**GROSVENOR SUBMISSION. ISSUE 5 (11) SUBMISSION 1**

***Whether the operational practices and management systems in existence at Grosvenor Mine, or at higher corporate levels, were apt to adequately respond to the mines understanding of the difficulties it was having with Longwall 104.***

**FINDINGS**

1. **NO or MINIMAL ONE KEY CONTRACT MINE WORKERS in METHANE HPI INVESTIGTIONS**

**A One Key Contract Mine Worker is part of the Investigation team In only one (1)** **of the twelve (12) Grosvenor LFI’s tendered to the Grosvenor Inquiry One Key Contract.**

**(Attachment 1; summary of each Grosvenor LFI)**

**Observation**

**An 8+ % RATE OF CONTRACT MINEWORKER INVOLVEMENT would be the equivalent rate of worker involvement as identified during the Torbanlea Royal Commission of 1900.**

**This is totally contrary to all concepts of Coal Mine Worker involvement in ensuring a safe workplace.**

1. **POTENTIAL NON-COMPLIANCE to REGULATION 15 CMSHR** **Investigating accidents and incidents.**

**The make-up of Grosvenor Mine LFI Investigating Team into Site investigations for “accidents and incidents” does not always include an ERZC as required.**

**Reference Document**

**Incident Number: 162084 Classification: HPH; Incident Title: Intersection of GM016B – Expected grouted borehole; Incident Date: 23 February 2017; Report Date: 8 March 2017**

1. **POTENTIAL NON-COMPLIANCE to SECTION 105 of the CMSHA 1999.**

***105 Protection of site safety and health representatives performing functions***

***A coal mine operator, site senior executive, contractor or other supervisor must not—***

***(a) prevent or attempt to prevent a site safety and health representative from performing his or her functions; or***

**It does not appear that a SSHR (Site Safety and Health Representative) is ever involved in the 13 LFI’s examined. (12 Grosvenor Exhibits + Borehole intersection).**

**The same situation by Evidence at the Grosvenor Inquiry is that the same situation exists at the Anglo Grosvenor Mine.**

**OBSERVATION**

**This is contrary to all concepts of elected coal mine worker Site Safety and Health Representatives.**

**This extends to not providing investigation findings to the SSHR’s at Grasstree Mine.**

**This if proven would be a clear breach of the Coal Mining Regulations and the Coal Mining Act.**

***15 (1) (b)making the investigation findings available to the mine’s coal mine workers;***

**This is evident from the Affidavits and Testimony of the Grasstree SSHR’s Joe Barber and James Hoare.**

**JOE BARBER SSHR Anglo Grasstree Mine**

**Statement**

***52. “I have never received a single written notification about an LFI. I have only been verbally notified about them.”***

***53. The was an incident at the oaky North Mine in relation to a worker being electrocuted in 2019. I had heard about and was allowed to look at the scene the next morning, but that was as far as my involvement went. I heard nothing further about the matter, including the outcome of the investigation. That was despite my repeated attempts to try and find out more information, which were always rebuffed.***

***54, I asked Mr XXXXXXX, the SSE Brad Watson and the Health and Safety officer Linda Cardinaels for updates about the investigations and continually received responses to tye effect.***

***“I don’t know. The investigations is ongoing.”***

**Joe Barber Testimony**

***Q. Just two other points. At paragraph 54 of your statement, so if we can bring up again that statement, Mr Operator, BJO.001.001.0001, at paragraph 54, you speak there about asking about an investigation and the response that you received.***

***A. Yes.***

***Q. I take it, Mr Barber, that that was the SSE, the mines investigation that you're referencing there?***

***A. Yes, the ICAM.***

***Q. Yes.***

***A. Yes.***

***Q. So it was an investigation being conducted by the mine, not by the inspectorate?***

***A. Yes, yes. Yes.***

***TRA.500.005.0059***

***Q. Similarly at paragraph 67, you speak there about an incident at a mine?***

***A. Yes.***

***Q. And that you were deliberately excluded from the engagement with the investigation. That's what you say in paragraph 67.***

***A. Yes.***

***Q. Again, I take it that that is the mine's investigation?***

***A. That's the mine - yes, yes.***

**JAMES HOARE SSHR Anglo Grasstree Mine Statement**

**49. During the period from 1 July 2019 and 5 May 2020 I received some, but not all, of the 11 HPIs relating to exceedances of methane. I do not currently have access to the records of which those HPIs are recorded or the steps that were taken to rectify them.**

**Observation**

**A ZERO % INVOLVEMENT by Site Safety and Representatives would be the same rate of worker involvement as identified during the Torbanlea Royal Commission of 1900.**

