

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 Tuesday, 11 August 2020 at 10am
(Day 6)

1 THE CHAIRPERSON: Yes, Mr Rice.

2

3 MR RICE: Mr Martin, a list of documents relevant to
4 evidence given on Friday and yesterday has been prepared
5 and circulated to the parties. It is entitled "Tender
6 List D", dated 7 and 10 August. I will tender that list
7 and the documents referred to in it.

8

9 THE CHAIRPERSON: Yes, thank you. That list with that
10 marking will be admitted into evidence.

11

12 MR RICE: I call Richard Harris.

13

14 <RICHARD HARRIS, affirmed: [10.02am]

15

16 <EXAMINATION BY MR RICE:

17

18 MR RICE: Q. Is your name Richard Harris?

19

A. Yes.

20

21 Q. Mr Harris, are you employed by Anglo Coal at the
22 Grasstree mine?

23

A. Yes, that's correct.

24

25 Q. Do you occupy the position there of deputy, that is to
26 say, an ERZ controller?

27

A. Yes.

28

29 Q. With the assistance of solicitors, I think you have
30 prepared an affidavit setting out some evidence for the
31 inquiry?

32

A. Yes, that's correct.

33

34 Q. If I could ask that Mr Harris be shown his affidavit.
35 Mr Operator, it is HRI.001.001.0001. You have been given
36 a copy of that, Mr Harris?

37

A. Yes.

38

39 Q. You have worked at the mine for a number of years,
40 apparently, between 2004 and 2012 and then returned in
41 early 2018?

42

A. Yes.

43

44 Q. Taking up then the SSHR role for the second time,
45 about 12 months ago?

46

A. Yes, that's right.

47

- 1 Q. In that role, you have, what, a total of four or five
2 years' experience?
3 A. Yes, about that.
4
- 5 Q. One of the things that the Act requires is that the
6 person who is appointed to that position or elected to that
7 position holds the appropriate competencies?
8 A. Yes.
9
- 10 Q. Would you mind just saying what they currently are?
11 A. I've got the S1, 2, 3 and G2 and the deputy's
12 certificate of competency.
13
- 14 Q. Well, S1, 2 and 3 I think you mentioned?
15 A. Yes.
16
- 17 Q. What's the content of each of those?
18 A. I think they're just supervisory courses.
19
- 20 Q. Supervisor courses?
21 A. Yes, yes.
22
- 23 Q. Does it follow that an SSHR needs to be at supervisor
24 level?
25 A. I'm not too sure. I did those courses quite some time
26 ago.
27
- 28 THE CHAIRPERSON: Q. Mr Harris, could I get you to keep
29 your voice up a bit, please?
30 A. Yes. Sorry, sir.
31
- 32 MR RICE: Q. You have a decent amount of experience in
33 mining. In carrying out the role as SSHR, does the
34 competency that goes with being a deputy assist in the role
35 and, if so, in what way?
36 A. Yes, I think so. It's just the access and our
37 knowledge of the mine as well helps us, where we can access
38 all areas, and also supervisory skills. When we do
39 workplace inspections, et cetera, we sort of see what's
40 going on around the place and determine whether the
41 workforce are doing the right thing or not.
42
- 43 Q. Are you aware of any SSHR who has not been a full-time
44 employee at Grasstree?
45 A. Not that I'm aware of, no.
46
- 47 Q. Has there been any that you are aware of who has not

- 1 been a supervisor or a deputy such as yourself?
2 A. Not from memory, no.
3
4 Q. Were you nominated or did you --
5 A. I was nominated and I was the only one whose name was
6 put up, also.
7
8 Q. Is there an election necessary in that scenario?
9 A. Yes, they still went through with the election, yes.
10
11 Q. Even though you were the only nominee?
12 A. Yes, yes.
13
14 Q. You mention in your affidavit at paragraph 11 that it
15 is rare for new people to put their names forward. Do you
16 have any idea why people are reluctant to come forward to
17 do that role?
18 A. Personally I think it's just because they think it's
19 an arduous task. You're always dealing with issues
20 throughout the mine, and some people just want to go to
21 work and do their basic role and that's it.
22
23 Q. Does the carrying out of the role sometimes bring you
24 in conflict with other workers?
25 A. Not necessarily, no. I've a pretty good rapport with
26 management and the workforce.
27
28 Q. In that paragraph, you say that you kept getting asked
29 by the lodge and the workforce to nominate. What are you
30 referring to by "the lodge" there?
31 A. That's the CFMEU members and just in general a lot of
32 the workforce, as CFMEU members.
33
34 Q. You're a member yourself?
35 A. Yes, that's right.
36
37 Q. So are you speaking of - CFMEU members would speak to
38 you?
39 A. Oh, yes, most of the workforce does.
40
41 Q. Ask you if you were interested in taking on that role?
42 A. Yes.
43
44 Q. That's one source of expression of confidence,
45 I suppose, by other workers?
46 A. And I think because I was at that mine previously,
47 I still know a lot of people there, and I had done that job

1 before, as well.

2

3 Q. You occupy that position in conjunction with Mr Hoare;
4 correct?

5 A. Yes, that's right.

6

7 Q. Tell me, do you both work independently in carrying
8 out the functions you have under the Act or do you
9 coordinate in some way?

10 A. We work independently on different rosters, but we do
11 communicate with each other from time to time if there is
12 an issue.

13

14 Q. When you say you work independently on different
15 rosters, what does that translate to in practice?

16 A. Well, I work on - when I am on my seven days at work,
17 Mr Hoare is at home on days off. So we just do half the
18 year in that role, and he does the other half.

19

20 Q. I'm sorry, you do half the year?

21 A. Yes, seven on, seven off roster, so it's part-time.
22 When I'm on my days off, he's the SSHR at work.

23

24 Q. So there is always someone, always an SSHR, at work?

25 A. Yes, yes.

26

27 Q. Because you have alternating rosters?

28 A. Yes, that's right.

29

30 Q. You speak about your relationship with the ISHRs in
31 paragraph 15. What kind of interaction would you typically
32 have with them?

33 A. Generally just phone calls, and if I go to a function,
34 such as a safety conference, we generally have a chat there
35 as well, and just some emails back and forth.

36

37 Q. Is having an open and good line of communication with
38 them of value to you in carrying out the SSHR role?

39 A. Yes, it is. I rely on their experience and their
40 knowledge of the mining industry and the legislation to
41 help me out as well.

42

43 Q. In what way do you rely on that?

44 A. Just if I'm unsure of an issue, I call them up or
45 email them and just ask them questions regarding what
46 action I should take.

47

1 Q. You mention at paragraph 19 that 80 to 90 per cent of
2 the matters that arise in your capacity you describe as
3 minor. Can you give us an idea about the kind of things
4 that comprise that 80 to 90 per cent?

5 A. The majority of them would be a simple thing, like
6 roadway dust or roadway conditions being unacceptable, and
7 that's easily sorted out on shift. Whether you are an
8 SSHR, a deputy, anyone can sort that out on shift, but
9 quite often they approach the SSHR to talk to the MSO or
10 the under-manager in charge and get that sorted, and it's
11 as simple as ringing up and making a phone call to the MSO
12 and getting a water cart or salter down there.

13
14 Q. Within that 80 to 90 per cent that you refer to, would
15 they be things that you might either observe yourself --

16 A. Yes, just driving down the pit in the back of the
17 vehicle, you can see the dust, and then straightaway we get
18 on to it.

19
20 Q. So a particular work location might be in an
21 unsatisfactory condition?

22 A. Yes.

23
24 Q. Or perhaps a particular task might not be being
25 performed as it should?

26 A. Yes, that can happen.

27
28 Q. Is that the kind of thing?

29 A. Yes.

30
31 Q. Again, do you observe that kind of thing yourself?

32 A. You can do, yes.

33
34 Q. How else would it come to your attention, apart from
35 what you see from being at the mine?

36 A. Just from coal mine workers bringing it to my
37 attention, and there's other reports you can read as well.

38
39 Q. Is there any difference in quality between that 80 to
40 90 per cent that you refer to and the other 10 per cent
41 that you might liaise with the ISHRs about?

42 A. Sorry, any difference in?

43
44 Q. Quality, any difference in seriousness or what type of
45 matter?

46 A. Not really. I haven't really had any serious events
47 that I've had to deal with at Grasstree since I've been

1 back. So it's been good.

2

3 Q. Have you ever had to refer anything to an inspector?

4 A. No.

5

6 Q. Have you ever had to suspend operations?

7 A. Not as an SSHR since I've been back this time, but
8 just in my capacity as a deputy I've stopped a longwall
9 production briefly just because they didn't have sufficient
10 dust suppression at the transfer, but that's nothing as an
11 SSHR role.

12

13 Q. Have you been able to resolve such issues as have come
14 to your attention, with the cooperation of the mine
15 management, before getting to the stage of referring it to
16 an inspector?

17 A. Yes, definitely. Like I said, most of it is sorted
18 out on shift.

19

20 Q. You say "definitely" to convey that you are firmly of
21 that view?

22 A. Yes.

23

24 Q. What is it about the dynamic that exists between you
25 and the mine management that enables that to occur?

26 A. I don't know. It's just we ask for it, we ring up and
27 say, you know, "It's very dusty. We need something done
28 straightaway", and it gets done, because we want it to be
29 a safe place to be in. Controlling dust is one of the
30 simple hazards you see all the time, and there's an easy
31 fix for it.

32

33 Q. Is the work of the SSHR something that you can plan
34 ahead to allocate time to, or do you find that there are
35 urgent situations when you have to drop your normal work?

36 A. Sometimes you can plan ahead with regards to an
37 inspection, but also other things come up. Sometimes the
38 management will want you to go and have a look at an area
39 and see if everything is okay in that area. Like, if there
40 is an incident, they might want you to go and have a look
41 at something, but I haven't been called away from my normal
42 duties to have a look at anything since I've been back
43 there.

44

45 Q. Given the nature of your job as a deputy, how
46 difficult is it to get away, once you are on shift, with
47 the role that you have got?

1 A. It's not too bad. If something did happen, they would
2 send in - they would give you a relief deputy to take on
3 the role you are doing, and then you would go and
4 facilitate whatever is happening in that other area of the
5 mine.

6

7 Q. Are you in production, by the way, or in development?

8 A. No, in outbye.

9

10 Q. In terms of safety issues that you discuss at
11 paragraph 27, you mention that the mine has very set
12 processes for people to report safety concerns. Can you
13 say what you are referring to there?

14 A. We have hazard reports and also incident reports. If
15 there is an incident, we are required to fill one of those
16 out by the end of the shift, at least start the process,
17 and there's --

18

19 Q. That's when some particular incident occurs, though,
20 isn't it?

21 A. Yes.

22

23 Q. Perhaps by contrast with the kind of scenario you were
24 talking about earlier where there might be roadway dust
25 or --

26 A. Yes, just a hazard report would suffice or a deputy's
27 report, and then that will get actioned and get the water
28 cart running.

