

This is an uncorrected proof of evidence taken before the committee and it is made available under the condition it is recognised as such.



# ***COAL WORKERS' PNEUMOCONIOSIS SELECT COMMITTEE***

## **Members present:**

Mr JP Kelly MP (Acting Chair)  
Mr CD Crawford MP  
Mr S Knuth MP  
Hon. LJ Springborg MP  
Mr J Pearce MP

## **Counsel assisting:**

Mr B McMillan (Barrister at Law)

## **Staff present:**

Dr J Dewar (Research Director)

## **PUBLIC HEARING—INQUIRY INTO COAL WORKERS' PNEUMOCONIOSIS**

### **TRANSCRIPT OF PROCEEDINGS**

**WEDNESDAY, 23 NOVEMBER 2016**

**Moranbah**

## WEDNESDAY, 23 NOVEMBER 2016

---

### Committee met at 6.04 am

**ACTING CHAIR:** Good morning, ladies and gentlemen. I now declare open the public hearing of the coal workers' pneumoconiosis inquiry. Thank you for attending today. I am Joe Kelly, the member for Greenslopes and acting chair of the Coal Workers' Pneumoconiosis Select Committee. The chair, Jo-Ann Miller, the member for Bundamba, is unfortunately not well. We wish her a speedy recovery. The other committee members here today are: the Hon. Lawrence Springborg, the member for Southern Downs and deputy chair; Mr Craig Crawford, the member for Barron River; Mr Shane Knuth, the member for Dalrymple; and Mr Jim Pearce, the member for Mirani.

I wanted to let you know who we are and what we are doing in your community today. The purpose of the public hearing today is to receive evidence on the committee's inquiry into the emergence of coal workers' pneumoconiosis or black lung disease amongst coalmine workers in Queensland. We are a bipartisan committee whose purpose is to assess whether the current arrangements to eliminate and prevent CWP are adequate and to look at the roles of government, mine operators, dust monitoring procedures, medical officers and unions in these arrangements now and into the future.

This hearing is a formal proceeding of the parliament and is subject to its standing rules and orders. One of those standing rules and orders relates to the protection of witnesses. We have heard testimony, which the committee has not tested, and have had witnesses raise concerns regarding potential negative consequences for them as a result of their testimony. We would like to remind all people appearing before the committee that if there are any negative consequences for you as a result of your testimony that the committee would encourage you strongly to contact the committee. We will investigate those matters and take appropriate action. We take that matter very seriously.

The committee does not require evidence to be given under oath, but I do remind you that intentionally misleading the committee is a very serious offence. Those here today should note that the hearing is being transcribed by Hansard. The media may be present so you might be filmed or photographed. Before we begin, I would ask that all mobile devices be switched to silent or turned off. For the benefit of Hansard, I would ask that witnesses state their name and position when they first speak and clearly speak into the microphones.

**COOPER, Mr Matt, General Manager, Broadmeadow Mine, BHP Billiton Mitsubishi Alliance**

**FOOT, Ms Bobbie, Head of Health, Safety and Environment, Broadmeadow Mine, BHP Billiton Mitsubishi Alliance**

**ACTING CHAIR:** I welcome our witnesses from BHP Billiton Mitsubishi Alliance. Would you like to make an opening statement?

**Mr Cooper:** Good morning and thank you. We thank the committee for this opportunity. I have been in the mining industry for more than 20 years and have held my current role at Broadmeadow since 2015. Broadmeadow is located approximately 30 kilometres north of Moranbah on the same lease as BMA's Goonyella open-cut mine. It features BMA's first application of a mining technique known as punch longwall mining, which means that access to the longwall panels is directly from an old open-cut high wall. Underground mining commenced in August 2005. We currently employ approximately 700 people at Broadmeadow.

As my colleagues Dr McDonald and Ms Foot have previously stated to the committee, BHP Billiton was deeply concerned to learn of the recent diagnosed cases of CWP. That concern became even more personal for me when two Broadmeadow employees were diagnosed earlier this year. As the general manager of the mine, I take my responsibility for the health and safety of my workforce very seriously, both professionally and personally.