***Protection of site safety and health representatives performing functions.***

***A coal mine operator, site senior executive, contractor or other supervisor must not—***

1. ***prevent or attempt to prevent a site safety and health representative from performing his or her functions; or***
2. **INVESTIGATION TEAM MAKE UP**

**There are problems with make-up of Investigating Team into highest level Site investigations into ‘accidents and incidents” that involve methane management processes FAILURES.**

**Four (4) of the twelve (12) Grosvenor LFI’s tendered to the Grosvenor Inquiry have a Department Head as an Investigation Team Member who is part of the Acceptance of Investigation Report Senior Management Sign Off Group.**

**They are signing off on an Investigation they were part of, for an area of Responsibilities and Duties for the Department they are in charge of.**

**There is a clear potential for Conflict of Interest.**

**This is further shown in the LFI for a methane borehole intersection incident**

**Reference Document**

**Incident Number: 162084 Classification: HPH; Incident Title: Intersection of GM016B – Expected grouted borehole; Incident Date: 23 February 2017; Report Date: 8 March 2017**

**1. The Investigation Team has The Ventilation Officer and Seamgas Manager as participants. They both signed off on the Gas Drainage Authorisation Form, dated 10th August 2016.**

**2. The Seamgas Manager participates in the Investigation and signs off and accepts the Investigation Report**

**3. The UMM signed off on the Gas Drainage Authorisation form dated the `10th August 2016 and then the UMM signs off Acceptance of the Investigation Report**

**RECOMMENDATIONS**

1. **NO or MINIMAL ONE KEY CONTRACT MINE WORKERS in METHANE HPI INVESTIGTIONS**

**The Inclusion of either the on Shift Statutory Official in charge of the ERZ or excavation in the Open Cut has been clearly mandated.**

**If the ERZC or OCE who was on shift is not available, then another ERZC or OCE from the ERZC or Excavation has to be included.**

**Involvement MUST include being on the Investigation Team.**

**There needs to be an addition to Regulation 15 to cover work areas of both Underground and Open Cut Mines not presently catered for.**

**These include.**

1. **Washplants and associated coal stockpiles, load out facilities and rejects,**
2. **Workshops and all electrical and mechanical activities**
3. **Ancillary areas such as Offices**

**INCLUSION of SUB SECTIONS CMSHR Regulation 15 Investigating accidents and incidents**

**UNDERGROUND**

1. **“****Coal Mine Worker from the ERZ in which accident or incident who was on duty when the accident or incident happened.” or**
2. **if it is not practicable to involve a Coal Mine Worker in subparagraph (X)—another Coal Mine Worker for the zone.**

**OPEN CUT EXCAVATIONS**

1. **Coal Mine Worker from the excavation and on duty when the accident or incident happened; or**
2. **if it is not practicable to involve the Coal Mine Worker mentioned in subparagraph (X)—**

**OTHER WORK AREAS of UNDERGROUND and OPEN CUT MINES**

**It has long been identified that workshops and engineering tasks are areas of the Mines where fatalities regularly occur.**

**There are also washplants and associated coal stockpiles and train load out facilities.**

**These are not specifically covered in the accident and incidents investigation regulation for ANY involvement of Workers in the Investigation.**

**There needs to be additional additions to Regulation 15 to MANDATE the involvement of Production and Engineering Coal Mine Workers from the work area in the Investigation TEAM.**

1. **POTENTIAL NON-COMPLIANCE to REGULATION 15 CMSHR Investigating accidents and incidents.**

**INVOLVEMENT of ERZC and OCE in Accident Investigations**

1. **RSHQ MINE INSPECTORS TAKE IMMEDIATE ACTION TO ENSURE COMPLIANCE TO REGULATION 15 (2) at ALL COAL MINES.**
2. **RSHQ MINE INSPECTORS TAKE IMMEDIATE ACTION TO ENSURE COMPLIANCE TO REGULATION 15 (1) at ALL COAL MINES, Subsection 15 (1) (b) in particular.**

***“making the investigation findings available to the mine’s coal mine workers;”***

1. **POTENTIAL NON-COMPLIANCE to SECTION 105 of the CMSHA 1999.**
2. **RSHQ MINE INSPECTORS MAKE IMMEDIATE INVESTIGATION into POTENTIAL BREACHES of SECTION 105 CMSHA 1999; at ALL ANGLO COAL MINES**

***105 Protection of site safety and health representatives performing functions***

***A coal mine operator, site senior executive, contractor or other supervisor must not—***

1. ***prevent or attempt to prevent a site safety and health representative from performing his or her functions; or***
2. **AMENDMENT TO CMSHA 1999 100 Powers of site safety and health representative.**