29

30 Q. So at that part of your affidavit, you are talking
31 about the formal reporting mechanisms?

32 A. Yes.

33

34 Q. Things would come to your attention by other means,
35 presumably?

36 A. Yes, deputy's reports are the other thing where you
37 get information and just word of mouth from people
38 underground.

39

40 Q. Are you able to tell us what kind of proportion of
41 your work would be taken up with the role of an SSHR
42 compared to your regular job, so to speak?

43 A. Your main role as a deputy is obviously the majority
44 of it, but you do get a lot of phone calls out of work as
45 well and just talking with management at the start of the
46 shift about some issues, so it can take up a fair bit of
47 time. I don't know what proportion.

1
2 Q. You talk about the reporting culture at the mine from
3 paragraph 29 onwards. You speak in several paragraphs
4 about observations of contractors - for example, if you
5 look at the first sentence of paragraph 30.

6 A. Yes.

7
8 Q. Can you say what experience you are referring to there
9 that warrants that opinion?

10 A. This is based on my experience as a deputy in the
11 mines for the 15 years I've been deputy. It's not based on
12 Grasstree. That's just from what I've seen over the years
13 and that's been brought to my attention by some contracted
14 firms over the years.

15
16 Q. When you say "brought to your attention", can you tell
17 us what kinds of things you see or you have been told?

18 A. Both. Both from what I've seen and what I've been
19 told. Yes, that's just the general consensus that a lot of
20 the contract workers have. That's from what I've seen.

21
22 Q. What kind of work are you speaking of?

23 A. A lot of them do specialised work, such as conveyor
24 belt installations and, yes, just different tasks that are
25 solely contractor jobs. You might come across them doing
26 something probably not to the procedure, and I have spoken
27 to them, and they've just said, "Well, yeah, it's all right
28 for you. You're permanent. You won't lose your job."
29 That has happened over the years. It hasn't happened at
30 Grasstree since I've been back, but it has happened in my
31 mining career.

32
33 Q. What, that a contractor has lost --

34 A. No, that they have said that their perception is that
35 they will lose their job over it, not that they have lost
36 their job.

37
38 Q. With what frequency have you heard that over the years
39 you have been working?

40 A. Oh, it's quite regular that that is a perception that
41 they have. As I said, I've yet to see a contract firm go
42 away from the mine. They just sort of stay there long
43 term, but a lot of the contract workers do have that
44 perception.

45
46 Q. You refer also at paragraph 32 to pressure.

47 A. Yes, and --

1
2 Q. Is that a different kind of pressure to what the
3 permanent workers experience?

4 A. Well, we're all under pressure to reach our targets at
5 work, but, once again, that's what they're telling me that
6 they're pressurised to. An example is a belt installation.
7 I've been told from contractors in the past they had
8 10 days to get the belt running, and then all of a sudden
9 it's been brought back to seven days and they're a little
10 bit stressed and pressurised to get that job done. Then,
11 like, I make it certain to tell them that it doesn't matter
12 when it gets done, as long as you don't hurt anyone or do
13 something silly.

14
15 Q. In your experience and observations, does that have
16 any practical effect on reports of safety matters by
17 contractors?

18 A. I think it does at times, yes. They may do something
19 that is not a hundred per cent right, and it may not be
20 a major breach, but it could, in effect, hurt them.

21
22 Q. Does the kind of pressure you've been speaking about
23 find reflection in whether or not safety issues are
24 reported to the mine management?

25 A. A lot of the contractors are reluctant to report some
26 safety issues. Sometimes they report them to me and I will
27 take them to management, and they don't want their name to
28 it. It's just in general a safety issue they will have,
29 and I will bring it up. But once again, I haven't had too
30 many issues since I've come back at Anglo this time.

31
32 Q. You speak at paragraph 33 about having raised your
33 concerns with management. Is that during your most recent
34 12-month stint as SSHR?

35 A. Yes. Because of the pressures that the contractors
36 have felt and those issues they have brought to me, I've
37 actually gone to the production or operations manager at
38 the time and spoken to him about it. The next day, he
39 addressed the workforce at the pre-shift meeting and said
40 there will be no reprisals for anyone who speaks up for any
41 safety issues. So they reiterated it to the workforce.
42 That happened over a couple of shifts, so everyone on my
43 side heard about it.

44
45 Q. Looking forward a little bit in your affidavit, if you
46 would have a look at paragraph 35, you had been speaking in
47 preceding paragraphs about the contractor situation.

- 1 A. Yes.
2
- 3 Q. When you refer to a fear of reporting that you
4 describe, are you continuing to talk about contractors or
5 of whom are you speaking?
6 A. Mostly contractors, yes. Generally the permanent
7 workforce will speak up, and some contractors do,
8 admittedly, but quite a few are reluctant.
9
- 10 Q. Have you seen, as you describe it, some people cutting
11 corners?
12 A. Over the years, yes.
13
- 14 Q. To get the job done?
15 A. Yes.
16
- 17 Q. In the contract scenario that we're talking about
18 here?
19 A. Yes.
20
- 21 Q. You talk about the fears and perceptions that you have
22 referred to. Do they continue to exist, even though, as
23 you describe it, firstly, you encourage workers to report
24 safety issues; right?
25 A. Yes.
26
- 27 Q. Also, I think you refer at paragraph 41 to mine
28 management encouraging workers to report safety issues?
29 A. Yes, that's correct.
30
- 31 Q. So do those perceptions and fears that you have
32 described, in your experience, continue to exist
33 notwithstanding that the mine encourages them to act
34 differently?
35 A. Yes, I think they do.
36
- 37 Q. Is there any remedy to that, do you think?
38 A. Oh, no, I don't know. Like I said, if I say it and
39 then management comes out and says it in front of everyone
40 and people are still reluctant, I don't know what the
41 remedy is.
42
- 43 Q. Is that something that has been an ongoing feature of
44 your work as a miner not only at Grasstree?
45 A. Yes, yes.
46
- 47 Q. But at other places as well?

1 A. Yes.

2

3 Q. You explain in paragraph 38 that some people just take
4 it on themselves to work dangerously. Is there anything
5 that can be done about that?

6 A. Just supervision to ensure they're following
7 procedures and they're all accountable to do their own job
8 safely, and supervision is a big thing, and the blokes just
9 to work safely and not take shortcuts.

10

11 Q. Have you had occasion to see an activity that you've
12 disapproved of from a safety perspective and intervene on
13 the spot?

14 A. Yes.

15

16 Q. Is that any regular part of your job?

17 A. Sorry?

18

19 Q. Is that a regular part of your job?

20 A. It's what we're supposed to do, but it is not
21 a regular occurrence that I see it. Over my 15 years as
22 a deputy, I have seen that, but it's not a regular
23 occurrence, I wouldn't say.

24

25 Q. One of the functions is to carry out inspections, and
26 you make some reference to that at paragraph 64. You try
27 to do some inspection every month or so; correct?

28 A. Yes.

29

30 Q. Are we talking there about a whole of mine inspection
31 or some part of it? I'm just interested to know what's
32 your method?

33 A. I try to do the whole of mine if I can, as in I try to
34 go a production panel, a development longwall and outbye
35 areas, and it's generally - I coordinate it with the MSO,
36 so I can get a vehicle so I can move around a lot easier.

37

38 Q. Do you get someone to accompany you?

39 A. Not generally.

40

41 Q. From management, I mean.

42 A. No-one's wanted to come. Sometimes I do my role as
43 a deputy, and then once I've fulfilled that role, then
44 I get a vehicle, say, after lunch and do a bit of an
45 inspection then and then just at the end of the week write
46 a report up over it. It's over a few days.

47

- 1 Q. Do you have an agenda when you do an inspection or is
2 it just, like, open slate and you look around to see what
3 you can find?
- 4 A. I just have a look around, and I also talk to coal
5 mine workers on the inspection and ask them if they have
6 any issues they need to be brought up and just in general
7 have a good look around the mine.
8
- 9 Q. Are you free to go wherever you wish to, that is to
10 say, from the management?
- 11 A. Yes.
12
- 13 Q. Do you need to give notice of doing so?
- 14 A. I just normally email the MSO when I'm on days off or
15 the week I'm at work and say, "Next week I'd like to do an
16 inspection. Can I have a day or two to carry out that
17 inspection?"
18
- 19 Q. So you need to get approval, do you, to get the time
20 allocated?
- 21 A. Yes, yes.
22
- 23 Q. And get some transport as well?
- 24 A. Yes.
25
- 26 Q. Is that the purpose of giving that notice?
- 27 A. Yes, and if they're short of deputies, then it will be
28 postponed to another day or something.
29
- 30 Q. By negotiation?
- 31 A. Yes.
32
- 33 Q. One of the other functions that an SSHR has is
34 reviewing procedures.
- 35 A. Yes.
36
- 37 Q. You participate in that?
- 38 A. I have done some reviews, yes.
39
- 40 Q. What procedures are we talking about - all of the
41 mine's written documents?
- 42 A. Yes, just anything in the SHMS, standard operating
43 procedures, SWPs, and I haven't done a great deal of it
44 because I've only been back in that role a year.
45
- 46 Q. There are a great many procedures at any mine, really,
47 aren't there?

- 1 A. Yes, yes, there's lots.
2
- 3 Q. Given the variety of procedures, what contribution can
4 you practically make to the review that is necessary when
5 they reach their expiry date?
6 A. Just the fact I might have some experience in the
7 procedure, and also with other people in the room reviewing
8 it at the same time, a cross-section to review it. That's
9 just --
10
- 11 Q. You wouldn't have experience, would you, in the wide
12 range of procedures applicable to the mine?
13 A. Over the years, quite a few, but not all of them,
14 obviously. But that's where they have other content
15 experts or people that are experienced in the room and -
16 yes.
17
- 18 Q. What is involved in such a review? What takes place
19 that you participate in?
20 A. We just go through the procedure and see if there have
21 been any changes to the mine or how the mine operates or if
22 there's any equipment that has been updated, for example.
23
- 24 Q. You are doing that with other personnel, I think you
25 mentioned?
26 A. Yes, yes.
27
- 28 Q. How would that collection of people be determined?
29 Who works out who is going to do that?
30 A. It's usually the MSO or the department heads. I think
31 they just get a fitter, an electrician and maybe an
32 offroader from the different parts of the mine.
33
- 34 Q. I appreciate you said you haven't been involved in so
35 much of that since you came back to Grasstree, but is there
36 an arrangement where, for the purpose of doing those
37 reviews, an SSHR is always part of the review team?
38 A. No, not always.
39
- 40 Q. What determines whether an SSHR is included or not, do
41 you know?
42 A. No, just probably availability and - yes, I don't know
43 the criteria there.
44
- 45 Q. Do you do that when you are asked to do it?
46 A. Yes. Some of the reviews are voluntary in town on
47 overtime as well.