My first response was to ensure the two affected workers and their loved ones had the support needed to properly consider and assess the diagnosis. I am very pleased that both workers were diagnosed at an early stage so that the health implications should be limited. I am also pleased that Moranbah

they decided to work with me, my site leadership team and the health and safety professionals on site to develop plans for their immediate support and ongoing employment with BMA. Under the advice of medical experts, we have now successfully redeployed the two workers to above ground roles in low dust environments on similar employment conditions.

The workforce of Broadmeadow has pulled together to respond to the risk of CWP and there is a sense of pride in the work we have all done together. A commitment to open communication with all levels of our workforce has helped us talk through concerns and questions about the disease and to focus on reviewing the measures in place to manage dust generation and dust exposure. Integral to this has been our dust committee established in 2013, which is made up of site managers, employees and contracted personnel who are all involved in reviewing dust monitoring results, analysing any ascendants, looking for opportunities to improve controls and agreeing actions to address new matters as they may arise.

We acted quickly at Broadmeadow to support the recommendations of the Sim review back in July and have offered independent health reviews and new chest X-rays to all current underground employees. To date, 82 per cent of our employees have signed forms consenting to rescreening or having existing X-rays rescreened. I also understand that 30 per cent of workers have now completed the full review process. There is currently a backlog of reviews on the Be Readers in the United States.

Minimising the exposure of our workforce to dust has been a key priority during my time at Broadmeadow. In our written submissions to this inquiry we have identified the controls we have in place at Broadmeadow to reduce dust exposure. These controls have developed over time and operate within the framework of our safety health management system and include things such as ventilation, enclosing the dust sources, water sprays on dust sources, salting underground roadways and the positioning of workers away from areas which may have higher dust. With the assistance of the dust committee, we continuously look for opportunities to improve our controls and adapt them as changing mining conditions arise.

Over the 11-year history of the mine, average referable dust exposures have generally been below 1.5 milligrams per metre cubed—lower than the BHP Billiton OEL of two milligrams per metre cubed. However, there have been occasions where average dust levels have exceeded our internal OEL on our longwall cutting face, where in total a group of approximately 40 people work. These workers are protected from dust exposure by the mandatory use of personal respiratory protective equipment or RPE.

In 2013 higher dust levels resulted when there was a change in mining method. Working with our dust committee we proposed and implemented additional engineering controls which successfully reduced dust levels below the regulatory limits. The Mines Inspectorate issued us a directive at the time and we worked closely with the department to address it.

More recently dust levels increased above the regulatory limit when we commenced mining a new longwall block back in September. We had conducted methane drainage activities to reduce the risk of explosion. This also removes moisture from the coal seam which increases dust generation during cutting operations. When our weekly monitoring program indicated that dust exposure was above the OEL we reported the matter to the inspectorate and in parallel developed an action plan to reduce the dust levels. The Mines Inspectorate then issued its second directive after the 2013 directive which we are currently working to address.

Our action plan to reduce dust includes a number of additional controls such as additional high pressure atomised water sprays to suppress dust and a trial of real-time personal dust monitoring to confirm the effectiveness of worker exclusion zones around our longwall cutting equipment where dust is higher. It also empowers our people to trigger job task rotations during a shift so as to move individuals out of high dust levels to low dust exposure tasks. We are continuing to work on a long-term plan to increase automation, which includes remote operation of the cutting equipment so that workers can be removed from the face during cutting operations. We will continue to use mandatory RPEs to ensure that there is no increased health risk pending completion of these other actions.

Since the recent reports of CWP our focus at Broadmeadow has been to: firstly, keep talking with our people and making sure that they are well informed about the issues; secondly, provide our people with the opportunity for additional chest X-rays in line with the recommendations of the Sim review to give them confidence in their individual circumstances; thirdly, support those workers who have been diagnosed with CWP and help them manage their health and redeployment to other roles; and, fourthly, improve our engineering controls so as to achieve our OEL of two milligrams per metre cubed across all of the mine.

While I remain deeply concerned about the wellbeing of all workers on the site and ensuring the serious issue of CWP is addressed, I take personal pride in the way our people on site have come together to face the issue, including working together to address concerns, provide care and support to each other and continuously improve our operational performance while looking for ways to minimise our dust exposure. Thank you, Acting Chair.

