**KEY ISSUE 6**

**The measures which ought to be considered or investigated for the purpose of avoiding a similar serious accident occurring in the future.**

**RECOMMENDATION 2.**

**The Current Compliance Policy signed off by Mark Stone the Executive Director on the 21st November 2017, be immediately replaced by the previous version signed off by then Minister Geoff Wilson in 2009.**

**Reason. The current Compliance Policy does not include/reflect the Opinions, Findings, Recommendations of the 2008 Ombudsman Report or the Compliance Policy put into place by Minister Wilson in 2009 in response to the Ombudsman Report**

**RECOMMENDATION 3.**

**The actions of the Mines Inspectors regarding Compliance to the Coal Mining Act and Regulations be subject to independent Review for the following;**

1. **Daniel Springer Fatality Goonyella Riverside Mine**
2. **Dozer Inundation in Water Incident Peak Downs Mine August 2018**
3. **North Goonyella Heating, Fire, Explosion and Sealing from the Surface in 2018.**

**RECOMMENDATION 4.**

**The Queensland State Ombudsman be Empowered/Requested to conduct a new formal Investigation and Report and produce a Report for Tabling in State Parliament on exactly the same topic as in 2008.**

**“Regulation of Mine Safety in Queensland Report”**

**Investigate and Review the Queensland Mines Inspectorate (QMI/RSHQ) and whether it is adequately performing its role.**

**Opinion 11 of the 2008 Ombudsman Report States**

***The QMI’s practice of not recording and reporting on a significant part of its informal compliance activity means that it has a limited capacity to defend itself from allegations that it is too close to the mining industry and is not effectively regulating the industry.***

**Key Issue 3 (**Which I am putting a separate Submission to), asks about;

**“The adequacy of the Inspectorates role in responding to these methane exceedances.”**

**Opinion 11 puts in direct and plain English terms, the seemingly inability of the Inspectors to demonstrate adequate responses to the continuing high number of Methane HPIs that have plagued Grosvenor Mine since 2016, both in Development and Longwall Operations.**

Within even the Current Compliance Policy there is the following Statement

**Attachment 1 Mark Stone Current Policy 2017**

**Punitive: Where it is in the public interest, we pursue punitive action in respect of recurrent, recalcitrant or particularly egregious non-compliance.**

**The Question has to be asked for more recurrent, recalcitrant or particularly egregious does the behaviour of Mine Statutory Officials have to be?**

**I point out for the record that the Mine and Glenn Britton already had placed on record a LEVEL 3 Compliance Meeting on the 26th of April 2017.**

**It contains a link to the Mine Record Entry.**

**Mr Britton’s statements and attitude as captured by the Mines Inspectors, is I believe Instructive about how he wants the Mine to Operate and his commitment or otherwise to Comply with the Coal Mining Act and Regulations**

[**https://www.qldminingcrisis.com.au/2020/09/02/grosvenor-mine-level-3-compliance-sse-giving-technical-directions/**](https://www.qldminingcrisis.com.au/2020/09/02/grosvenor-mine-level-3-compliance-sse-giving-technical-directions/)

Counsel Assisting Hunter stated

***TRA.500.014.0004***

*The explosion cannot be understood as an isolated event.*

*As the Board knows, over the relatively short period it was in operation, longwall 104 accumulated 14 methane exceedance HPIs. Those HPIs on longwall 104 were preceded by another 13 on longwall 103 between 2 July and 7 November 2019, and, further, those 13 HPIs on 103 were themselves preceded by multiple similar events on not only longwall 103 but also 102 and 101.*

***Methane exceedance HPIs at this mine had been the subject of repeated discussions between members of the inspectorate and mine management.***

***It is at least arguable that the events of 6 May 2020 were a further manifestation of Anglo's ongoing inability to safely manage methane at Grosvenor. Now, that senior management at Grosvenor knew that there was a problem cannot be doubted.***

I have collated the Methane HPI’s for 2017. 2018 and the first six of 2019 and they are contained within this post.