- 1
2 Q. Are you asked to participate in that kind of thing by
3 the MSO?
4 A. Yes, or a department head.
5
6 Q. You don't by what criteria you might have been chosen
7 to participate in the review of any particular procedure?
8 A. No.
9
10 Q. Is there any review of procedures that you undertake
11 outside the arrangement that you have just described, that
12 is to say, do you proactively go and select a portion of
13 the SHMS to review?
14 A. Sometimes - not officially, but sometimes I will just
15 read - if there has been an incident or something, I will
16 sometimes be asked to have a look at a procedure from the
17 workforce, and sometimes I will just have a quick read
18 through that procedure while I'm at work.
19
20 Q. For what purpose, just to acquaint yourself with it?
21 A. Yes, just to refresh myself on the procedure as well,
22 because, like I said, there are hundreds of procedures and
23 you'd be lucky to remember a few of them, you know.
24
25 Q. Would it be fair to say - again, I know you said that
26 you haven't been involved so much in that side of things -
27 when the Act speaks about reviewing procedures, in your
28 case, are we predominantly talking about the review of the
29 written procedures that the mine has for such a wide
30 variety of things?
31 A. Yes.
32
33 Q. Does Mr Hoare do more of that?
34 A. I'm not too sure.
35
36 Q. All right, we'll ask him. In terms of the function of
37 detecting unsafe practices, I think we have spoken about
38 that, but just to sum it up, is it a combination of things
39 that you observe from your work?
40 A. Yes.
41
42 Q. And going around the mine doing inspections?
43 A. Yes. I haven't seen too many unsafe practices since
44 I've been back, but it's what I observe, and coal mine
45 workers will bring stuff to my attention if they think
46 something is being done that's unsafe.
47

- 1 Q. Perhaps related to that, one of the functions is to
2 investigate complaints?
3 A. Yes.
4
- 5 Q. Do you get complaints from coal mine workers?
6 A. Yes, quite often.
7
- 8 Q. Are they in the category of permanent employees or
9 contractors or labour hire workers or all of the above?
10 A. All of the above.
11
- 12 Q. In equal proportions?
13 A. Probably more from the permanent workforce.
14
- 15 Q. What kinds of things are you speaking about?
16 A. Like I said before, most of them are little things
17 that can be fixed on site, like dust issues, conditions of
18 roadways. If there is an incident, people just want to
19 know more about that incident, and do I know anything more
20 about the incident, but most is stuff we can get fixed
21 basically immediately or within the next shift.
22
- 23 Q. Is there any record kept of a complaint and any
24 outcome?
25 A. Not really. I just note it down in my notebook and
26 then I go and ask questions of management. Like I said,
27 it's basically sorted out straightaway.
28
- 29 Q. Can complaints be made to you on a confidential basis?
30 A. Yes.
31
- 32 Q. And is that what some people do?
33 A. Yes, yes.
34
- 35 Q. Have you had experience where people have said to you,
36 "Look, I want to speak to you about a certain matter, but
37 I don't want you to mention my name"?
38 A. Yes, that happens, yes.
39
- 40 Q. Does it happen amongst the three groups that
41 I mentioned?
42 A. Yes, it does.
43
- 44 Q. The employees and the contractors and the labour hire
45 workers?
46 A. Yes.
47

1 Q. A representative from any of those categories might
2 say such a thing to you?

3 A. Yes, that's right.

4
5 Q. Is that common?

6 A. No, not really. Yes, it's not that common. It's just
7 every now and then, someone will come and ask me or say
8 something to me about it, but it's not - it wouldn't be
9 a common practice.

10
11 Q. You speak about the fact that you receive reports
12 about HPIs in your affidavit from paragraph 55. To sum up
13 about it from what you have said, by the time you get
14 a notification, you are aware the mine is already taking
15 action to deal with the situation?

16 A. Yes.

17
18 Q. And there is not much in practice that you can do by
19 way of responding?

20 A. No.

21
22 Q. Insofar as you may have received some notifications of
23 HPIs from Grasstree that this inquiry is concerned with,
24 you haven't taken it on yourself to take any intervention?

25 A. No. When there has been the gas exceedance, a lot of
26 them are just momentary and they're taken care of on shift
27 by the MSO or the people in charge in management according
28 to our TARPs, so basically they're dealt with straightaway.

29
30 Q. You haven't had to deal with any HPI that involved
31 injury?

32 A. Not that I can recall, no.

33
34 Q. What you are speaking about at that part of your
35 affidavit is like the gas exceedances where no-one has been
36 injured?

37 A. Yes.

38
39 MR RICE: Thank you, Mr Harris.

40
41 THE CHAIRPERSON: Mr Holt?

42
43 **<EXAMINATION BY MR HOLT:**

44
45 MR HOLT: Q. Good morning, Mr Harris. My name is
46 Saul Holt. I'm one of the lawyers for Anglo, including the
47 Grasstree mine.

1 A. Okay.

2

3 Q. Just a few questions for you. You have indicated in
4 your evidence, and indeed in your statement, that mine
5 management - and I know that's just a general term, so
6 people like Damien Wynn and Kelvin Schiefelbein - are
7 pretty supportive of your role as an SSHR?

8 A. Yes.

9

10 Q. Just to put some meat on those bones, as you mention
11 in your statement, there is a CFMEU-organised safety
12 conference for SSHRs each year?

13 A. Yes, that's right.

14

15 Q. You are supported by the mine management to go to
16 that?

17 A. Yes.

18

19 Q. In addition, you are also supported to go to the
20 Queensland mine safety conference, as well, that is held
21 each year?

22 A. Yes.

23

24 Q. I imagine not this year?

25 A. Not this year, no.

26

27 Q. Because of circumstances beyond anyone's control. You
28 are supported in that role to go to both of those forms of
29 training?

30 A. Yes, I've been there, yes.

31

32 Q. You have also talked about the fact - you raise it in
33 your statement and you raised it also today - that there
34 are times when your employment as a deputy and your role as
35 an SSHR mean that it feels like a bit of a juggle at times?

36 A. Yes.

37

38 Q. But you also explained that in your experience, the
39 mine, by which I imagine you mean management people like
40 Damien Wynn and Kelvin Schiefelbein, are, as you put it at
41 51, very good at facilitating your ability to perform your
42 role as an SSHR?

43 A. Yes.

44

45 Q. That includes if you say, as you indicated, that you
46 want to have a day or two to do an inspection, they will
47 facilitate that by, where possible, having a reserve deputy

- 1 come in and take your spot?
- 2 A. Yes, that's generally the case, yes.
- 3
- 4 Q. What about time for report writing and things - if you
- 5 ask for that, do you tend to get it?
- 6 A. I would. A lot of that I do at home or in my room.
- 7
- 8 Q. I was going to say - and I'll be forgiven for saying
- 9 this, but it's said on instructions - if you need time for
- 10 report writing, just please ask the SSE, because as with
- 11 your inspections, you will be facilitated with time to do
- 12 that?
- 13 A. Yes.
- 14
- 15 Q. I imagine that's consistent with the approach you have
- 16 seen from Damien Wynn and Kelvin, as well, about giving you
- 17 time for those things?
- 18 A. Yes, I just find it's easier to do at home with less
- 19 interruptions.
- 20
- 21 Q. Understood. Thank you. Just dealing, then, with the
- 22 reporting of safety issues at the mine and the kind of
- 23 culture that is established by mine leadership around that,
- 24 you indicate at paragraph 14 of your statement that there
- 25 is good awareness, effectively, of your role as an SSHR
- 26 because you speak each morning, as a deputy, at pre-start
- 27 meetings?
- 28 A. Yes.
- 29
- 30 Q. But also management often refer to you as the SSHR in
- 31 a way that endorses your role?
- 32 A. Yes, that's right.
- 33
- 34 Q. And make clear - that is, management make clear - that
- 35 workers should come and talk to you about safety-related
- 36 issues?
- 37 A. Yes.
- 38
- 39 Q. You talk then at paragraph 27 - indeed, you mentioned
- 40 it when you were speaking with Mr Rice just a moment ago -
- 41 that the mine has set processes for people to report safety
- 42 concerns?
- 43 A. Yes.
- 44
- 45 Q. Again, as I understand it, you are not saying that's
- 46 a bad thing. It's good to have clear reporting lines up of
- 47 hazards and issues that might arise on the coal mine?

1 A. Yes.

2

3 Q. I think the point you are making, if I understand it
4 right, is that even with those set processes, there are
5 still people who are reluctant to use them?

6 A. Yes, and a lot of them, with those processes in place,
7 instead of following procedure, they just come straight to
8 me, which isn't an issue, but you do get, yes, sometimes
9 inundated with simple things.

10

11 Q. I understand. But I guess at one level, given what
12 you have talked about about some perceptions about
13 reporting and not reporting and those sorts of things, you
14 actually act as a bit of an escape valve, in a way, so that
15 coal mine workers know they can come to you?

16 A. Yes, I think so.

17

18 Q. If they have any perception that there might be an
19 issue, there's at least you there as a kind of escape valve
20 for those processes?

21 A. Yes.

22

23 Q. As you say, if you need to report something
24 anonymously because someone asks, then you just do that?

25 A. Yes, I would.

26

27 Q. And you don't, I imagine, have mine management coming
28 to you saying, "Tell us who that is"?

29 A. No.

30

31 Q. In fact, can I suggest that in the time you have been
32 at Grasstree, in your role as an SSHR, you have never
33 observed someone be punished for genuinely raising a safety
34 concern?

35 A. Not that I can remember.

36

37 Q. Indeed, the opposite, as you explain in your
38 statement, if I can jump forward to paragraph 41: there is
39 ongoing encouragement at the mine by both the SSHRs and by
40 members of management to encourage workers to report safety
41 issues, and that is done during pre-start meetings and when
42 there are training days?

43 A. Yes.

44

45 Q. You note at paragraph 42 that sometimes the SSE - that
46 is, Damien Wynn - comes and gives that message himself
47 personally as a kind of demonstration of leadership on

1 those issues?

2 A. Yes, at the safety reset we had, and also at pre-start
3 with the MSO, they reiterate that to the workforce.

4

5 Q. One of the challenges, as you in fact very
6 straightforwardly note at paragraph 42, is that you have
7 had the experience sometimes of a bit of cynicism about
8 that from the workforce?

9 A. Yes.

10

11 Q. But your clear view, having worked with Damien Wynn,
12 is that in fact it is genuine, as you say in your
13 statement?

14 A. I believe it is, yes.

15

16 Q. Just briefly, then, dealing with inspections and the
17 reports that follow up from inspections, one of the things
18 that you do in your reports is to make recommendations, or
19 in fact, firmer than that, you identify tasks that need to
20 be completed from your perspective as SSHR?