**ACTING CHAIR:** Thank you, Mr Cooper. I now invite the member for Dalrymple to open questions.

**Mr KNUTH:** Matt, at the hearing last night we heard that there has been a massive increase in dust levels at Broadmeadow. There are also reports from those who have expressed great concern that, after the increase in dust levels, management says, 'We're not here to talk about dust; we're here to get coal out'. Can you answer that?

**Mr Cooper:** I will tackle that in two parts, if I may. As I shared in my opening statement, since starting the new longwall block and because of the methane drainage activities that we have undertaken on that block of coal, it has been dustier on the start-up. That was discovered through our weekly monitoring program, so the monitoring program picked that up. That allowed us to self-report to the inspectorate and also quickly develop an action plan at the same time. Pleasingly, I have just received the last two weeks of results for this month and already dust results are dropping back under statutory OELs or regulatory OELs and our own internal limits. My message is that our monitoring program worked. It let us respond. It let us share clearly with our workforce the current state of affairs in terms of their dust exposures.

If you came to our mine, what you would see as you entered the pre-start area is a board with all the dust results on the board, so everyone is fully aware and we are fully transparent on our current monitoring performance. Then, if there are any exceedances, we make sure they are well highlighted and we trigger an investigation into those exceedances. On that board, you would also see the actions that we are taking to address those exceedances. That information is fully available to the entire workforce and also to everyone who comes to the mine.

In terms of talking to our workforce about the dust exposures, we routinely do that at the start of the shift. As well as that board that I referred to earlier, our shift start notes have a complete record of the current dust results on them. Our shift leaders routinely start off our shift briefings with the status of those and if there are any particular actions that we are looking for people to take during the shift. In terms of discussing these results with the workforce, we are fully transparent and we do so on a regular basis.

**Mr KNUTH:** If the company is aware that the Mines Inspectorate is coming to inspect the site, do they do everything in their power to clean everything up to make it all look good, before the inspectorate arrives?

**Mr Cooper:** I have been a general manager in Central Queensland now for two operations for approximately four years. My experience with the inspectorate is that they operate in two modes. In some cases, they will give you 24 hours notice of an inspection. On other occasions, they will have surprise inspections as well, for exactly that reason. I take great pride at Broadmeadow. If we have a notice of inspection, we do not do anything different in how we operate. We operate the mine to the same high standard, day in and day out.

**Mr KNUTH:** There has been an increase in the employment of contractors and labour hire. There is a concern that those employers are a bit or very frightened to raise issues of safety or dust levels, for fear of repercussions against them.

**Mr Cooper:** That has not been my experience. We have extensively talked to our workforce—when I say 'our workforce' I mean the entire workforce—on a regular basis. We treat contractors and our employees the same when it comes to the health and safety perspective. Everyone gets access to the same information. Everyone gets access to the same protective equipment. We work under one safety health management system that sets out the risks and the controls and the actions we need to take to achieve an acceptable level of risk.

During my crew discussions, routinely contractors come up to me and raise all sorts of issues, safety related and dust related. We always treat those on their merits. One of the other things that we do at the mine to create that safe-to-speak-up culture is our crew start boards have a process that is called concern or opportunity strips. If anyone has a concern, the intent is they feel safe to raise that concern. That goes up on the board and it stays there until such time as we have satisfactorily addressed the concern of that individual and we have communicated that and then we can remove that strip. If you came to our mine, you would see that on each of our crew start boards. Routinely, we create an environment where it is safe to speak up.

Last week, I was underground on the longwall doing an inspection. I happened to run across a contract fitter and his young apprentice. We talked through this issue with those folks and addressed the issue about safe to speak up and how they find my team to deal with. Their feedback was that on a number of occasions they did have issues and when they were raised they were dealt with properly. So that has not been my experience at the mine.

**Mr KNUTH:** When you employ a contractor, what is the first thing that you do with regards to health check-ups? What do you say to them?

**Mr Cooper:** I might start this answer and then defer to Bobbie, who is a bit more of an expert. As I said, we treat all of our people exactly the same, irrespective of whether they are a contractor or our own employee. The processes we put in place are exactly the same, so everyone has the same level of comfort about the protections that are in place. Bobbie, do you want to expand on that?