[*https://www.qldminingcrisis.com.au/2021/03/05/longwall-methane-hpis-grosvenor-2017-to-1st-july-2019-24-hpis-in-2018-16-hpis-1st-jan-to-1st-july-5-47-ch4-peak-explosive-all-outside-inquiry-time-frames/*](https://www.qldminingcrisis.com.au/2021/03/05/longwall-methane-hpis-grosvenor-2017-to-1st-july-2019-24-hpis-in-2018-16-hpis-1st-jan-to-1st-july-5-47-ch4-peak-explosive-all-outside-inquiry-time-frames/)

**COMPLIANCE POLICY HISTORY**

In 2008 the State Ombudsman Report “Regulation of Mine Safety in Queensland Report (2008)” was Tabled in the Queensland State Parliament on the 17 June 2008

<https://www.ombudsman.qld.gov.au/improve-public-administration/investigative-reports-and-casebooks/investigative-reports/regulation-of-mine-safety-in-queensland-report-2008>

**Following the Tabling of the Ombudsman Report in 2009, then Minister Wilson signed off on an updated Compliance Policy that is 26 pages long.**

**Attachment 2 Minister Wilson Compliance Policy 2009**

**On Page 23 of the Annual Mine Safety and Health Report then Commissioner Stewart Bell mentions the updated Compliance Policy on page 23**

**Mines Inspectorate Compliance Policy – November 2009.**

**https://www.publications.qld.gov.au/dataset/982c4dab-201c-4bb7-b899-0bd7d96e02dc/resource/b47380fc-bd19-42fa-a3bd-e90aad37e072/download/200910commissionersreportminesafetyandhealth.pdf**

**This was an expanded and updated Compliance Policy from that signed by the immediate previous Mines Minister Stephen Robertson in 2000 that was 20 pages long.**

**Attachment 3 Minister Robertson Compliance Policy 2000**

In 2017 the current Policy has been signed off by Mark Stone the Executive Director on the 21st November. Mr Stone is now CEO of RSHQ (Mines Inspectorate).

(I note for the record that Mr Stone has never ever worked in the Coal Industry, let alone in Queensland)

**There are now only 11 pages in the Policy, 4 of which are the Cover page and Index etc.**

**This is one of the most unscrutinised, and retrograde actions ever performed by the Mines Department.**

**How is it possible for a Public Servant to issue a Policy that supersedes one signed off by the previous Mines Ministers?**

**This is even more astounding given the FINDINGS and EIGHT (8) RECOMMENDATIONS of the Ombudsman in 2008.**

Fatalities, permanent disabilities, and clear Legislation breaches continue to plague the Queensland Mining Industry.

Prosecutions rarely occur.

Because of the gutting of the Mines Department Compliance Policy there is no effective process for Inspectors to follow and demonstrate set out any longer.

The initial Compliance Policy was signed off by then Minister Robertson in the year 2000. It was 20 pages in all.

**Attachment 3**

There was at least one slightly amended and expanded Policy signed off by Minister Wilson in 2009 that is 26 pages long.

**Attachment 2**

The current Policy has been signed off by Mark Stone the Executive Director on the 21st November 2017.

**Attachment 1**

**How is it possible for a Public Servant to issue a Policy that supersedes one signed off by the previous Mines Ministers?**

This action by Mr Stone has occurred under the immediate past Minister Anthony Lynham.

<https://www.qldminingcrisis.com.au/2020/09/02/qld-mines-compliance-policy-changes/>

<https://www.qldminingcrisis.com.au/2020/10/18/new-compliance-policy-21st-november-2017/>

**This is by no means restricted to Grosvenor Mine**.

It is demonstrated in a number of Issues I have raised with the Chief Inspector of Coal Mines as Formal Complaints under the CMSHA 1999.