21 A. Yes.

22

23 Q. I am right, aren't I, that again you get a very good
24 response to that from management?

25 A. Yes, generally. I discuss the matters with the
26 operations manager at the time, and they put those tasks on
27 to a spreadsheet for someone to action.

28

29 Q. Could we have a look, please, Mr Operator - I will
30 just show you a document - at ACM.004.002.0024. Can we
31 make that a little bigger, please. If we go down to the
32 bottom, we can see here an email. I know there's some
33 confidential stuff in there just so that people's private
34 details don't get published, but there is an email from
35 you, which, can I suggest, incorporates your report. This
36 is back in October 2019, so the reference to you not having
37 done one for a few years is not a criticism. Obviously
38 enough, you just hadn't, because you had only recently
39 restarted your role.

40 A. Yes.

41

42 Q. In any event, we can then see that that gets sent up
43 to Rob for forwarding to the SSE, the UMM and to assign
44 actions from your report?

45 A. Yes.

46

47 Q. Then if we scroll so we can see the top part of the

1 email, please, you can then see that you get an email back
2 from Damien Wynn, the SSE?

3 A. Yes.

4

5 Q. Noting:

6

7 *Thanks Richard. We will action*
8 *accordingly.*

9

10 Then Kelvin - who you would understand to be
11 Mr Schiefelbein, the UMM --

12 A. Yes, that's right.

13

14 Q. -- saying:

15

16 *Please capture actions as per normal*
17 *process.*

18

19 A. Yes.

20

21 Q. The normal process, as you say, is that it goes into
22 Anglo's local mine task management system and then gets
23 allocated for completion?

24 A. Yes.

25

26 Q. I guess the point I'm making is that, from your
27 perspective, it seems that the things you are recommending
28 are taken seriously and actioned by mine management?

29 A. Yes.

30

31 Q. That is, they seem to respect and value the role that
32 you play on the mine?

33 A. Yes, I think so.

34

35 Q. Dealing, then, with the issue that was raised with you
36 about different groups of coal mine workers on the site,
37 you made reference to or you were asked questions about
38 Anglo employees, contractors, and labour hire as three
39 different groups. At paragraph 31 of your statement --

40

41 THE CHAIRPERSON: Q. Sorry, is that correct, that you
42 are talking about three different groups?

43 A. That was what was put forward, yes.

44

45 MR HOLT: I'm going to explore that exactly for the
46 reasons I think that you are identifying, Mr Martin.

47

1 THE CHAIRPERSON: Thank you, Mr Holt.

2

3 MR HOLT: Q. I think there has been a bit of confusion,
4 as various witnesses have given evidence, about precisely
5 what categories we are talking about there, so can we just
6 be clear about it. You know, don't you, that there are
7 Anglo employees, that is, full-time employees, as you are,
8 on the site as coal mine workers?

9 A. Yes.

10

11 Q. And in addition, there are people who you know are -
12 there is a group of people that you know exist who are on
13 the mine by virtue of a labour hire company?

14 A. Yes.

15

16 Q. Those people, though, are integrated into the crews
17 with the Anglo employees, aren't they?

18 A. Yes.

19

20 Q. They wear the same clothes?

21 A. Yes, a lot of them do.

22

23 Q. From an outside perspective when you are looking at
24 them, you wouldn't be able to tell who was who within a
25 particular crew, and many of them are very longstanding
26 people at the mine; they have been there for a long time?

27 A. Yes.

28

29 Q. They participate in SLAMs?

30 A. Yes.

31

32 Q. They can be part of cross-sections to do risk analyses
33 and, for all intents and purposes, they are simply part of
34 that group?

35 A. Yes.

36

37 Q. As you say at paragraph 31, you don't know what
38 proportion of the workforce of the mine falls into those
39 categories, because those workers generally wear the same
40 Anglo uniform and, for all intents and purposes, look like
41 employees of Anglo; right?

42 A. Yes.

43

44 Q. Are you even aware - and I'm not suggesting you should
45 be or not; I'm not being critical - that the proportion of
46 labour hire workers in that category, that is, who are
47 integrated in terms of uniform, and so on, on Grasstree, is

1 pretty small; it is only about, at any one time, 80 coal
2 mine workers on the Grasstree site?

3 A. No, I wouldn't have a clue.

4
5 Q. Then when we talk about contractors, again just so
6 we're all using the same language, you're talking there
7 about people who come in from contracted companies to do
8 specialised services, and again a practical distinction is
9 they are wearing their own company's shirts?

10 A. Yes.

11
12 Q. For example, HD Mining, who are specialist longwall
13 movers - you would see them around?

14 A. Yes.

15
16 Q. And, for example, Valley Longwall, who are gas
17 drainage specialists?

18 A. Yes.

19
20 Q. We are talking about, at least for present purposes,
21 so we're all using the same language - that's the
22 contractors we are talking about when we say that?

23 A. Yes.

24
25 Q. As I understood what you were talking about in terms
26 of that experience you have had over the years, it's been
27 mostly focused on that contractor group; is that right?

28 A. Yes, the labour hire and contractors, both of them.
29 The contractors that are integrated with the workforce -
30 because I've only been back there 12 months, I don't -
31 there's a lot of change of people, I don't know who's who,
32 but when the labour hire workers wear their specific work
33 gear, obviously they're easily identifiable. So it's a bit
34 of both.

35
36 Q. I understand. Thank you. But again, from your
37 perspective in terms of the way in which mine management at
38 Grasstree, in the time that you have been back, treats
39 those labour hire coal mine workers who are in with the
40 Anglo workers on the crews, you see no difference in the
41 way that they are treated in terms of safety reporting?

42 A. No.

43
44 Q. Mr Rice asked you a question, and I just want to see
45 if I can press for the benefit of your experience a little
46 bit more on it. He was asking about your evidence that you
47 still saw and had seen over a long period of time this

1 perception that you might be punished for raising issues
2 about safety?

3 A. Yes.

4
5 Q. You have indicated at Grasstree you see no evidence of
6 anyone ever being punished for raising issues of safety?

7 A. No.

8
9 Q. Again, he asked you this, but maybe with the benefit
10 of just thinking about it, is there anything you can think
11 of from your perspective that might help to improve that,
12 to bridge that gap if it does still exist for some coal
13 mine workers, or is that effectively you in your role?

14 A. Yes, I don't know what can fix it, but because I know
15 a lot of the contractors and come across their work groups
16 a lot and deal with them a lot, I think they feel
17 comfortable in talking to me and bringing issues to my
18 attention, knowing that they will remain anonymous and
19 I can hopefully sort things out.

20
21 Q. I guess your advice for mine management would be:
22 keep doing what you're doing, and even more, potentially,
23 in terms of just constantly communicating that reporting
24 safety issues is something that mine management supports?

25 A. Yes.

26
27 Q. Encourages and doesn't punish?

28 A. Yes.

29
30 Q. Just in terms of the HPIs that you were referring to
31 and then the way in which those are dealt with and
32 reported, you would be aware of the existence of the
33 learning from incident, the LFI process?

34 A. Yes.

35
36 Q. Just to be clear, in terms of access to that, whilst
37 you talk about access to those LFI reports, you are aware,
38 I imagine, that the LFI reports are attached to the safety
39 health and management system and accessible from various
40 computer terminals at the mine?

41 A. Yes.

42
43 Q. If you choose to go and access them?

44 A. Yes.

45
46 Q. That includes, doesn't it, terminals which are
47 available with generic access in public spaces for coal

1 mine workers to access if they choose to?

2 A. Yes, I only use the computer in the office, but
3 I imagine they would be available.

4
5 Q. You noted, I think, in your statement that, in any
6 event, there has in recent times, as we have heard about
7 from Mr Schiefelbein and others, been a renewed emphasis on
8 communicating the results of those LFIs to the workforce
9 through safety briefings and toolbox talks and those sorts
10 of things?

11 A. Yes, because the workforce want to know more about
12 what controls have been put in place to prevent
13 reoccurrence.

14
15 Q. I imagine you would understand this: one of the
16 challenges, if you are part of the SLT, part of the
17 management team of a mine like Grasstree, is that people
18 want more information, but equally they don't want to be
19 overwhelmed with too much information, and you are
20 constantly trying to tweak the balance?

21 A. Yes.

22
23 Q. You would be aware, for example, that if an HPI LFI
24 process related to a particular work area, that would well
25 and truly be communicated to that work area because it
26 directly related to the work that they were continuing to
27 do?

28 A. Yes.

29
30 Q. And the changes that have been made recently are to
31 try to make that material more available outside those
32 immediate work groups?

33 A. Yes.

34
35 MR HOLT: Yes, thank you, Mr Martin.

36
37 THE CHAIRPERSON: Mr Roney?

38
39 Q. Mr Harris, just while Mr Roney is coming to the
40 microphone, does management inform workers that they can
41 bring safety issues to you anonymously and that you will
42 take care of it with management?

43 A. They do tell the workforce that they can bring the
44 issues to me. I don't think they specifically state
45 anonymously, but it would be anonymous if the worker wanted
46 it that way.

47

1 Q. It's implied in what they say?

2 A. Yes.

3

4 Q. And clearly understood, apparently?

5 A. Yes.

6

7 Q. Just before Mr Roney starts, you told Mr Holt that
8 there has been no occasion that you are aware of that any
9 worker has been punished at Anglo for bringing a safety
10 issue to bear. Have you any knowledge of any other place,
11 without naming the place, that such a thing has occurred?

12 A. Only through hearsay. I haven't actually seen it
13 myself, but through just general talkings at mines, yes.

14

15 THE CHAIRPERSON: Thank you. Yes, Mr Roney.

16

17 **<EXAMINATION BY MR RONEY:**

18

19 MR RONEY: Q. Just a few things, Mr Harris. My name is
20 Peter Roney. I'm for One Key, the labour supplier.

21 A. Okay.

22

23 Q. You would be aware, are you, that One Key supplies
24 a reasonably significant number of labour hire staff to the
25 Grasstree mine?

26 A. Yes.

27

28 Q. Are you aware that there is from time to time
29 a One Key representative at the Grasstree mine to oversee
30 the work of those workers?

31 A. As in underground?

32

33 Q. Well, anyone - well, Grasstree - do you mean working
34 underground or outbye?

35 A. Yes.

36

37 Q. Any of the above?

38 A. Yes.

39

40 Q. Have you dealt with that representative from time to
41 time?

42 A. Oh, not that I know of.

43

44 Q. But you know there is one there, do you?

45 A. Yes.

46

47 Q. You were asked a number of questions by Mr Holt.

1 I think his first few questions might have been directed to
2 the question of whether there was that level of integration
3 with the permanent workforce and the labour hire workers,
4 and you said essentially that there was that level of
5 integration, they wore the same clothes, they worked in the
6 same crews, et cetera?

7 A. Yes.

8

9 Q. You also told him that the labour hire staff
10 participated in the conduct of risk assessments, which he
11 called SLAMs and RSAs - sorry, a range of risk assessments
12 of various kinds that the permanent workforce also engage
13 in?