**Ms Foot:** I think what is important to understand here is that under the regulations all coalmine workers require a health assessment before they commence work and then ongoing at a minimum of five yearly intervals. We have a gate swipe system, so a swipe card entry. If you do not have a current Coal Board Medical, you cannot get in the gate. You are directed to go and provide that before that can happen. We have a hard stop there where neither contractors nor employees can be working without a valid Coal Board Medical. Does that answer your question?

**Mr KNUTH:** In part.

**Ms Foot:** Do you have further questions?

**Mr KNUTH:** For permanent, labour hire and contractor employees, it is all the same?

**Ms Foot:** Yes, it is the same. All contractors, whether they are labour hire or other types of contractors, require a Coal Board Medical. Their company would organise that. They actually have to have a copy of what is called the section 4 or form 4, and that is attached to their gate record. If it is not current, the computer says no, they cannot get through.

**Mr SPRINGBORG:** I have a question that follows on from the member for Dalrymple's question about the grievances raised by workers. What is your proportion of contractors versus permanents working in the mining environment?

**Mr Cooper:** We employ approximately 700 people across the entire mine. Approximately 300 or just over 300 are directly employed by BMA and approximately 400 come to us through contract partners. It is approximately that mix. In terms of the actual production crews, they are predominantly BMA employees. We tend to find that the contractors assist us in what we would call out-buyer support activities, so the majority of the actual cutting operations is conducted by our own people.

**Mr SPRINGBORG:** When you say the majority, are you saying 90 per cent?

**Mr Cooper:** I would be reaching for figures. I could get an exact number for you. To answer that here on the spot, in terms of the cutting crews it would be in the order of 80 to 85 per cent who would be direct BMA employees and about 15-ish per cent would be labour hire or contract providers at the cutting face.

**ACTING CHAIR:** Mr Cooper, could we ask you to take that question on notice and give us accurate figures, please?

**Mr Cooper:** I will. We can actually take that and break it down.

**Mr SPRINGBORG:** Similarly, you may wish to take the next question on notice as well, Mr Cooper. With regards to the grievances raised by those people who work in your mine environment, would you have any idea what proportion of grievances or concerns are raised by contractors versus permanents?

**Mr Cooper:** 'Grievances' is probably—I can take that on notice.

**Mr SPRINGBORG:** When I am talking about 'grievances', it is probably a loose way of saying it but, basically, if there is an issue around safety or a concern that they feel should be addressed.

**Mr Cooper:** It might be helpful to understand: the dialogue is ongoing continuously between ourselves and our workforce. It is a routine part of our role that our people have issues around a whole range of issues and they will bring that up to us through the shift. Routinely I attend the pre-start and regularly I would have two or three people come up to me with various issues—safety related, personal related. We do not really have anything I classify as a grievance. We have an ongoing dialogue with our workforce about issues and we work with them to resolve them. It would be a question that I could not really accurately take away and put a number to, because that is just a routine part of our role in dealing with our people.

**Mr SPRINGBORG:** If it relates to a concern about dust levels or exposure, is that an ongoing dialogue? How do you categorise that?

**Mr Cooper:** When the first reported cases of CWP came to light back in 2015, we actually took a decision to stop production and brief the crews as they came on the shift. We had a really good dialogue with the crews as they came on, the longest being a couple of hours and the shortest probably being half an hour. What I think you would term as 'grievances' or what I would call 'legitimate concerns' were raised with us. We were able to talk through with our crews the circumstances as we knew them, the controls we had in place, how did we know and how could they be confident there was an acceptable level of risk to themselves. After that conversation, all crews went to work satisfied. Then some time later, as I shared in my opening statement, unfortunately, we have had two individuals diagnosed with CWP at Broadmeadow. Again we chose to stop production. We chose to talk that through with the crews. Some of those same concerns came up. At that stage, in the context of us starting our new longwall block where we had got higher dust results than we would have liked, we again had a discussion with our crews. When I say 'crews', I am being very broad in that definition of our own BMA people, contractors and labour hire. Everyone was part of that same discussion, at the same time. Legitimate issues were put on the table. We were able to work through those and resolve them to our people's satisfaction. They proceeded to work following that. Does that answer your question?

