

QUEENSLAND COAL MINING BOARD OF INQUIRY

AFFIDAVIT OF JAMES (JIM) HOARE

I, **James (Jim) Hoare** of [REDACTED] in the State of Queensland make oath and say as follows:

Background

1. I am employed as an ERZ Controller/Deputy by Anglo Coal (**Anglo**), at the Grasstree underground coal mine (**the mine**).
2. The mine is located in Middlemount, Queensland.
3. I work a seven on, seven off roster. I am the 'super-panel ERZ Controller' on permanent day shift, which means that I'm the ERZ Controller who looks after the development panel, with two continuous miners.
4. When I am on tour, I reside at camp accommodation in Middlemount, provided by Anglo.
5. I have been working on underground coal mining for approximately 28 years.
6. I commenced working for Anglo, at the Mine at Grasstree, in or about 2006. Prior to that I worked at Aberdare Open cut mine for approximately 2 years and then Southern Colliery for approximately 14 years.
7. I am a member of the Construction, Forestry, Maritime, Mining and Energy Union (**CFMMEU**).

SSHR

8. In addition to the duties I am required to perform as an ERZ Controller, I am also elected as one of the Site Safety and Health Representative (**SSHR**) pursuant to s.93 of the *Coal Mining Safety and Health Act 1999* (Qld) (the **CMSH Act**).
9. I was elected as a SSHR at the mine, on 5 February 2013.

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Signed:

Taken by:

AFFIDAVIT

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

Training

10. I have the required qualifications that enable me to perform the role of ERZ Controller. Those qualifications include:
 - (a) Queensland Deputy Certificate of Competence;
 - (b) Certificate IV in Underground Mining; and
 - (c) Supervisor 1 (S1), Supervisor (S2), Supervisor (S3) and G2.
11. I obtained my Deputy certificate of competency in or about 2010.
12. I also have the qualifications that are required by ss.93(3) and 95(1) of the CSMH Act. The training that I receive as SSHR is attending the yearly 'check inspectors' conference/workshop,' which is conducted by the CFMMEU. This conference usually runs for about one week. However, the conference hasn't happened this year due to the COVID-19 pandemic. Anglo also generally fly the SSHR's to the Mining Safety Conference that it conducted in Townsville or on the Gold Coast each year.
13. Anglo is accommodating of all training requirements. I have never had any issues in relation to being released from my duties to attend the CFMMEU conference.

Election Process and Duties

14. In or about February 2013, I was nominated by a member of the workforce to run for the position as an elected SSHR at the mine.
15. The election process is run by Anglo. All coal mine workers vote in the elections of SSHRs. Anglo notifies all workers of the opening of nominations for the position of SSHR and asks for expressions of interest. I have been re-elected twice since 2013. I first nominated to become a SSHR because I wanted to make a difference and be involved in the discussions that make underground coal mining safer.
16. The duties that I perform as SSHR include conducting inspections and preparing a report, in accordance with legislative requirements and Grasree mine procedures. I also deal with complaints ranging from minor issues with amenities to serious safety complaints raised by the workers.
17. Sometimes I am unable to get this report done, because on occasion the mine can be short on ERZ Controllers on shift and then I don't get the time to conduct the inspections and prepare the SSHR report. Whilst I aim to conduct inspections monthly, sometimes reports are only produced once every 2 to 3 months.

18. The SSHR report will be delayed depending on how many ERZ Controllers we have on shift. There must be one ERZ Controller per zone to supervise work activities. If there is no ERZ Controller to supervise a particular zone, then production or work activities are not to take place in that zone. In that sense my ERZ Controller duties take priority over my SSHR duties from time to time.
19. It can be difficult to complete my SSHR paperwork, procedures and audits. The roles and responsibilities of a SSHR could almost be a full-time job particularly given that there are hundreds of procedures that should audited, and we are simply unable to get to them due to time constraints.
20. Mr Richard Harris (alternate SSHR) and I also struggle to get information to each other because we work alternating seven on seven off roster. I think that regular consultation with our alternate SSHR would increase mine safety.

ISHRs

21. I have a good relationship with the ISHRs, who represent the workers at the mine, who are Mr Steven Watts, Mr Jason Hill and Mr Stephen Woods. I have a particularly good relationship with Mr Watts. I always ring a SSHR if I have a safety related question that I cannot handle myself.
22. However, I don't normally have to refer to the ISHR's for advice. Most of time I can sort issues out on site without contacting the ISHR or the Inspectorate. It is however good to know they are there if required and I always utilise them whenever there's an issue that I can't resolve.