14 A. Yes.

15

16 Q. So there is really no distinction, is there, because
17 in fact the labour hire staff are treated for all material
18 purposes within the mine at a very practical level as if
19 they were just like every other worker?

20 A. Yes.

21

22 Q. And their expectations are the same as every other
23 worker's expectations there, that they will participate in
24 risk assessments?

25 A. Yes.

26

27 Q. And they do, don't they?

28 A. Yes.

29

30 Q. Every day, there are risk assessments done at
31 Grasstree that you are aware of?

32 A. Yes, there is a risk management process that - part of
33 their everyday job is to assess risks in their workplace.

34

35 Q. Independently of your role as the SSHR, you have
36 worked as a deputy?

37 A. Yes.

38

39 Q. Excuse my confusion about this, but do you still do
40 any deputy's work in this mine or is this --

41 A. Yes.

42

43 Q. So as a deputy, then, you would be also responsible
44 for overseeing and having an active participation in these
45 various risk assessments?

46 A. Yes.

47

- 1 Q. It's just not right, is it, to say or to even suggest
2 that there is any reluctance at all on the part of labour
3 hire staff who are working in the mine to participate
4 genuinely in those risk assessments?
5 A. No, and it's an obligation of the Act that they
6 participate in them.
7
- 8 Q. But at the practical level --
9 A. Yes.
10
- 11 Q. -- it's not just a going through the motions exercise;
12 they do actually interestedly participate in --
13 A. From what I have seen, yes.
14
- 15 Q. I know you have said that they are more or less
16 indistinguishable from the permanent workforce, but would
17 there be occasions, in your experience, where a crew might,
18 for example, consist entirely of labour hire staff?
19 A. I know the longwall process crew does. They're
20 One Key workers generally, I think.
21
- 22 Q. They would be expected, on any given shift, to conduct
23 some kind of risk assessment amongst the range of possible
24 ways in which you can do a risk assessment?
25 A. Yes.
26
- 27 Q. In your experience, they do those risk assessments?
28 A. Yes.
29
- 30 Q. Even when they are not joined by permanent workforce?
31 A. Yes.
32
- 33 Q. Now, one of the questions Mr Holt asked you was
34 whether you had ever seen anyone punished at Grasstree for
35 raising a safety concern. Perhaps "punished" might have
36 been an intentional word, but I suspect that what he meant
37 was in any way adversely treated --
38 A. Yes.
39
- 40 Q. -- criticised or even subtly suggested that they had
41 acted inappropriately in raising those concerns. So if you
42 will assume that's what my question is about?
43 A. Yes.
44
- 45 Q. Have you ever seen anyone at Grasstree even remotely
46 treated adversely for raising a safety concern?
47 A. No.

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Q. That would include the employees of contractors - not labour hire people now, contractors, to use your distinction?

A. Yes.

Q. Now, I'm sticking with the distinction that you have identified in your answers in response to Mr Holt's questions. So we've got - he has called them Anglo employees, so the permanent workforce; you have got the subcontractors, who will be a corporate organisation, perhaps with its own employees; and then you would have the labour hire supply individuals.

A. Yes.

Q. So keeping in mind that distinction, the comments that you have made in your statement which Mr Rice asked you about from about paragraph 19 on, to do with reluctance by contractors and their staff to do various things, that's a comment, is it, about these contractors?

A. Yes.

Q. Not about labour hire supply?

A. In 19? Generally it's contractors and labour hire, different - I find quite often they are reluctant to bring stuff forward, as in to speak out. That's why they talk to a deputy.

Q. But, you see, it is the case, isn't it, that labour hire staff don't have any specific time frames in which to perform their contracts? They are part of the general workforce; correct?

A. As in the work - in the crews?

Q. Yes.

A. Yes.

Q. So whilst a specific contractor might have some sort of timeline in which to complete a task, that's not the case, is it, for the general workforce or for the labour hire staff?

A. But labour hire - is One Key labour hire in the process?

Q. I'm sorry?

A. One Key is labour hire in the process crew? They're not contractors, they're from a labour hire company also -

1 is that --

2

3

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Q. My point is that insofar as labour hire form part of the general workforce, not the contracted staff, they are not under that time pressure or contractual pressure to perform by any particular time or any particular way?

A. Yes, okay. Okay, yes, that's right.

Q. Do you see where I'm coming from?

A. Yes. It's just a bit confusing. Sort of, contractors, I'm sort of meaning labour hire and contractors in general.

Q. I see. Well, I thought you made it clear in your answers before that you were actually drawing the distinction between --

A. Yes.

Q. -- contractors and its staff and labour hire individuals.

A. It's just - I consider them all contractors because they're not permanent workforce. That's what I'm trying to get across, but I see what you're getting at now.

Q. Can I come back, then, to my questions. It's the case, isn't it, that insofar as labour hire supply employees are concerned, who work with the general coal mining workforce, there's no reluctance, in your experience, and certainly not at Grasstree, in coming forward to report any concerns about safety issues; correct?

A. No, and I haven't had a great deal to do with those workers, as I said, because they're in part of the crew.

Q. To the extent that you have had any dealings with them, they have behaved in the same way as the permanent workforce in terms of identifying and reporting safety issues?

A. Yes, from what I've dealt with.

Q. Before you were at Grasstree, you were at Oaky No. 1, I think?

A. Yes, that's right.

Q. For four or six years, or something like that?

A. Yes.

- 1 Q. That's a Glencore mine, is it?
2 A. Yes.
3
4 Q. Did it have any labour hire staff at that mine?
5 A. I think it did, yes.
6
7 Q. If you don't recall --
8 A. I don't recall exactly who.
9
10 THE CHAIRPERSON: Q. Was there any reluctance there of
11 anyone coming forward to raise safety issues?
12 A. Yes, pretty similar to at Grasstree. I was a deputy
13 there, not an SSHR, and there was certainly some
14 reluctance.
15
16 Q. Are you referring to contractors now, or what are you
17 referring to?
18 A. Mainly, yes, contractors.
19
20 Q. And making the distinction between contractors and
21 labour hire personnel?
22 A. Yes, and - some were labour hire, because we had HD at
23 Oaky 1 as well.
24
25 MR RONEY: Q. But the point is you're saying there were
26 some labour hire people there, but they weren't --
27 A. Yes, they were integrated with the crews again.
28
29 Q. And, again, the same issue --
30 A. And I didn't know who was contract or not, as in the
31 work - in the crews.
32
33 Q. So even at Oaky No. 1, the labour hire staff who were
34 integrated with the general workforce behaved in the same
35 way as the general workforce in terms of identifying and
36 reporting safety issues?
37 A. Yes.
38
39 Q. You may not be able to answer this, so please tell me
40 if it is outside of your area of knowledge, but is it your
41 experience that at Grasstree, the labour hire supplied
42 staff in fact tend to be there in the long term - in other
43 words, there is very little attrition or change amongst the
44 workforce?
45 A. Yes, generally, from what I've seen.
46
47 Q. So some of them, indeed most, I would suggest, who are

1 sent there as labour hire staff stay there indefinitely,
2 for years, even?

3 A. Yes.

4
5 Q. Because of that, they are very knowledgeable about the
6 practices at the mine and the mine's requirements for the
7 way in which tasks are to be done safely and so on;
8 correct?

9 A. Yes.

10

11 MR RONEY: Thank you.

12

13 THE CHAIRPERSON: Ms Holliday?

14

15 MS HOLLIDAY: No questions, thank you.

16

17 THE CHAIRPERSON: Mr Crawshaw?

18

19 MR CRAWSHAW: Just one.

20

21 <EXAMINATION BY MR CRAWSHAW:

22

23 MR CRAWSHAW: Q. Mr Harris, at paragraph 17 you give
24 some evidence about Mr Woods representing you in
25 a voluntary interview with the inspectorate.

26 A. Yes.

27

28 Q. Do you remember who the inspector was?

29

30 THE CHAIRPERSON: Is there any need for this, Mr Crawshaw?
31 I thought you were keen to keep out names earlier in the
32 inquiry. Has that changed?

33

34 MR CRAWSHAW: No, not particularly. I'll just ask this
35 question, then. I withdraw that question.

36

37 Q. Did the inspector who conducted the interview object
38 to Mr Woods representing you?

39 A. No, not at all.

40

41 MR CRAWSHAW: Thank you.

42

43 THE CHAIRPERSON: Mr Rice?

44

45 MR RICE: No, thank you, Mr Martin.

46

47 THE CHAIRPERSON: Mr Clough?

1
2 MR CLOUGH: Q. I just wanted a little bit of
3 clarification on clause 27 of your statement, where you
4 spoke about when a safety issue was raised, it goes up the
5 chain and then you say to the SSHR. Is my understanding
6 correct in that it is incumbent on the person raising the
7 safety issue to escalate it to the next level if they are
8 not happy with the response, so they start with the
9 supervisor, if they are not happy, they go to the deputy -
10 is that how it works?

11 A. That's correct.

12
13 Q. So that person could ultimately get all the way to the
14 SSE?

15 A. Yes.

16
17 Q. Where do you fit in that chain? Is it where an
18 individual feels that they would rather not continue up the
19 chain - is that where they come to you?

20 A. I think it's because they think it's easier to come to
21 me. I haven't heard of or had any experience of it going
22 further up the chain and then not being dealt with and then
23 having to come to me since I've been back. So basically
24 I think they come to me because it's easy for them and I'm
25 easily accessible and it can be dealt with straightaway.

26
27 MR CLOUGH: Yes, that makes it clear. Thank you very
28 much. No more questions.

29
30 THE CHAIRPERSON: Mr Rice, are you happy for Mr Harris to
31 be excused?

32
33 MR RICE: Yes.

34
35 THE CHAIRPERSON: Mr Harris, thank you for your
36 attendance. You are excused.

37
38 <THE WITNESS WITHDREW

39
40 MR RICE: I call James Hoare.

41
42 <JAMES HOARE, sworn: [11.08am]

43
44 <EXAMINATION BY MR RICE:

45
46 MR RICE: Q. Is your name James Hoare?