**Mr SPRINGBORG:** In part. One of the concerns that has been raised here and in other places is that some people who work in a mining environment would feel inclined to raise concerns more confidently if they had a greater level of permanency. What I am trying to establish is if there is a proportional relativity to the number of concerns raised versus the permanency of that worker. Is there anything that indicates, from what you have seen, that there are less complaints on a proportional basis made by workers at a mine who are not permanent but who work in a similar environment?

**Mr Cooper:** My experience of that is that it is not so. I spend a considerable amount of my time at the pre-start, talking about these issues. The split of people coming up to me afterwards or questions I get from the floor at the pre-start have almost been 50-50. We work very hard to create an environment where it is safe to speak up, for obvious reasons: if people feel comfortable to speak up, it is a safe environment and it is a nicer place to work. We spend a lot of time in this space. My personal experience and the conversations I have had with my leadership team show that we are seeing about 50-50, which makes sense. On the numbers I gave you today, roughly 50-50 of our workforce are contractors and internals, so it makes sense that people approaching us about issues would be about half-and-half. That has been our experience.

**Ms Foote:** To add to that, if people do not have the confidence or have that perception, there are a couple of other mechanisms they can use. They have site safety and health reps who are elected representatives at the site they can also speak to. If they are not comfortable raising it with management, that is another avenue that they also have. Also via the dust committee at Broadmeadow, they can talk to one of the members and that issue will get raised. If someone does have that perception, there are avenues for them, as well.

**Mr Cooper:** To expand on that, the dust committee has been a very successful process for us. It is cross level, cross functional and includes BMA personnel and contractors. It is a very collaborative working environment with the objective of ensuring a safe working environment, being protected from dust and continually improving our systems. It has worked very effectively for us and we will continue to use it.

**Mr SPRINGBORG:** My next question relates to risks and health and safety overall in the mining environment. I think we have all seen very significant improvements in recent years with regard to culture and attitude and awareness around health and safety in a mining environment—various points of contact at all times, gloves, long sleeve clothes, safety glasses, induction—all of those sorts of things. There is a high level of awareness. Would it be right to say though that prior to the re-identification of CWP there had not been a culture and attitude of seriousness around dust amongst management and workforce?

**Mr Cooper:** As I shared with you before, I have been a general manager in Central Queensland now for the last four years. I have had over 20 years in the industry. All of my training has always been around treating the dust risk seriously. My personal experience is what I can talk to. It has always been a key focus for me personally and for the teams I have been part of. I would agree with your earlier analysis that safety has improved over time as we have all focused on it. My experience has been that the dust issue has always been managed at the mines that I have been at. I see nothing different in our intent today than I have over the last four years pre and post the Moranbah

announcements of CWP. It has always been a risk. It has always been treated seriously. At BHP Billiton the health and safety of our people always comes first. That is the way we have always dealt with the issue.

**Mr SPRINGBORG:** One of the things we have heard—and it has been a common thread throughout our inquiry—is that 'Because we did not want to think CWP was around, we basically'—when I say 'we' I mean everyone involved—'told people, "Don't worry about it. It is not there anymore." Have you ever heard within the industry over a period of time that black lung no longer exists so dust is not the problem that it used to be?

**Mr Cooper:** As I said, I have been part of the industry for 20 years. In my working career the first cases I became aware of were in late 2015. I will declare that it was a surprise to me because in my entire working career they were the first cases I came across.

**Mr SPRINGBORG:** Since the re-identification of coal workers' pneumoconiosis, how many surprise visits has your mine had from the Mines Inspectorate?

**Mr Cooper:** Can I take that on notice? I will take it on notice to get you an exact number, but we have had a number of surprise visits.

**Mr SPRINGBORG:** And 'surprise' being unannounced?

**Mr Cooper:** Yes.

**Mr SPRINGBORG:** That would be good. I would really appreciate that. You mentioned before that you are putting in place real-time dust monitoring as well. We are hearing various levels of enthusiasm from within industry around real-time monitoring with information coming forward saying that it is not as reliable as wearing personal monitors. It can have more variable results and all of those sorts of things. When you are talking about real-time monitoring, are you talking about permanent placement of real-time monitors and are there any challenges with regard to that?