Management

23. I have a good relationship with the mine manager, Mr Kelvin Schiefelbein. Whenever I have a general concern about something that I have observed that I need clarification on, or I received complaints from other coal mine workers that I am unable to immediately resolve, I escalate those concerns/complaints to Mr Schiefelbein or the Compliance Superintendent Mr Joel Duffy, for compliance issues.
24. Mr Schiefelbein and Mr Duffy have an open-door policy and I have never been turned away when I approach them about any issue.

25. The Superintendents at the mine are Mr Damien Cavanagh (the Superintendent for the long wall), Mr Anthony Johns (development Superintendent), Mr Ken McCaffrey (the out-bye Superintendent). The Superintendents are in charge of the operation and co-ordination of the long wall, development and out-bye. I also often consult with tech services and engineering departments for complaints in their areas.
26. For minor issues that arise like roadwork/conditions of surfaces, I would go directly to the Superintendent in charge of that area and have discussion with them to see if we can sort it out between ourselves. If we can't sort the issue out, then I will escalate to Mr Schiefelbein.
27. I think that processes for reporting and escalating safety issues are quite good at the mine. In my view, the mine has appropriate protocols in place and we do a pretty good job at controlling the gas, through the mine's methane drainage in seam and goaf drainage holes.
28. By way of practice, the operator will operate the machine by doing the first cut by operating the machine and then automation will mimic that same cut. The roof of the tailgate where the operator has cut is not always the same. Therefore, we have had incidents where the shearer drum can strike the roof which is held up with steel mesh and bolts. The shearer will do the same thing that the operator did but the roof horizon will change due to development conditions. That is, the roof of the tailgate is not an even surface and sometimes that would cause the shearer to strike the tailgate roof, which can cause sparks from the mesh and bolts.
29. We now erect a Sherwood Curtain which stops the sparks from getting over to the goaf stream.
30. The Sherwood Curtains are working well in my view. The ERZ Controllers and Operators sometime struggle in maintaining the Sherwood curtain, but that it just part of the job as every time we move forward the ERZ Controller or Operator has to trim the Sherwood curtain off, to allow the air to go around it.
31. We have regular maintenance days of the Sherwood curtain, on Tuesdays and Thursdays. The Sherwood curtain must be within the following parameters: no less than 30 meters from the face and no greater than 100 meters from the face. The out-bye end of the Sherwood Curtain can be no more than 1 meter from the block side 'rib.'

Inspections

32. I don't generally erect the Sherwood Curtains as I haven't been on the long wall as a permanent ERZ Controller for about five years. I still go into the long wall to conduct inspections as a SSHR or relief ERZ Controller.
33. I try to conduct my SSHR inspections at least once a month. However, sometimes it can be between 2 to 3 months before I am able to complete an inspection. If I receive a complaint from the coal mine worker, I will always inform the Mine Senior Official (MSO) and conduct an inspection.
34. I invite the underground Mine Manager, Mr Schiefelbein, or his delegate at the time, to accompany me on my inspections. Mr Schiefelbein doesn't have to be there but its best practice, and I prefer that he is there to avoid any potential delays in rectifying any issues that I find on my inspections. In the event Mr Schiefelbein can't attend for some reason, I still conduct my inspections and then provide him with a report after. My inspections are similar to those that an ERZ Controller conducts. However, during my inspections I have a lot of interactions with the work force which include answering their questions and asking questions of them, in relation to safety and conditions.
35. After the inspections, I delegate any rectification jobs to the relevant Superintendent. Then the delegated Superintendent is responsible to conduct the rectification work. I follow up on all work that I have delegated to ensure that the rectification work has been completed within the allocated time.
36. By way of an example, I had an issue recently at Grasstree West, where the side wall of Grasstree west had large rocks hanging from erosion. This issue was brought to my attention by a coal mine worker. I then delegated the rectification work to Mr Cowan Pierse (the Grasstree West Superintendent) and had a conversation to the following effect:
- "what is a realistic time to get the job done".*
37. I can't recall the exact words that Mr Pierse responded with, but we agreed on a time to complete the rectification work. Shortly after that discussion, Mr Pierse discovered that he needed to arrange outside contractors to come in and complete the rectification work.

