

Mine Name	Mine ID	Operator	Activity Type	Region	Activity Date
Grosvenor Coal Mine	M102976	Anglo Coal (Grosvenor Management) Pty Ltd	Compliance Action	Central	26/04/2017

Vision: Our Industries Free of Safety and Health Incidents

Mine Record Entry

This report forms part of the Mine Record under s68 of the Coal Mining Safety and Health Act 1999. It must be placed in the Mine Record and displayed on Safety Notice Boards.

Note that inspection or audit activities conducted by the Mines Inspectorate are based upon sample techniques. It remains the primary responsibility of Mine Personnel to identify hazards, and risks associated with Operations and ensure those risks are at an acceptable level.

A level 3 compliance meeting was held in the Brisbane head office of the DNRM on the 26th April 2017 to deliver the findings of an investigation to a complaint raised about Mr Foulstone when he was the SSE at Grosvenor mine.

Deputy Chief Inspector Shaun Dobson chaired the meeting with the following persons in attendance:

DNRM

Andrew Smith Principal Investigation
Officer

AngloAmerican

Glenn Britton Head of Underground
Operations

Adam Foulstone General Manager: Underground
Projects

Deputy Chief Inspector Dobson opened the meeting and explained the findings of an investigation undertaken by Inspector Keith Brennan. The investigation was conducted after an anonymous complaint was raised by a former member of the mine management had detailed several issues of SSE Foulstone giving instructions to statutory officials whilst not being in the possession of a statutory certificate of competency.

A thorough investigation of all these matters was conducted by Inspector Brennan which concluded with the findings that this could only be verified for one matter. The evidence for this matter indicated that a breach of section 60(6) of the Act;

60 Additional requirements for management of underground mines

(1) This section applies to an underground mine.

(6) A person must not give a direction to the underground mine manager about a technical matter in relation to the underground mine unless the person giving the direction is the

05/09/2017

Mine Record Entry

Page 1 of 2

holder of a first class certificate of competency for an underground coal mine.

Issues to note

1) Complaint raised by member of Site Management

2) Investigated and found breach of Section 60 (6) of the Coal Mining Act

The investigation also revealed the use of a process in the Grosvenor mine Safety and Health Management System that authorised non- statutory personnel to issue technical directions to statutory personnel. The Inspectorate have determined that the use of this process is not in accordance with the intent of the Act and Regulations and should not be used. This has already been discussed with the current SSE for Grosvenor mine.

Another Offence against the Act.

Discussed with the SSE. What does this mean

Mr Britton questioned the reasoning for the use of this process and gave examples of how he believed it use was of appropriate for persons who hold technical qualifications that are at a higher AQF level than those required for an ERZ Controller. He cited the case for a Geotechnical engineer and a Ventilation officer who conduct activities in an ERZ Controllers area of responsibility and may give directions upon the findings of their work within his district. This was discussed using several different contexts of how this may be interpreted for various roles who have been authorised to give an ERZ Controller technical direction. Although there are logical reasons as to why a person such as a Geotechnical engineer would inform the ERZ Controller to discharge his obligations under section 39 of the Act, the ERZ Controller must discharge his obligations under section 60(8) & (9) of the Act. This process is flawed when persons who do not have a Deputy's certificate of competency are giving technical instructions relating to work activities in an Explosion Risk Zone to an ERZ Controiler who is in charge of that zone;

Logically it seems Glenn Britton is the creator of these provisions of the Mines SHMS.

Mr Britton is trying an illegal practice to authorise giving Technical Direction through trying to allow this Under the Mines SHMS.

Illegal as nothing in a Mines SHMS can contradict the Act and Regulations.

Does this process exist at other Anglo Operations?

No indication in the MRE whether the DNRME were looking at other Anglo Mines under Mr Britton's to see if the same illegal provision exists in their SHMS and if so, have it removed.

60 Additional requirements for management of underground mines
(1) This section applies to an underground mine.

(8) The underground mine manager must appoint a person holding a first or second class certificate of competency or a deputy's certificate of competency to be responsible for the control and management of underground activities when the manager is not in attendance at the mine.

(9) The underground mine manager must appoint a person holding a first or second class certificate of competency or a deputy's certificate of competency to have control of activities in 1 or more explosion risk zones.

The discussion also included the differentiation of technical direction in relation to operational and safety matters. The difference in these matters is not clearly definable as these are intimately connected. However all activities are required to be conducted at a level of risk that is as low as reasonably achievable and within acceptable limits. Therefore all operational matters invoke some facet of safety and health and cannot be clearly defined as to which matters may be separated to allow a person who does not hold a statutory certificate of competency to give directions to a person holding a statutory certificate of competency in charge of an Explosion Risk Zone.

3) The disputing of the findings by Mr Glenn Britton, (Anglo Head of Underground Operations).

This is one of the Mine Record Entries that falls outside the Ministerial Inquiry time frames for Grosvenor Mine

Mr Britton requested that the requirement for persons who do not hold a statutory certificate of competency not giving directions to a person holding a statutory certificate of competency in charge of an Explosion Risk Zone be communicated to industry.

Andrew Smith
Lead Investigator

Shaun Dobson
Inspector of Mines
(Coal) Central Region