**Mr Cooper:** I might answer that question in a couple of ways. We always manage risk on the hierarchy of control. At the top of that tree is elimination. Our long-term focus at BHP Billiton is to take equipment automation to the stage where we can remove people from that immediate cutting environment. What that looks like is probably a remote operating cab off the cutting face. We are continuing to focus our efforts down that track because we think that is where we need to be. When we say taking people off the face, it does not mean we will have fewer people. What it means is that those people will be positioned where they will not be exposed to the dust. That said, that is probably 12 to 18 months away, we believe, before we get the technology to that stage.

I am personally pretty enthusiastic around real-time monitoring for a number of reasons. One is that it empowers our people. It gives them the information live where they can do a couple of things. They can either remove themselves to a different position or they can ultimately task rotate out of the area. We are right at the very start of our journey with this. We have only recently managed to secure four PDM3700 units. Then we also have another type of hand-held technology. The early indications are very encouraging. This is the technology that we have recently managed to put into the mine. Since we have put it into the mine, our dust exposures have dropped below the OEL in the last couple of weeks. We think that is in part because our people now have the information ready to hand to help them manage that environment directly. One of the challenges that I am sure has been raised by some of the other coalmining companies is that this equipment currently is not certified for use in underground coalmines. That would be one of our requests potentially of this committee. If there is any assistance that you could provide to get this equipment to be certified and approved for use in the Queensland industry, it would certainly be very useful for us. Does that answer your question?

I am very encouraged about the early signs of what we see. I am encouraged because it empowers our people to directly manage the risks that they are exposed to. Whether ultimately it is a longer term solution, I would like to think that we would get to the stage where the automation is a stage where we actually remove our people from that cutting environment for the majority of the time.

**Mr SPRINGBORG:** Mr Cooper, a focus of our committee has been trying to work out how we can get redress for former coalmine workers in Queensland—people who have retired from the industry but because of the failure of the system, whether it be diagnosis or just general support, they have an underlying dust condition or CWP. What sort of process would your company or your mine take if it were discovered that a worker employed by yourself—a long-term employee—who has retired in the last couple of years has been diagnosed with CWP?

**Ms Foot:** We have a process, as per the evidence that Dr McDonald gave at our last appearance, where if anybody is concerned—and it is important that they get those health checks—they can contact us. Post the last hearing the DNRM has asked us for the contact number and we

have passed that on as well in case anybody contacts them. They can go to an independent occupational physician who will take their history and arrange the necessary tests, whether it is a chest X-ray or CT scans et cetera. If they did get a diagnosis then they can be linked in to the appropriate workers compensation from there.

**Mr SPRINGBORG:** Their initial approach would have to be covered off by themselves but if there were confirmation then that would—

**Ms Foot:** No. I want to clarify that, through the process of setting up that independent occupational physician, we will pay that occupational physician, so they do not have to pay and be reimbursed or anything like that. We will cover that screening process. If they got the diagnosis then any follow-up compensation would come from workers compensation. They can submit a claim.

**Mr SPRINGBORG:** The former worker themselves would initiate that process.

**Ms Foot:** Yes. They can initiate the process. If a GP or someone they go to see contacts us, the same sort of process would occur.

**Mr SPRINGBORG:** I have one last question which relates to the issue of managing dust and exposure and trying to mitigate and reduce risk. We heard evidence last night which was restated by your own testimony this morning with regard to rotating workers from a high dust environment because of the level of dust and exposure. Is that the most competent or safe way to manage risk because it, in itself, would indicate that there was a much higher level of dust in that environment than there should be for a worker to be safe?

**Mr Cooper:** As I shared before, we try to work on the hierarchy of control spaces. Our objective is to eliminate the risk. For us that looks like proceeding with automation, which is going to take us 12 to 18 months to perfect. In between now and then there will be a range of actions that we will take. Crew rotation or task rotation will be part of the mix but certainly not the key part. As much as possible we try to enclose the dust sources or deal with the dust at its source. It makes sense. We have certain machinery on the longwall face that crushes the coal. They are dust generation sources. We try to enclose those sorts of areas. Where we can we direct high-pressure water sprays to try to wet the coal down and create a shield between the dust generation source and the worker. Thankfully our automation is now to the stage where our people act more as managers of the cutting machine rather than being very close to it. Separation is a key control for us between the person and the cutting machine. You hear us talk a lot about no-go zones and making sure people are standing in the right spot.