47 A. Correct.

- 1
2 Q. You are employed at the Grasstree coal mine?
3 A. Yes, I am.
4
5 Q. You are employed as a deputy there?
6 A. I am.
7
8 Q. I gather you have worked at Grasstree since about
9 2006?
10 A. That's correct.
11
12 Q. And you have been occupying the position of SSHR there
13 since February 2013?
14 A. That's correct.
15
16 Q. You have set out some details of evidence that you can
17 give in a draft affidavit; am I right?
18 A. That's correct.
19
20 Q. I think it was done yesterday; am I right?
21 A. It was.
22
23 Q. You didn't have a chance to sign it off?
24 A. No.
25
26 Q. Nonetheless, I will show you the draft and get you to
27 have a look at it. Mr Operator, I believe it is document
28 HJI.001.001.0001. Is that the draft document that you
29 prepared?
30 A. Yes, it is.
31
32 Q. Are you happy with the content of it?
33 A. Yes.
34
35 Q. It is correct to the best of your knowledge?
36 A. To the best of my knowledge, yes.
37
38 Q. You have been sitting in and listening to Mr Harris
39 give evidence, have you not?
40 A. I have.
41
42 Q. Obviously both of you jointly occupy the SSHR position
43 at Grasstree. What is your take on whether you act
44 independently or coordinate your functions?
45 A. Most of the time, we work independently because we
46 very rarely see each other, with the seven on, seven off,
47 but if we have an incident come up that we think might

1 affect the other side, I'll give Richard a call or he'll
2 ring me just to talk about it.

3

4 Q. Is that the preferable arrangement, that you be on
5 alternate shifts so that there is someone there each day?

6 A. Yes, yes. It works better, so there is always one of
7 us there at all times.

8

9 Q. What proportion of your time is taken up with that
10 role?

11 A. I would say between 20 and 30 per cent.

12

13 Q. You're a deputy in development; am I right?

14 A. That's correct.

15

16 Q. Does that give you a sufficient kind of technical
17 grounding or background in the operation of the mine to
18 fulfil your function in respect to other departments, other
19 areas in the mine?

20 A. Yes, I've virtually - I've worked in every area of the
21 mine, longwall, outbye and development, over my career.

22

23 Q. For that 20 to 30 per cent of your time which is taken
24 up with those duties, do you find any resistance at any
25 level in the mine to taking the time that's necessary to
26 carry out that role?

27 A. No, not resistance. Sometimes it can be difficult if
28 we are short of ERZ controllers, but we generally work
29 through that. If there is an incident, there is no issue
30 with me going to look at that, but, yes, sometimes we have
31 to organise ahead, just say if we want to do an inspection.

32

33 Q. If you need to inform management that you have a task
34 or a function that needs to be performed, is there a normal
35 go-to person or persons?

36 A. I normally go to the MSO, the under-manger running the
37 shift, and we will work it through there.

38

39 Q. Can you get away once a shift starts?

40 A. Most of the time, yes. Very rarely would I have to go
41 to the panel first, but that has happened.

42

43 Q. What line of communication do you have with the more
44 senior management, say Mr Schiefelbein?

45 A. Yes, pretty good with Kelvin. He has, like, an
46 open-door policy. I've never been turned away from his
47 office when I've gone with a query on something.

- 1
2 Q. Is there any occasion where you need to deal directly
3 with the SSE?
4 A. A couple of times, and the same, I've always - never
5 been turned away from the SSE's office, either.
6
7 Q. Would you have a look at paragraph 27 of your draft.
8 You speak there about processes for reporting and
9 escalating safety issues. Do you see that?
10 A. Yes.
11
12 Q. When I asked Mr Harris about that, he told us he was
13 referring to the incident reports and hazard reports and
14 those kinds of formal procedures. Does that apply to you
15 also?
16 A. Yes, it does, yes.
17
18 Q. By what mechanism do you become aware of safety issues
19 that might need your attention?
20 A. Depending on the severity of it. With a pretty
21 important incident, I will be informed by either MSO or
22 Kelvin Schiefelbein. With the smaller incidents, I think
23 you're looking for whether the mine workers will come and
24 talk to me - is that what you're looking for?
25
26 Q. In terms of the severity of incidents, Mr Harris
27 ventured the opinion that 80 or 90 per cent were in the
28 minor category.
29 A. Yes.
30
31 Q. Would you agree with that?
32 A. I would agree with that, yes.
33
34 Q. What kinds of things are you referring to within that
35 category?
36 A. Oh, they will go from the shower heads don't work
37 properly in the bathroom, to dust and stuff like that, road
38 conditions, same as Richard said, virtually.
39
40 Q. Talking about your functions under the Act,
41 inspections is the first of them. Do you have any program
42 for inspections or do you do it on an as-needs basis?
43 What's your method?
44 A. No, I just do it as needed. Same as Richard, I try
45 and get a day set aside and travel to all parts of the
46 mine, engage with any work group that I come across.
47

- 1 Q. Do you and Mr Harris coordinate for that purpose?
2 A. We try to. We try to take month about, if we can, to
3 do an inspection.
4
- 5 Q. Otherwise you might be doing the same thing?
6 A. Same thing twice a month instead of - yes.
7
- 8 Q. You work it out between you to avoid that kind of
9 thing?
10 A. Yes, try to, yes. I'll say, "I'm going to do it next
11 month", and then we just go from there.
12
- 13 Q. Do you have a particular method or an agenda as to
14 what you are looking to achieve on the inspection, or is it
15 just a matter of having a look around?
16 A. It's generally just have a look around, but I always
17 try and invite, like, the underground mine manager or his
18 delegate to come with me.
19
- 20 Q. Why is that?
21 A. I just find it easier, if we run across incidents,
22 just to talk about it straightaway, so they're aware of it
23 and I'm aware of it.
24
- 25 Q. You have spoken about delegating rectification jobs to
26 the superintendent.
27 A. Yes.
28
- 29 Q. Is that the correct scenario?
30 A. That's right. That's what I try and do, yes. When
31 I do a report, I will delegate whichever area it is to that
32 superintendent to get that rectification work done.
33
- 34 Q. It is probably a matter of just asking if those things
35 could be done; is that --
36 A. It is. But when we do the report, we always put it on
37 the paper and into the Enablon so they have an action and
38 a time frame to do it.
39
- 40 Q. As you identify things that you think need be done,
41 you put them in your report?
42 A. I do.
43
- 44 Q. Is the task somehow entered into Enablon as well?
45 A. Yes. I will send that report to all the senior people
46 at the mine, and one of the secretaries puts that into
47 Enablon, as far as I know. I don't do that.

- 1
2 Q. And it's assigned to someone to complete?
3 A. Yes.
4
5 Q. Have you ever had to refer any safety issue to an
6 inspector?
7 A. I have once rung up for just advice on a single entry
8 that we had - that we were going to have, so we had to have
9 a risk assessment in place to work in that single entry,
10 and I just got some advice off the inspectors for that.
11
12 Q. But you're aware that if you don't get a satisfactory
13 outcome, under section 99, I think it is, you can escalate
14 by referring the unsatisfactory situation as you see it to
15 an inspector?
16 A. That's correct, yes.
17
18 Q. Have you ever had to do that?
19 A. No.
20
21 Q. Have you ever had to order that operations be
22 suspended for any reason?
23 A. Not operations --
24
25 Q. You know that power exists under section 101?
26 A. Not suspended the whole of operations, no.
27
28 Q. Or any part of it?
29 A. Yes. I have stood conveyor belts down with strata
30 issues and conveyor issues, which stood the mine for
31 24 hours, yes.
32
33 Q. On - is that a single occasion?
34 A. Single occasion on one of my inspections, yes.
35
36 Q. Is there any other occasion that springs to mind?
37 A. No.
38
39 Q. One of the tasks, or one of the functions, is to
40 review procedures. You make some reference to that at
41 paragraph 19, if you just want to have a look at it.
42 A. Yes.
43
44 Q. Are the procedures you are referring to the kind of
45 written procedures that the mine will have many of by way
46 of SOPs or work instructions and the like?
47 A. Yes, there will be hundreds of them, yes.

- 1
2 Q. How much of your time or how much of your function as
3 an SSHR is taken up with that activity?
4 A. When I have a couple of spare hours, I try and sit
5 down and just read through some of them. It's not an easy
6 job to do.
7
8 Q. No. But you are aware that the procedures generally,
9 if not wholly, have an expiry date and then they have to be
10 reviewed?
11 A. That's correct.
12
13 Q. Am I right?
14 A. Yes.
15
16 Q. And that's what you are speaking of, that kind of
17 review process?
18 A. That, or if someone raises an issue with something and
19 I need to refresh myself with that procedure so I can
20 answer their questions.
21
22 Q. In terms of the formal review process, is it the case,
23 as you understand it, that an SSHR will always be part of
24 that review?
25 A. No.
26
27 Q. Or only part of the time?
28 A. Part of the time.
29
30 Q. Do you know what the criteria are for someone to ask
31 for you to be involved?
32 A. No, I don't know what that criteria is, no.
33
34 Q. Would you typically be asked by the MSO to participate
35 in this review process?
36 A. No, I think it's more the department heads, the
37 superintendents, who's in charge of that area and is going
38 to run the review, will ask if I'm available.
39
40 Q. Do you participate in that without being asked?
41 A. I have a couple of times said, you know, "I'm here,
42 I'll sit in on this", but very rarely.
43
44 Q. You have been permitted to do that?
45 A. Yes.
46
47 Q. That's rare, I think you just said?

1 A. Yes, rarely, yes.

2

3 Q. What practical contribution can you make to that task,
4 given the wide range of procedures that exist?

5 A. It's only experience and knowledge of most of the jobs
6 that I've done. Most of the procedures that are reviewed
7 will have an affected area - people from the area, so the
8 content experts and the operators.

9

10 Q. In terms of detecting issues that might need your
11 attention, putting the review process to one side now, how
12 are such issues drawn to your attention?

13 A. Generally word of mouth from coal mine workers.
14 I pick up some things on my inspections, but normally it's
15 people will come and talk to me.

16

17 Q. You have heard, when Mr Harris was being questioned,
18 that there was some interest in whether matters would be
19 raised by any of the three categories, being employees,
20 outsourced contractors and, thirdly, the labour hire
21 workers?

22 A. Yes, yes.

23

24 Q. Tell me to what extent issues are brought to your
25 attention by those three categories?

26 A. The majority of the complaints that are brought
27 forward are by permanent workers. Occasionally you will
28 get one or two from, like, WorkPac or One Key, and very
29 rarely, if ever, will a contract company employee say
30 anything.

31

32 Q. Have you assessed any reason why the majority, as you
33 say, would be from permanent employees?

34 A. No. I have my theories, but I can't prove that they
35 are dealt with any different to anyone else.

36

37 Q. In terms of the raw numbers, though, of matters that
38 are brought to your attention, from what you say, they are
39 skewed towards the permanent employees?

40 A. That's correct.

41

42 Q. What kinds of matters would be in the category of
43 complaints?

44 A. Just respirable dust complaints, roadway conditions,
45 normally just stuff like that.

46

47 Q. Conditions of the workplace?

1 A. Condition of the work areas, yes. If the roads - if
2 there's a sump or dirty area that they have to work,
3 a permanent employee will probably say, "We need to fix
4 this first and get that done", where the contractor will
5 just continue to work in it.

6
7 Q. What about the existence of any unsafe practice in the
8 performance of a task - do those kinds of matters get
9 referred to you?

10 A. Not from the contractors normally. It's only if
11 I walk up and find that condition and stop the job and make
12 them - make it get repaired.

