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Coal Mining Safety and Health Act 1999

ESTABLISHMENT OF A BOARD OF INQUIRY NOTICE (No 01) 2020

Short title

1. This notice may be cited as the *Establishment of a Board of Inquiry Notice (No 01) 2020*.

Minister may establish a board of inquiry about a serious accident or high potential incident [s.202(1) of the Act]

2. Notice is hereby given that **The Hon. Dr Anthony Lynham MP**, Minister for Natural Resources, Mines and Energy has established a board of inquiry, whose membership is specified in Schedule 1 and terms of reference are specified in Schedule 2, about a serious accident that occurred at Grosvenor mine on 6 May 2020 and various high potential incidents involving longwall-related exceedances of methane that occurred in the Queensland coal mining industry between 1 July 2019 and 5 May 2020.

SCHEDULE 1

Board of inquiry membership

1.1 Retired District Court Judge Terry Martin SC (chairperson)

1.2 Professor Andrew Hopkins AO

SCHEDULE 2

Terms of reference of board of inquiry

2.1 In accordance with part 12 of the Act, the board is to:

- i. inquire into the incidents described in subparagraphs a. to e.:
 - a. the serious accident that occurred at Grosvenor mine (operated by Anglo Coal (Grosvenor Management) Pty Ltd) on 6 May 2020, which resulted in serious injuries to five coal mine workers;
 - b. the 27 high potential incidents that occurred at Grosvenor mine (operated by Anglo Coal (Grosvenor Management) Pty Ltd) involving exceedances of methane (>2.5%) in and around the longwall on various dates between 1 July 2019 and 5 May 2020;
 - c. the 11 high potential incidents that occurred at Grasstree mine (operated by Anglo Coal (Capcoal Management) Pty Ltd) involving exceedances of methane (>2.5%) in and around the longwall on various dates between 1 July 2019 and 5 May 2020;
 - d. the single high potential incident that occurred at Moranbah North mine (operated by Anglo Coal (Moranbah North Management) Pty Ltd) involving an exceedance (>2.5%) of methane in and around the longwall between 1 July 2019 and 5 May 2020;
 - e. the single high potential incident that occurred at Oaky North mine (operated by Oaky Creek Holdings Pty Limited) involving an exceedance of methane (>2.5%) in and around the longwall between 1 July 2019 and 5 May 2020.

(the incidents)

- ii. determine the nature and cause of the serious accident and, in doing so, make findings of fact about any factors that, in the board's view, contributed materially to the cause of the serious accident;
- iii. assess and determine whether the operational practices and management systems in existence at each of the mines or at corporate levels above them at the time the incidents occurred were adequate and effective to achieve compliance with the relevant safety laws and standards;
- iv. make recommendations for mine operators, relevant obligation-holders and other relevant parties for improving safety and health practices and procedures for mitigating against the risk of similar incidents occurring in the future, including, where relevant, recommendations directed to the nature of any particular employment arrangements which may be better apt to ensure acceptable risk levels to workers;

- v. make any other recommendations that the board considers appropriate having regard to its findings;
 - vi. provide the Minister with an interim report, by 31 August 2020;
 - vii. provide the Minister with a report, suitable for publication, about its findings and recommendations, by 30 November 2020.
- 2.2 Subject to section 215 of the Act, the board is to conduct its inquiry and deal with any evidence it may receive in such a way as to minimise the likelihood of prejudicing any contemporaneous investigations or any current or future proceedings, including investigations and proceedings for offences under the Act.
- 2.3 The board is to conduct its inquiry and deal with any evidence it may receive in such a way as to minimise, so far as possible, a person's exposure to reprisal of the kind mentioned in section 275AA of the Act, where the person is giving evidence to the board and has identified that they fear reprisal as a result of giving evidence to the board, including conducting private hearings where considered appropriate and as permitted by section 208 of the Act.
- 2.4 The board may, if it considers it appropriate, provide the Minister with a separate report to that mentioned in 2.1(vi) or 2.1(vii), about any matters it considers are not suitable for publication, because publication might reasonably prejudice other investigations or proceedings, or if for other reasons the board considers the contents of the separate report should not be made public pursuant to section 203 of the Act.
- 2.5 However, if the board provides the Minister with a separate report under 2.4, any report provided under 2.1(vi) or 2.1(vii) must contain a statement that the board has provided the Minister with a separate report and the reasons for providing a separate report.
- 2.6 The board may hold hearings at times and in places, and in a manner, it considers appropriate, including holding hearings by way of audio or visual link.
- 2.7 The board may inspect or conduct a viewing of a place as reasonably necessary to inform its proceedings.
- 2.8 The board may, where it considers it appropriate, collaborate and share information with any investigative authorities in order to assist any investigations into the incidents.
- 2.9 Nothing in these terms of reference shall be taken to limit the board's powers and functions under part 12 of the Act.

ENDNOTES

1. Made by the Minister on 22 May 2020.
 2. Published in the Gazette on 22 May 2020.
 3. Not required to be laid before the Legislative Assembly.
 4. The administering agency is the Department of Natural Resources, Mines and Energy.
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