an investigation in having ISHRs involved. One of the benefits is when developing the document request list together with the Inspectors that we may know of documents, that will need to be obtained at the outset of an investigation. This can be of benefit to the inspectors.
81. As there are only 3 ISHRs, and when one receives a HPI notification they forward this to the other 2, therefore when the ISHRs are not buried in work they are easily able to identify patterns in HPIs and have discussions with Inspectorate. This has been shown to be useful when there may have been similar HPIs in different districts of the Inspectorate.
82. Another benefit is that mineworkers in a number of incidents will pass initial information to ISHRs which assist in developing the list of people to be interviewed.
83. An additional benefit, to the inspectorate and the mine companies, is that ISHRs often take on the role of liaising with an injured or deceased's person's family, whether the injured person is a union member or not..
84. Section 193A of the Act provides that the Board of Examiners must keep a register of the certificates of competency granted by the Board, site senior executive notices issued by the Board. In my view, that register should be made available to ISHRs so they can contact the relevant people at a mine for the purposes of investigating a complaint or a serious accident.

85. Additionally, in my view, there should also be a requirement that SSEs tell ISHRs who the SSHRs at their mine are. The inspectorate will not tell us the contact details for the SSHR because of privacy concerns and it can be difficult to perform our functions in the absence of this information.
86. Under the Act, ISHRs must have a deputy's certificate of competency. It is very difficult to get people to agree to take on the role as ISHR because the pay for an ISHR is significantly lower than a deputy's pay and the role involves being away from home for long periods of time. By way of comparison, a deputy can expect to earn as much as \$340,000 pa (including bonuses) when working in a mine, whereas an ISHR earns around \$160,000.
87. I do not think it would be a good idea for the ISHRs to be government employees, or to be paid fully from a government levy. There has been a practice where the government did pay a fee for assisting in equipment and training annually. To the best of my knowledge this has not been received for a number of years. ISHRs have an important role to check, on behalf of the worker, that the mines are doing the right thing. The current arrangement helps to preserve that role by ensuring that ISHRs are the people's representative.
88. ISHRs are, or ought to be if a mine properly inducts its workforce, well-known.
89. In my view, there is no difficulty in having union members in the role of an ISHR.
90. A lot of contractors and labour hire workers are union members. About a third of the state's coal mine workers who are union members are contractors and labour hire workers.
91. ISHRs represent everyone, regardless of whether they are union members. When someone does something wrong at a mine, or there is a safety issue at a mine, everyone at the mine may be affected, there is no magic shield to protect anyone whether they are a union member or not.

92. ISHRs benefit the whole workforce, not just the union members. It is not correct that we prioritise a union member's complaint over a non-union member's complaint. In any event, it is not often that we get more than one complaint requiring our attention at the same time.
93. Around 2010 the Inspectorate held a workshop with the ISHRs to look at our roles and the common functions and powers to see what we could do to provide the same safety and health service without doubling the work load and causing conflict between each other.
94. We had agreement at that time for a protocol on issuing of directives, and agreement to add the s166 directive to the ISHR powers to minimise the s121 which meant the Inspector had to discover all the evidence again after the ISHR had already done this.
95. The ISHR should have the power to issue a s166 directive which would assist as currently the only directive available is to stop the work.
96. I believe that the ISHR should have the a the function clarified at s118(1)(d) that the participation with the Inspectors except where the power for Inspector to ask question s is being used.
97. The ISHR should have the power at s119(1)(b) altered to do an unannounced inspection at times.

The role of SSHRs

98. In my view, the present election system needs to be fixed so that elections can happen more quickly than they do.
99. Section 82(2)(i) of the Regulation provides that a coal mine's safety and health management system must provide for training workers elected to be safety and health representatives. In my view, such training should be improved to ensure that all SSHRs are taught how to do an inspection and write their reports.

100. In my view, there would be upsides and downsides to having SSHRs as a full-time role. The downside would be that they would be taken away from their role at the mine, and removed from the workers, and therefore have less of an understanding of what is actually happening at the mine.
101. The more beneficial way to improve the standard of SSHRs at mines would be of more benefit to make sure that SSHRs are given plenty of time and support to do that role.
102. I am aware of at least six people, including myself, who have been, in my view, unfairly challenged by mining companies in their role as ISHRs and SSHRs over the years. I and others have had complaints made against us by the mining companies to the Minister such that we have had to justify why we should continue in the role, because of steps we have taken in relation to safety in our roles. It is important that SSHRs are robust and well-trained.
103. Section 275AA was introduced after a complaint from ex Gregory Mine SSHR, Jeff Newsome was the subject of numerous reprisals by mine management over raising safety issues.

Production bonuses and safety penalties

104. I am aware of a NSW Mine Safety Advisory Committee report published around 2009. Reviewing Safety Incentive Schemes”, but I do not have any expertise in this area.
105. I believe that when a SSE believes that a coalmine worker has breached the mining legislation and an investigation has shown this then the Inspectorate should be notified and after they confirm through review of the SSEs investigation or their own investigation, the Inspector should ensure appropriate action for the breach is taken.

Final matters

106. The process for development of the Act and Regulations when first introduced used to have documented forms and a tripartite process for consideration of changes. this process included anyone able to submit a proposed legislative change on a form which required the proposed change, reason for the proposed change, evidence to support a change. This would go to a legislation working group for consideration and then be provided to the Advisory committee with agreement or non agreement and a reason why.
107. This process has not been used since the election of the Newman government despite representations to various Ministers since.
108. The last major review of the coal mining legislation was done in house by the Department and when provided to the Advisory Committee for discussion had over 70 errors which were shown would not work or conflicted with other parts of the legislation.
109. The legislation changes were reviewed by the mining legislative review committee and 3 recommendations were put to the changes. At this time the government went into care taker mode and no changes could be made. After the election the new government put the same document to a legislative review committee but it was the Education review committee and one of the recommendations which was that the Chief Inspectors should hold the relevant Ist Class Mine managers C of C was not put forward. This was almost 3 years ago.
110. At section 36 of the *Coal Mining Safety and Health Act* 1999 it states that persons cannot be relieved of their obligations.
111. While section 55 (2) (ca) make the person responsible for establishing and implementing the system for managing contractors and service providers at the coal mine, that is usually the integration of the “safety and health

management plan” at s43(1)(d) for contractors and s47 (1)(f) for service providers,

112. The person who ensures on of behalf of the SSE that the training as required at s43(1)e) and s47(1)(g) is not specifically called up and hence ensured has a specific obligation under the Act.

113. I believe that the Department’s position over the last few years has been to cost cut at any cost. And the injury rate over this period reflects this.

Signed:

A solid black rectangular box redacting the signature.

Dated:16th August 2020