13
14 Q. You can't call to mind an instance of an unsafe work
15 practice that has been complained about by a worker to you?

16 A. A contractor?

17

18 Q. Well, a worker in any of those three categories that
19 I mentioned to you.

20 A. No, I've had - no, not - no-one's come to me that I've
21 had to actually go and stop the job, no.

22

23 Q. Well, maybe it's not stopping the job, but it might be
24 to simply observe or take note of a particular practice and
25 do something about it. Have you had that kind of
26 experience?

27 A. Oh, in general, like, people going over fatigue hours
28 and stuff like that - people report that stuff to me.

29

30 Q. You touch on this at paragraphs 40 and 41. Maybe if
31 you wouldn't mind having a look at that. In paragraph 40
32 you talk about reports from permanent workers.

33 A. Yes.

34

35 Q. You say your experience is that they don't have any
36 reluctance to come and speak to you about issues?

37 A. No.

38

39 Q. What kinds of issues are you talking about there?

40 A. Like I said, from - they will complain about the
41 bathrooms, the showers, the roadways, just general smaller
42 stuff, yes.

43

44 Q. People can come to you anonymously?

45 A. They can. I make it quite clear, and I really make it
46 clear to the contractors that I never use names, it's
47 always "coal mine worker". It's as simple as that.

- 1
2 Q. In paragraph 41 you go on to contrast the situation of
3 labour hire workers who you say don't feel comfortable
4 raising issues. Can I just ask you what you base that on?
5 A. I base that on the times that I've walked on to a job
6 site where they're working in conditions that you would not
7 expect people to work, and they don't raise it up, they
8 don't talk to the panel deputy or myself and they don't
9 stop the job.
10
11 Q. Is that the example of the hand raking of contract
12 that you give?
13 A. Exactly, yes.
14
15 Q. That's an instance?
16 A. Yes.
17
18 Q. Did you conclude from that that they were reluctant to
19 raise the conditions in which they were carrying out that
20 task?
21 A. They thanked me for stopping the job after I'd done
22 it.
23
24 Q. What was the interaction that you had on that
25 occasion? You observed this activity?
26 A. Yes. I walked in. The workers were hand raking
27 concrete approximately 20 metres, pulling it back, instead
28 of using wheelbarrows or having a machine, in hot and humid
29 conditions. Yes, it wasn't a good practice at all.
30
31 Q. Did you ascertain why it was being done in that way?
32 A. No. Well, they said they weren't supplied with
33 a machine to do the job. It was a tight area, but they
34 could have used wheelbarrows or maybe a Kanga or something
35 to cart the concrete.
36
37 Q. What did you take it on yourself to do?
38 A. I stopped the job. Then I got on to - because the
39 ventilation was slow, it was legal but it was slow, I got
40 on to the ventilation officer and got permission to put
41 more air in that heading to cool the area down and told
42 them to get wheelbarrows to move the concrete.
43
44 Q. Was there some lack of awareness on their part as to
45 the better way to go about it, or what's your explanation,
46 do you think?
47 A. I am sure that the men knew that there was a better

1 way to do it, but I don't think they were game to say, "We
2 want this equipment to do this job."
3

4 Q. They hadn't been given --

5 A. They hadn't been given that equipment, no.
6

7 Q. -- the equipment that you thought was necessary?

8 A. Yes.
9

10 Q. So, to sum up, that's an example of your intervening
11 to rectify that situation?

12 A. Yes.
13

14 THE CHAIRPERSON: Is that a convenient time for a break,
15 Mr Rice?
16

17 MR RICE: Yes, if I might just have one or two minutes
18 more, Mr Martin, I will be finished.
19

20 Q. There's just one, perhaps two more things. It will
21 only take a short time, Mr Hoare. You mention in
22 paragraph 42 about labour hire workers tending to have
23 less-experienced crews?

24 A. Yes.
25

26 Q. I was wondering, are crews not made up of a range of
27 workers with diverse experience?

28 A. Not for - labour hire, most of those workers are in
29 the panels with our blokes - with the permanent blokes,
30 sorry. But some of the contract companies, a lot of their
31 workers, that's their entry into the coal mining industry,
32 so they tend to have a lot of inexperienced people - one or
33 two experienced blokes and three or four that are under
34 12 months.
35

36 Q. So they can be entry-level workers?

37 A. Yes.
38

39 Q. But in terms of their distribution or integration into
40 a crew, is there any mechanism in place that you know of at
41 the mine to ensure that a crew is not wholly made up of
42 inexperienced workers, that is to say, to distribute the
43 workers so that the experience is a reasonable profile?

44 A. There is no criteria that I know of. It's just we
45 have inexperienced yellow hats. When they come on site,
46 they have to do three months underground before they can
47 receive a white hat. So yellow hat means "keep an eye on

1 this", and they're not allowed to work by themselves.

2

3 Q. Would you have a crew made up of yellow hats, though?

4

A. No.

5

6 Q. How would the yellow hats be distributed, in your
7 experience?

8

A. One-to-one experience, one yellow hat to one
9 experienced person.

10

11 THE CHAIRPERSON: Q. Is that other person meant to have
12 a mentoring role, therefore?

13

A. Yes, that's generally the idea of it. I do have some
14 concerns with some of the companies: they will have
15 someone with less than 12 months' experience and have
16 a yellow hat with them.

17

18 MR RICE: Q. Finally and briefly just on the HPis, the
19 gas exceedances, in your case, you'd received a number of
20 notifications, I think, of the occurrence of these
21 incidents at Grasstree that the inquiry is concerned with?

22

A. I did, yes.

23

24 Q. You say, I think, that you didn't in fact follow up on
25 any of them. I think that's correct, is it not?

26

A. I did follow up. When I got back - when I was
27 notified and back to site, I asked the mine manager or the
28 MSO what happened, what was done, before they'd go back to
29 production, just so --

30

31 Q. Anything else beyond that verbal communication about
32 what happened?

33

A. No.

34

35 Q. Is there some reason for that?

36

A. Oh, there was no - they explained to me what has
37 happened. Just a spike, it's gone over. The gas - you get
38 a goaf fall, you'll get a spike, and it's only there for
39 10, 15 seconds, then it's gone again. There's not much we
40 can do about that.

41

42 Q. You refer to the discussion that you might have with
43 the mine manager about the event to understand what
44 happened.

45

A. Yes.

46

47 Q. Has there been any occasion in which you have had to

1 intervene beyond that?

2 A. No.

3

4 MR RICE: Thank you, Mr Hoare.

5

6 THE CHAIRPERSON: We will adjourn for 15 minutes,
7 thank you.

8

9 **SHORT ADJOURNMENT**

10

11 THE CHAIRPERSON: Yes, Mr Holt.

12

13 **<EXAMINATION BY MR HOLT:**

14

15 MR HOLT: Q. Mr Hoare, you have been present this
16 morning and you will know that my name is Saul Holt. I'm
17 one of the lawyers for the Anglo group of companies,
18 including the one that runs Grasstree. I have just a few
19 questions for you. You heard me asking some questions of
20 Mr Harris this morning, I think. Would you confirm as
21 well, I think, that you do also attend the CFMMEU organised
22 SSHE training each year, the conference that is run?

23

A. Yes, I do.

24

25 Q. You are supported to do that by the mine?

26

A. Yes.

27

28 Q. The same with the Queensland Safety Conference as
29 well?

30

A. Yes.

31

32 Q. Obviously not this year, for reasons we all know.
33 Thank you. You have described in your report - and again
34 you might have heard me ask a similar question or say
35 a similar thing to Mr Harris - times when balancing or
36 juggling your role as an SSHR and your role as a deputy can
37 be difficult?

38

A. Yes.

39

40 Q. You have referred to a couple of times where you
41 haven't been able to get the reports done monthly as you
42 want to and as is important for you to do?

43

A. Yes, that's correct.

44

45 Q. Can I again say, with permission, I hope, that if that
46 occurs, my instructions are, please do raise it with the
47 SSE and the others in the senior leadership team on the

1 site to ensure that you are able to do that process?

2 A. Yes.

3

4 Q. Thank you. You have indicated that you have a good
5 relationship with the senior leadership team. You name
6 particularly Mr Schiefelbein and also Mr Joel Duffy?

7 A. Yes.

8

9 Q. You identified that there was an open-door policy, you
10 had never been turned away by either them or Damien Wynn,
11 the SSE?

12 A. That's correct.

13

14 Q. I am sure you would agree that's a really important
15 part of you being able to perform your function properly,
16 is to have a good and trusting relationship with those
17 members of the senior leadership team?

18 A. Yes, it is.

19

20 Q. In terms of how safety concerns at Grasstree get
21 escalated, there is obviously the kind of more formal
22 reporting mechanisms - that is, the filling out of incident
23 reports, hazard reports that go up through the supervisor
24 and up through the company structures; you would be aware
25 of those?

26 A. Yes.

27

28 Q. Then I think, if I can put it this way, what you have
29 been describing and what Mr Harris has been describing, and
30 indeed what makes perfect sense is, there are guys, for
31 whatever reason, or coal mine workers, for whatever reason,
32 who prefer to come to you and have a more informal or even
33 an anonymous process for that kind of reporting?

34 A. That's correct, yes.

35

36 Q. To that extent, this idea of having multiple ways for
37 coal mine workers to raise safety issues and ensure that
38 they get escalated to appropriate levels, I'm sure you
39 would agree, is a good thing?

40 A. Yes.

41

42 Q. And when you raise those again with management,
43 anonymously or otherwise, with the senior leadership team,
44 whether through your reports or otherwise, you are,
45 generally speaking, supported in what you are seeking to do
46 by management at Grasstree?

47 A. Yes.

1
2 Q. An example of that is the inspection reports that you
3 do that you told us about a little bit earlier where you
4 indicated that you allocate tasks at the end of an
5 inspection and then those tasks get put into the Enablon
6 system for people to action and get followed up on?

7 A. That's correct.

8

9 Q. Mr Rice was testing you a bit on that and saying,
10 "Aren't you just requesting those things than telling
11 people what to do?", but the reality is, isn't it, at
12 Grasstree, what you say needs to be done is taken really
13 seriously by the SLT and nine times out of ten becomes
14 a task that must be completed in accordance with your
15 report?

16 A. Yes, I wouldn't say nine out of ten. I would prefer
17 ten out of ten.

18

19 Q. I just was hoping - I didn't know whether there might
20 be one you might tell me about where it hadn't happened, so
21 I was just covering my bases. Let's have a look, please,
22 at ACN.004.002.0010, Mr Operator. The detail doesn't
23 matter for my purposes, but you can see obviously enough
24 with your name at the top, that's the content of a report
25 that you have done?

26 A. Yes.

27

28 Q. Can we just go to the next page, please, Mr Operator
29 and down to the bottom. There is a table there. This goes
30 to the next page but, again, for present purposes it
31 doesn't matter. When you talk about identifying actions
32 that need to be done following your reports, that's an
33 example of it?