**ADDITIONAL POWER for PARTICIPATION/INVOLVEMENT in “Accident and Incident Investigation.**

1. **INVESTIGATION TEAM MAKE UP**

**AMENDMENT OF CMSHR REGULATION 15 Investigating accidents and incidents**

**AMENDMENT TO PREVENT THE POSSIBILITY of PERSONS SIGNING OFF and ACCEPTING INCIDENT/ACCIDENT INVESTIGATION REPORT for DEPARTMENT they have DIRECT MANAGEMENT DUTIES and RESPONSIBILITIES under the CMSHA 1999, CMSH REGULATIONS and the MINES SAFETY and HEALTH MANAGEMENT SYSTEM**

**EXCERPTS CMSHR**

***15*** ***Investigating accidents and incidents***

***(1) A coal mine’s safety and health management system must provide for the following—***

***(a) the procedure for investigating accidents and incidents at the mine;***

***(b) making the investigation findings available to the mine’s coal mine workers;***

***(c) implementing corrective action for accidents and incidents.***

***(2) The procedure for investigating accidents and incidents must include the involvement of—***

***(a) for accidents and incidents in or around the surface excavation at a surface mine—***

***(i) the open-cut examiner responsible for the excavation and on duty when the accident or incident happened; or***

***(ii) if it is not practicable to involve the open-cut examiner mentioned in subparagraph (i)—another open-cut examiner responsible for the excavation; or***

***(b) for accidents and incidents at an underground mine—***

***(i) the ERZ controller for the ERZ in which the accident or incident happened who was on duty when the accident or incident happened; or***

***(ii) if it is not practicable to involve the ERZ controller mentioned in subparagraph (i)—another ERZ controller for the zone.***

**16 Giving notice of incidents.**

***(2) A coal mine’s safety and health management system must include procedures for—***

***(a) telling a site safety and health representative about the things mentioned in section 106 of the Act; and***

**CMSHA 1999
*106 Site senior executive to tell site safety and health representatives about certain things.***

***(1) A site senior executive for a coal mine must tell a site safety and health representative at the mine about the following things—***

***(b) a high potential incident happening at the coal mine;***

***(2) For subsection (1), the site senior executive must tell each representative as soon as practicable after the thing comes to the site senior executive’s knowledge.***

***99 Functions of site safety and health representatives***

***(1) A site safety and health representative for a coal mine has the following functions—***

***(a) to inspect the coal mine to assess whether the level of risk to coal mine workers is at an acceptable level;***

***(b) to review procedures in place at the coal mine to control the risk to coal mine workers so that it is at an acceptable level;***

***(c) to detect unsafe practices and conditions at the coal mine and to take action to ensure the risk to coal mine workers is at an acceptable level;***

***(d) to investigate complaints from coal mine workers at the mine regarding safety or health.***

***(2) The site senior executive and supervisors at the coal mine must give reasonable help to a site safety and health representative in carrying out the representative’s functions.***

***Maximum penalty—40 penalty units.***

***(5) If a site safety and health representative believes a safety and health management system is inadequate or ineffective, the representative must inform the site senior executive.***

***(6) If the site safety and health representative is not satisfied the site senior executive is taking the action necessary to make the safety and health management system adequate and effective, the representative must advise an inspector.***

***(7) The inspector must investigate the matter and report the results of the investigation in the mine record.***

***100 Powers of site safety and health representative***

***A site safety and health representative for a coal mine has the following powers—***

***(a) to enter any area of the coal mine at any time to carry out the functions of the site safety and health representative, if reasonable notice is given to the site senior executive or the site senior executive’s representative;***

***(b) to examine any documents relevant to safety and health held by the site senior executive under this Act, if the site safety and health representative has reason to believe the documents contain information required to assess whether procedures are in place at the coal mine to achieve an acceptable level of risk to the coal mine workers.***

***105 Protection of site safety and health representatives performing functions***

***A coal mine operator, site senior executive, contractor or other supervisor must not—***

***(a) prevent or attempt to prevent a site safety and health representative from performing his or her functions; or***

***(b) penalise a safety and health representative for performing his or her functions.***

***Maximum penalty—200 penalty units.***

**Reference Document**

**Incident Number: 162084 Classification: HPH; Incident Title: Intersection of GM016B – Expected grouted borehole; Incident Date: 23 February 2017; Report Date: 8 March 2017**

**REASONS**

1. **The Investigation Team has The Ventilation Officer and Seamgas Manager as participants. They both signed off on the Gas Drainage Authorisation Form, dated 10th August 2016.**
2. **The Seamgas Manager participates in the Investigation and signs off and accepts the Investigation Report**