The Reply from Chief Inspector is above.

In regards to the Asset and CIOCM Newman’s response.

Answers such as this from any Candidate for a Mining Law Examination would in my experience be an Instant FAIL.

I told him so face to face when I finally caught up to him in person during the latter hearing days of the Grosvenor Inquiry.

Key Concern 5- BMA/BHP has created some sort of Entity outside the Coal Mining Act that by its own

admission is issuing Directions to the Peak Downs Mine and therefore the SSE about how the Site Safety and Health Obligations are to be discharged. Such Directions unless issued by a least the Coal Mine Operator are in direct contravention of the Coal Mining Act. Further, there is no mention anywhere of

the Asset being the Coal Mine Operator.

Results/Comments-

** BMA have an appointed Operator under the Coal Mining Act, an appointed SSE as required**

**under the Act and a Management Structure with persons in that structure being appointed to**

**those roles, all having responsibility and accountability to ensure the provisions of the Coal**

**Mining Act and Regulations are implemented for their operations. Only these persons are able**

**to give directions at the site under the requirements of the Coal Mining Act and Regulations.**

** A business owner or representative, not having an appointed role under the legislation, is not**

**precluded from making other operational and business decisions that may impact the mine,**

**where those decisions do not impact the Health and Safety of CMW’s, and/or contravene the**

**obligations of the Coal Mine Operator, SSE or other statutory officials from discharging their**

**duties under the Coal Mining Act and Regulations.**

** The Coal Mine Operator is an appointed role under the Coal Mining Act. This does not preclude**

**an organisation referring to Assets within their organisation or as some businesses have**

**appointing personnel to roles within their business organisation, having accountability for the**

**business performance of certain Assets. Such terms include Asset President, VP Coal Assets etc.**

** As discussed with you in November in 2019 and later in January 2020, many organisations refer**

**to their Mine, CHPP, or other production entity as an Asset. It is not uncommon to use this**

**reference in an organisational sense. It is not mentioned in this sense in the Coal Mining Act or**

**Regulation, however, this does not preclude its reference by an organisation. It is those**

**appointed under the Coal Mining Act and Regulations, as previously described, that carry the**

**responsibility and accountability, to give Directions as they relate to Health and Safety matters**