34 A. That's correct.

35

36 Q. And you would be aware - in fact not just aware, you
37 are involved in a process where those are communicated up
38 to the SSE, and I'm going to say nine times out of ten, but
39 it might be ten, Mr Wynn, as the SSE, comes back to you to
40 confirm receipt and to confirm that those tasks have been
41 put into the system for actioning in the normal way?

42 A. Yes.

43

44 Q. If we just grab one example of that if we can, and it
45 is another number, Mr Operator, ACN.003.002.0012, which is
46 the page number I need; I suspect the beginning of the
47 document is 0001. Thank you. Now, again, things have been

1 blanked out just for privacy reasons, for people's email
2 address and the like, but you can see there:

3
4 *Thanks Jim. I have reviewed the report and*
5 *will action accordingly.*

6
7 A. Yes.

8
9 Q. Again, you get that kind of response from Mr Wynn
10 probably ten out of ten, but I will at least say nine out
11 of ten times for these purposes?

12 A. Yes.

13
14 Q. Can we then turn, please, to another topic you have
15 referred to, and that is this question of the difference in
16 willingness to report safety issues or to raise safety
17 issues, depending on what kind of role a coal mine worker
18 might have. You understand the topic I'm talking about
19 generally?

20 A. Yes.

21
22 Q. For our purposes - again you heard me talk to
23 Mr Harris about this kind of relationship between three
24 groups, one is Anglo employees, of which you are one?

25 A. Yes

26
27 Q. The second is labour hire people who are on site but
28 in Anglo shirts and integrated into Anglo crews?

29 A. Yes?

30
31 Q. Then there are contractor groups or subcontractor
32 groups who are in their own shirts for their own contracted
33 company doing a particular task?

34 A. Yes.

35
36 Q. And at Grasstree, again as we heard from Mr Harris, it
37 is right, isn't it, that actually, as far as the first two
38 groups are concerned, so permanent Anglo employees and the
39 labour hire people who are integrated into the Anglo teams,
40 on the face of it, it's hard, if not impossible, to
41 distinguish one from the other?

42 A. Correct.

43
44 Q. And they are integrated well and truly in terms of the
45 risk assessment processes we've been discussing?

46 A. Yes.

47

- 1 Q. And they are subject to the same supervisory
2 structures and so on as well?
- 3 A. Yes.
- 4
- 5 Q. And then, though, you also see on site the
6 subcontractors or contractors who, as we say, are doing
7 these specific tasks which they have been brought in to do?
- 8 A. Yes.
- 9
- 10 Q. Those groups, though, are also still, for example,
11 part of, you would be aware, the monthly planning, part of
12 safety briefings, all those sorts of things? So again they
13 are integrated into the risk management structures of the
14 site?
- 15 A. That's correct, yes.
- 16
- 17 Q. If we can drill into the example, because it is good
18 to practicalise these things that you gave us - that is,
19 the example at paragraph 41 of your statement, which was
20 a group of people who are working on the 910 conveyors and
21 were hand raking the concrete?
- 22 A. Conveyor install, yes.
- 23
- 24 Q. Without being critical at all, if I suggested to you
25 that that group that were doing that were in fact
26 a contractor group rather than labour hire in that
27 integrated sense?
- 28 A. They were a contractor group, yes.
- 29
- 30 Q. So that group was in fact not the labour hire people
31 who were integrated with the Anglo workforce but a separate
32 company that had been contracted in?
- 33 A. Yes.
- 34
- 35 Q. I won't name them, but a separate company?
- 36 A. Yes.
- 37
- 38 Q. In terms of the willingness to report issues coming
39 out of that at Grasstree, given how hard it is to
40 distinguish between the labour hire people who are
41 integrated into the Anglo teams or crews and the Anglo
42 permanent employees, is the real difference that you are
43 drawing between those contractor groups versus the crews
44 who are in Anglo shirts in terms of reporting?
- 45 A. Yes, it is. That's the difference.
- 46
- 47 Q. I understand, thank you. While we are talking about

1 those issues, you raised an issue about experience and
2 yellow hats and white hats, which I've had to learn about
3 in the last few days?

4 A. Yes.

5

6 Q. Yellow hats are the coal mine workers who have been -
7 who are in that "new to the industry" phase before they
8 have effectively got to a level of competency where they
9 are allowed to wear their white hat and are signed off for
10 those purposes?

11 A. Yes, less than three months.

12

13 Q. You mentioned three months but it is a minimum of
14 three months, isn't it?

15 A. Yes.

16

17 Q. But it is as long as it takes for them to reach
18 a certain level of competency?

19 A. Yes.

20

21 Q. So it is not just three months, no matter how you have
22 gone, you get a white hat; you actually have to demonstrate
23 a level of competency at that time?

24 A. Yes, they have to get signed off. They do an
25 interview with the MSO and then an interview with the mine
26 manager before they receive a white hat.

27

28 Q. You described the process that exists for yellow hats
29 to be supervised by white hats on a one-to-one ratio?

30 A. Yes.

31

32 Q. But again, just in case there was any confusion about
33 that, which I'm not being critical of you for at all, the
34 number of yellow hats on site - for example, I'm instructed
35 at present there are about 18 yellow hats on site, total?

36 A. I've no idea.

37

38 Q. Ballpark that would sound about right?

39 A. Ballpark, yes.

40

41 Q. Out of a workforce of more than 700?

42 A. Yes.

43

44 Q. Again, when you are talking about the criticism that
45 you make or the observation that you make about
46 inexperienced crews, you are talking there about those true
47 contractors groups aren't you, your observations of them?

1 A. I am.

2

3 MR HOLT: Thank you.

4

5 THE CHAIRPERSON: Mr Roney?

6

7 <EXAMINATION BY MR RONEY:

8

9 MR RONEY: Q. Mr Hoare, Peter Roney is my name, for
10 One Key. Really I think I have just one question left
11 after those that have been asked of you already. In
12 paragraph 40 of your statement, and in other places,
13 I think in 41, you mention what I think has now been
14 clarified as a reference to contractors' workers not
15 feeling comfortable raising issues with you?

16 A. Yes.

17

18 Q. And in particular in paragraph 40 you say the
19 permanent workers at the mine report in regularly and have
20 no concerns with raising issues with you. So these
21 permanent workers that you refer to there include the
22 labour hire staff who are part of the general crews, the
23 integrated crews?

24 A. Yes, that is correct.

25

26 Q. Again, in reference to both paragraphs 40 and 41, the
27 comment about concerns raising issues with you, that's just
28 your experience of persons reporting concerns of any kind
29 with you in your capacity as SSHR?

30 A. That's correct.

31

32 Q. So there are certainly other ways, aren't there, in
33 which concerns about safety issues or work conditions or
34 any of the issues that might arise, that might cause
35 concern, can be reported and dealt with?

36 A. Yes.

37

38 Q. Apart from being the subject of a report to you or
39 a complaint to you?

40 A. Yes.

41

42 Q. And in your experience, are there many, many such
43 issues which are raised with supervisors and management
44 that never come across your desk, as it were?

45 A. Yes, there are.

46

47 MR RONEY: Thank you.

1
2 THE CHAIRPERSON: Mr Crawshaw?
3
4 MR CRAWSHAW: No questions, thank you, Mr Chair.
5
6 THE CHAIRPERSON: Mr Rice, anything?
7
8 **<EXAMINATION BY MR RICE:**
9
10 MR RICE: Q. Just one thing I haven't asked either of
11 you, Mr Hoare. Is there any additional pay associated with
12 being an SSHR?
13 A. No.
14
15 Q. For neither of you?
16 A. Neither of us, no.
17
18 Q. Or across the board, so far as you know?
19 A. As far as I know, never, no.
20
21 MR RICE: Thank you.
22
23 THE CHAIRPERSON: Mr Clough?
24
25 MR CLOUGH: Q. Mr Hoare, I just have one question. The
26 yellow hat process for new starters, does that actually
27 extend to contractors that come in to do a job, like
28 a construction job putting in a drive head?
29 A. Yes, everyone on site.
30
31 Q. Are you aware of the process the mine might use to
32 actually check somebody's experience when they come in for
33 a short-term job?
34 A. No, I'm not. Not aware of it.
35
36 MR CLOUGH: Okay, thank you.
37
38 MR RICE: Mr Hoare can be excused, Mr Martin.
39
40 THE CHAIRPERSON: Thank you, Mr Hoare. You are excused.
41
42 **<THE WITNESS WITHDREW**
43
44 THE CHAIRPERSON: I understand another witness is not
45 available today.
46
47 MR RICE: Yes. We had scheduled another witness after

1 lunch, Mr Martin, but her evidence is not ready. We are
2 looking to reschedule her later in the week. So those are
3 the witnesses we are in a position to have called today.
4 You might adjourn until 10 in the morning.
5

6 THE CHAIRPERSON: Okay. Just before you go - and this is
7 particularly relevant for Mr Holt and it would be for
8 Mr Clothier - obviously there has been concentration here
9 on labour hire employees. I'm just noticing that the terms
10 of reference talk about particular employment arrangements
11 and I noticed that you moved on from the contractors to the
12 labour hire workers just before. Have you been put at
13 a disadvantage in any way, now that I raise that, as to
14 whether or not the contractors fall within that category
15 and should be looked at as well?
16

17 MR HOLT: The short answer to your question is no, we
18 haven't been put at a disadvantage, and there are certainly
19 witnesses to come who can address issues of that kind from
20 Anglo's perspective. I understand the point you raise and
21 I will certainly give it some more detailed consideration
22 in light of the terms of reference, but I don't consider
23 there to have been any disadvantage to date.
24

25 THE CHAIRPERSON: All right. Has any other party present
26 been disadvantaged by not any greater scrutiny, to date at
27 least, in relation to contractors?
28

29 MS HOLLIDAY: No.
30

31 THE CHAIRPERSON: All right. Thank you.
32

33 MR CRAWSHAW: Might I just say something, Mr Chair?
34

35 THE CHAIRPERSON: Yes, Mr Crawshaw.
36

37 MR CRAWSHAW: Firstly, we've always thought contractors
38 fell within the terms of reference, in particular in the
39 section that you mention.
40

41 THE CHAIRPERSON: Yes.
42

43 MR CRAWSHAW: Secondly, I don't think I will be able to
44 appear tomorrow, but Mr Anderson, who is sitting at the Bar
45 table, will appear for the CFMMEU.
46

47 THE CHAIRPERSON: All right. Thank you for that. Nothing

1 further, then?

2

3 MR RICE: No, thank you.

4

5 THE CHAIRPERSON: Thank you. We will adjourn until 10am.

6

7 **AT 12.06PM THE BOARD OF INQUIRY WAS ADJOURNED**

8 **TO WEDNESDAY, 12 AUGUST 2020 AT 10AM**

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