There include but not limited to

1) Daniel Springer Fatality Findings

The SSE was not the most Senior Official Appointed by the Operator on the Goonyella Riverside Mine Site as a Finding of the Mines Inspectors Fatality Investigation.

Instead, Senior Management reported to someone on site with the title “General Manager of Goonyella Riverside Mine.”

No Action to ensure Compliance with the Act is recorded in the Report for this finding.

There is no MRE that describes any discussion or Actions taken to ensure that the SSE is the most Senior Person in the Operators Management Structure

When taken to the Coroners Court, it seems this whole matter was not mentioned at all.

**Some of the Questions that have to be answered by the Mines Inspectorate/Department are**

1. **Was Action Taken to Address this Blatant NON Compliance to the Coal Mining Act Remedied?**
2. **Where is the Mine Record Entry detailing such Action at the Mine?**
3. **Where is the Compliance Meeting Mine Record Entry for the meeting that would have to have taken place with the Operator?**
4. **What written record is there of responses from the Operator and the Mine ensuring the SSE is the most Senior Person on Site**
5. **If there are no written records and Mine Record Entries that address this matter, that are accessible to the Mine Workers at Goonyella Riverside, why not?**
6. **Has the Non-Compliance been addressed at all, or is the arrangement still in place?**
7. **Does the Non Compliance exist at other Mines run by the same Operator?**

The Appointment of the SSE and the Obligation of the Operator to ENSURE that the Site Senior Executive is the Most Senior Person at the Mine EMPLOYED by the OPERATOR.

These Provisions were perhaps the most crucial of the Recommendations of Mining Wardens Windridge’s Moura No 2 Disaster.

These provisions underpin every element of how the Operator Under Section 41 ENSURES

<https://www.qldminingcrisis.com.au/2021/02/28/daniel-springer-coroners-findings-why-did-the-findings-not-include-any-reference-to-the-sse-not-being-the-sse-as-the-mine-inspectors-investigation-did-why-did-the-mines-department-decide-it-wa/>

1. **PEAK DOWNS DOZER INCIDENT**

**Attachment 4**

**In regards 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.**

**IS THIS A CONTINUATION OF THE SSE NOT IN FACT BEING THE SSE as at GOONYELLA RIVERSIDE?**

<https://www.qldminingcrisis.com.au/2021/01/19/reply-ciocm-newman-peak-downs-dozer-inundation-complaint-30-april-2020/>

<https://www.qldminingcrisis.com.au/2021/01/18/email-exchange-ciocm-update-peak-downs-dozer-complaint-17th-and-18th-february-2020/>

<https://www.qldminingcrisis.com.au/2021/01/18/review-of-investigation-report-icam-pdm-operator-and-dozer-inundated-with-water-10-august-2018-complaint-to-chief-inspector-dated-26th-november-2019/>

1. NORTH GOONYELLA HEATING, FIRE, EXPLOSION and EMERGENCY SEALING FROM THE SURFACE

In short why are the Mineworkers and General Public of Queensland are still totally in the dark about this matter.

Coming up to 3 years since the Incident.

Peabody released their report in March 2019.

The Mines Inspectors have released a 1 page memo in 2019 saying Investigations are still ongoing.

Legal Action has commenced in the United States about whether Peabody and some of its Officers deliberately misled the US Stock market.

Yet the Mines Department/Inspectors have not even released any findings for the Information of other Mines, Management and workers.

No Safety Alerts so they learn, audit and change as necessary their own safety and health system to address any issues found at North Goonyella.

The time frames are in my view well outside that allowed under the Coal Mining Act, which could possibly result in any proposed legal action that eventually happens failing at the first legal hurdle.

Then what is the RESULT.

GROSVENOR SEALED AND NO WORKERS UNDERGROUND SINCE JUNE 2020 due to out of control spontaneous combustion heating.

Moranbah North evacuated out of the Mine since February