38. Mr Pierse approached me and requested more time to complete it. I can't recall the conversation exactly, but I recall that we ultimately agreed on a further 3 months to get it done. This delay was fine with me as we had adequate controls in place. Those controls included a large drain to catch any loose rocks that dislodge from the wall, until be 'bund' wall (which is a barrier) could be erected and the drain rectified.

The reporting culture of safety issues

39. As the SSHR, I am the person that workers come to raise complaints with about a wide range of issues, including safely related issues.
40. In my experience, the permanent workers at the mine report regularly and have no concerns with raising issues with me. As a matter of practice, I never use names when I escalate complaints to management. As a result, I think that the permanent workers at the mine trust me and will not hesitate in coming to me if they have an issue.
41. On the other hand, labour hire workers engaged at the mine from my experience don't feel comfortable in raising any issues. The labour hire workers who work on the out-bye contracts, such as conveyor installs and installing ventilation devices, are those workers who are reluctant to voice their concerns. By way of an example, approximately 12 months ago, labour hire workers working on the 910 conveyors were hand raking concrete, in hot conditions. I walked in to where they were working while I was conducting a routine inspection. The labour hire workers should have been using wheelbarrows or a machine to move the concrete (such as a kanga) rather than hand raking. The labour hire workers continued to hand rake as directed by their supervisors, rather than raise the issue with me or the zone ERZ Controller. If those workers made a complaint about the task they were being directed to complete, it wouldn't be hard for management to work out who was making that complaint. I stopped the job entirely, made sure they stopped hand raking in the hot conditions, and then I contacted the VO to arrange for more ventilation to cool that area.
42. From my experience, the labour hire workers tend to have less experienced crews. Workers gain entry into the mining industry, through labour hire companies, if they are unable to gain direct employment with the mine operator.

43. During my inspections, particularly if I know that a crew is inexperienced, I will ask that work group who is the supervisor of the work group and ask them to tell me what level of experience they have. I also ask them questions about their processes around safety. I then constantly check on that crew and make them explain to me what the safety risks are with the job they are completing, so they prove to me that they know what they are doing.

Provision of safety information to workers

44. Safety information is communicated to coal mine workers at the Mine. This occurs mainly during pre-start meetings and displayed on the Trigger Action Response Plans (TARP) board.
45. I am aware that there are 11 HPI's involving exceedances of methane (greater than 2.5%) which were the subject of Learning from Incidents (LFIs), from 1 July 2019 and 5 May 2020 at the mine. If I was on shift at the time of the HPIs I would have been notified of them.
46. The mine has just started discussing LFIs during pre-start meetings. This is a new process that has been introduced by the Operations Manager, Mr Tim McNally.
47. Safety incidents on the previous shift have always been discussed at pre-start meeting, but not LFIs. In my experience HPIs are now openly discussed at the mine and are acted on immediately. Workers are told about them, and they are also told about the steps taken to prevent them from re-occurring.

Reporting of HPIs

48. I am always advised of HPIs that occur while I am on tour. The MSO or control room operator on shift will **generally** call me to notify me of an exceedance it occurs while I'm on shift. If an HPI occurs overnight and I'm not on shift, unless there's a serious incident, the MSO will generally wait to inform me of the exceedance until I'm back on shift. I always ask Mr Schiefelbein, or his delegate on shift, what happened and what was done to rectify the exceedance, if production had commenced.
49. During the period from 1 July 2019 and 5 May 2020 I received some, but not all, of the 11 HPIs relating to exceedances of methane. I do not currently have access to the records of which those HPIs are recorded or the steps that were taken to rectify them.

50. To the best of my recollection I did not take any steps in relation to the 11 HPIs in the terms of reference.

Affirmed by the deponent on 10 August 2020 at Brisbane in the presence of:

Signed: _____
Deponent

Solicitor/Justice of the Peace

❖ **Notation from the Queensland Coal Mining Board of Inquiry:**
On 11 August 2020, this witness, when giving evidence under oath before the Board of Inquiry, adopted the contents of his unsigned affidavit and confirmed the contents were correct to the best of his knowledge
(see Day Six Transcript at page 590, line 36).

Signed:

Taken by: