

QUEENSLAND COAL MINING BOARD OF INQUIRY

AFFIDAVIT OF PETER NOTON

I, **Peter Noton** [REDACTED] in the State of Queensland, ERZ Controller, solemnly and sincerely declare and affirm:

Background

1. I am employed by Anglo Coal as an ERZ Controller, at Grasstree (**the mine**).
2. I have been employed by Anglo Coal at the mine for approximately 7 years.
3. I obtained my ERZ Controller's qualification in 1992. I have been working as an ERZ Controller at the mine since then. I have the required qualifications as an ERZ Controller, which is a Deputy certificate IV in underground mining.
4. I am the ERZ Controller on 'D - Crew.'
5. The mine is an underground coal mine.
6. The roster that I work is a seven on and seven off, afternoon-night shift rotation. I live [REDACTED] and drive approximately 3 hours from [REDACTED] to Middlemount. When I am on tour, I stay at the mine's camp in Middlemount, which is about a 30-minute drive from the mine.
7. As part of my role, I conduct statutory inspections and prepare production reports. I conduct inspections of the environment including roadway conditions, environmental monitoring such as gas levels and ventilation and temperature checks. As an ERZ Controller it is my responsibility to control all activities within my designated area.
8. I report directly to Mining Senior Officer (**MSO**), Mr Christopher Scofield.

Page 1

Signed: [REDACTED]

AFFIDAVIT

Taken by: [REDACTED]

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

Incident on 20 March 2020

9. On 20 March 2020, I started work at my usual start time for an afternoon shift, at 9.30am.
10. The MSO on that shift was Mr Christopher Scofield. At the start of each shift, as an ERZ Controller, I am required to attend a pre-start meeting with the MSO and the other ERZ Controllers rostered on that shift. We conduct that meeting in an office on the surface of the mine. The purpose of the meeting is to give us ERZ Controllers relevant information from the previous shift. Nothing really stands out in my memory from the pre-start meeting on that day.
11. From memory, we were late getting down the pit that day. We generally aim to take over production from the previous shift at about 11.30am. However, my crew and I didn't take over production until about 11.45am. I can't recall why we were late.
12. By the time we arrived it was about 11.45am. The crew proceeded to receive their handover with the outgoing crew on the face. I went straight to the crib room to get the normal handover from the out-going ERZ Controller, Mr Dion Bolton.
13. I recall that Mr Scofield (MSO) had come down with my crew and I to conduct his routine inspections. When we arrived, I'm aware that Mr Scofield made his way out to the face with the crew.
14. During the handover, while I was in the crib room, I received a call from the main gate Operator on that shift. I can't presently recall who that was, but he said to me words to the following effect:

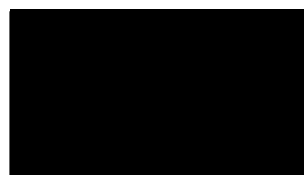
"we've tripped out on gas, and that 'Scoi' is on his way up to the face."
15. When the main gate Operator said to me the name 'Scoi', I knew that to mean that he was referring to Mr Scofield.
16. I replied to the main gate Operator, with words to the following effect:

"Yep, I'm coming up there."
17. I set off immediately. It takes between 5 to 10 minutes to get up to the face on foot.
18. I arrived at the face at about 12.00pm. When I got there, Mr Scofield and two shearer Operators, Mr Ashely King and Mr Peter Wilson, had already commenced putting up brattice, at the tailgate. I immediately started helping to put up the brattice. The brattice went from chock numbers 195 to 197. From there we still had quite a lot of

Signed:



Taken by:



- gas hanging around. We then decided to erect some "butcher flaps" on chock numbers 193 and 194.
19. I was informed that during routine production on that day, following cutting into the tailgate, a gas concentration of greater than 2.5% was detected at the "Om Tailgate Sensor" which removed power from the face. The "Om Tailgate Sensor" CH4 concentrations fluctuated and exceeded 2.5% (the High Potential Incident (HPI)).
 20. While we were erecting the brattice, I took several gas readings with my Personal Gas Detector (PGD) to see what was happening with the gas levels. The gas levels improved slightly while we were erecting the brattice but had not dropped down to normal range which is below 2%. I can't recall how long it took us to erect the brattice.
 21. There is a requirement that no one can alter ventilation without approval from both the Mine Manger and the Ventilation Officer (VO). Mr Scofield and I wanted to alter the Ventilation Control Device (VCD) at 6 Cut Through (6CT) in the tailgate (TG) at 'A heading' to 'C heading,' to allow more air to return down 'C heading.' We received permission from the VO, and we commenced opening the VCD.
 22. At approximately 12.20pm, after we altered the ventilation, the gas levels dropped below 1%.
 23. I can't recall any other further incidents for the remainder of that shift.
 24. I always conduct two inspections on a shift in accordance with Safe Operating Procedure for Inspections. I can't recall when I conducted my inspections on that shift.
 25. At about 9.00pm to 9.30pm, I commenced the standard handover at the end of my shift. I handed over to ERZ Controller, Mr Shaun Stingle. Mr Stingle and I met in crib room underground and went through the details of what we had done in relation to putting up the brattice and altering the ventilation. I completed my incident report during the shift and handed it to Mr Brad Maguire, the incoming MSO, before I left the mine at about 10.45pm.
 26. I attended a meeting with Mr Braedon Smith (VO) sometime after the HPI on that day, for the purpose of producing the Learning from Incidents report (LFI).

Signed:

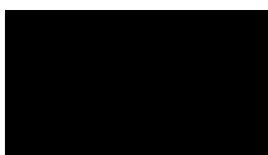
Taken by:

Incident on 25 March 2020

27. On 25 March 2020, I commenced the last afternoon shift in that swing, at about 9.30am.
28. As described above, I am required to start work half an hour earlier than the rest of the crew, to attend the pre-shift meeting with the MSO, in the usual pre-start meeting room, which is on the surface of the mine. The MSO on that shift was Mr David Lowe.
29. At about 11.30am I arrived at the face. I received a hand over from the day shift ERZ Controller Mr Dion Bolton.
30. There was nothing out of the ordinary that stood out to me during that handover meeting. I then made my way up to the face.
31. I arrived at the face at about 12.00pm to start conducting my first inspection. It was a good start to the shift but then progressively got worse in that my gas readings were rising. There were several trips of 1.9% in the tailgate roadway.
32. I can't recall the time, but it would have been before 4.30pm before change in MSOs, I called the MSO on that shift, Mr David Lowe, to ask for more gas drainage. I said words to the following effect:
- "I need more drainage up here."*
33. When I asked for more drainage, I was asking if any drainage was off or any more capacity was available. I wanted to know whether there was any more capacity to remove more gas by sucking it out with a machine located on the surface of the mine called a 'Venturii'. I thought that was the only thing that would fix the elevated gas levels at the time, which is why I asked for it.
34. I had a feeling that the gas levels were going to escalate because during the shift I was getting readings of gas on the face as well. That was concerning for me because we were getting readings of 1% at the shearer and it was starting to automatically slow down, which is not overly alarming, but it's not good and is like a warning sign.
35. As we were cutting from number 120 chock to the tailgate, we were getting 1% at the shearer.
36. Mr Lowe called me and advised words to the effect:

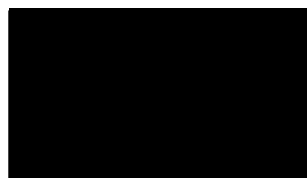
"We're already at maximum capacity, we're waiting for next goaf hole."

Signed:



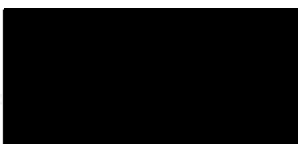
Taken by:

Page 4

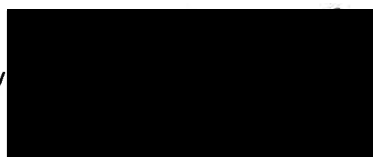


37. The next goaf hole was supposed to be a few metres away. I can't recall the specifics of the conversation, but I reiterated to Mr Lowe that I wasn't happy and that I still had concerns with the gas levels.
38. The vertical goaf holes are drilled ever 50 metres give or take. They aren't always evenly spaced depending on what is on the surface. The drill holes are drilled well in advance of the long wall producing.
39. After Mr Lowe refused my request for more drainage, we manually slowed the shearer haulage and cutting continued. As we were cutting to the tailgate the gas levels in the tailgate roadway exceeded 1.9% on two occasions which stopped the shearer haulage.
40. The main gate Operator, Mr Justin Heke, and I were monitoring the gas levels at the Face Monitoring Unit (FMU), which is the computer at the main gate. As the shearer left the tailgate after completing the shuffle, the zero-meter sensor level rose and Mr Heke stopped the shearer and chock operations at 1.5%, from the FMU. The gas levels continued to rise and tripped the power.
41. At about 5.40pm, the gas levels exceeded 2.5% (the further HPI).
42. I made my way to the tailgate. I confirmed that the brattice across 197 to 195 chocks were still properly erected and the butcher's flaps on the chocks were in place.
43. I called the MSO Mr Aaron Feilding and informed him that gas levels had exceeded 2.5%. I can't recall the exact time I that called Mr Fielding, but I do recall speaking to him either just before or just after I checked the brattice.
44. After speaking to Mr Feilding, we decided to immediately erect a Sherwood Curtain. Shearer Operators, Mr Lucas Janz and Mr Nicolaus Hamilton assisted me with erecting the Sherwood curtain. We made our way into the tailgate and erected a Sherwood curtain, which was approximately 20 meters long. I can't recall exactly how long it took to erect it, but it always takes a while to erect a Sherwood curtain.
45. During that time, I was constantly taking gas readings. After erecting the Sherwood curtain the gas levels dropped.
46. I can't recall the specifics of the conversation, but I then called Mr Fielding again who gave me permission to commence production.
47. I can't recall the time production recommenced. We only cut one more shear, and then we finished our shift. I completed the standard handover with Mr Shaun Stingle,

Signed:



Taken by

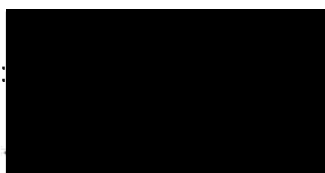


who was the incoming ERZ Controller. I completed my Incident report at the end of the shift and handed it to Mr Fielding.

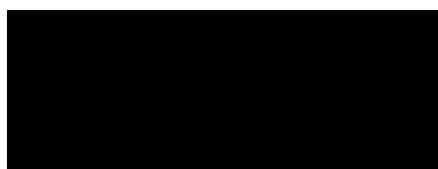
- 48. After the incidents on 20 and 25 March 2020, I attended a meeting to discuss the HPI's that occurred, for purpose producing the LFI report mention above. Apart from attending that meeting, I have had no further dealings with the HPI's.
- 49. This affidavit is to the best of my knowledge true and correct.

Affirmed by the deponent on 5 August 2020 at South Brisbane in the presence of:

Signed:



Deponent



Solicitor/~~Justice of the Peace.~~

Kris-Anne Birch
Solicitor (HCA, Qld)