The conversation we had before about the real-time dust monitors and how that empowers people is all part of that separation. If the individual is getting a real feed, they can determine 'Am I too close to the machine or am I not?' Obviously, if that starts to show that they have been exposed to an unacceptable level, it does give them the trigger then to rotate to another task. In my mind it is part of the mix. It is probably a lower order control. We would like to be working further up the hierarchy of control. Ultimately, if you get to that stage where you are getting information that your dosage is unacceptable, the only logical thing to do is remove yourself from the area, and that empowers the individual to do so.

**Mr SPRINGBORG:** When it comes to dust mitigation and control, what does your company do to learn from other companies or share information and best practice, because there is now a fair bit of innovation that is happening in this area, particularly since the re-identification of CWP?

**Mr Cooper:** I had the opportunity a few weeks ago to attend the best practice workshop hosted by the QRC. I think all of us took a lot out of it. Certainly some of the things that we brought to the table were very much in that automation space. Some of the things we took away were things like the personal dust monitoring. That actually accelerated our journey down that track. Post that workshop, a coalition of coalmining companies has come together to try to advance the certification and approval of personal real-time dust monitoring. There is a lot of sharing. We often say we do not compete in the safety space, and that is very true in the underground coalmining industry. We do not compete on safety. We share best practice. We try to learn from each other. Certainly that workshop was a good opportunity for us to do so.

**Mr SPRINGBORG:** You mentioned before, Mr Cooper, about taking your workers directly away from exposure and trying to put them in an environment where dust is kept outside, putting them in a controlled environment such as inside a vehicle and those sorts of things. Is there any evidence that would indicate that our extraction of the dangerous particles is not quite as effective? We had evidence last night from a coal worker with CWP who said he had been wearing not only a respirator but also a mask over a long period of time but still contracted it. It is the very, very fine

particles that are out of sight out of mind in many ways. What I am trying to say is: are our technology and our techniques in that vehicular environment good enough to take out those coarser particles and can we be absolutely sure that we are still not subjecting people to the risk of the finer particles?

**Ms Foot:** In terms of the respiratory protection, one of the things that we have in place—and it is really important with respiratory protection—is that you conduct a fit test. We have a clean shaven policy in place, so you will not see people with beards and that sort of thing at Broadmeadow. Then there is a fit testing process where it is tested to make sure that it does fit their face properly and that it is actually protective. Respiratory protection, if it is fitted properly and you have actually checked that, will reduce the levels of exposure tenfold, but it is really important that you do that fit test and make sure that people are getting an appropriate fit on that equipment as well.

In terms of the swipe card system that I spoke about before that has linkages to whether or not people have a Coal Board medical, we also apply that to make sure they have a current fit test as well and that they are wearing the appropriate type of mask for their face as well. As long as you are using the right respiratory protective equipment for respirable coal dust and it has been fitted, then it should be well and truly protective.

**Mr SPRINGBORG:** My question was probably longer than it needed to be. When it comes to the filtration systems that are fitted to the various apparatus or vehicles that coal workers drive, can we be confident that they will eliminate the majority of those fine problematic particles that cause the respiratory ailments?

**Ms Foot:** The positive pressure cabs that we use in the open-cut environment are tested and do have filters on, so they would be well and truly protective as well. We do not use those underground I do not think, Matt. We are not able to.

**Mr Cooper:** No. The dust generation source for my workforce tends to be the cutting equipment. Those personnel do not tend to be in the protective cabs. Hence the reason for our focus on automation where we can simulate that sort of outcome and remove them from the immediate cutting environment. Bobbie talked about the importance of fit testing for our people. We carry a number of different ranges of PPE to make sure that we have something there that will fit every face, so people when they go to work can feel very comfortable that what they are wearing actually fits their face and it is readily available for them in the prestart area.

**Mr PEARCE:** How do you put your dust committee together and who is on it?

**Mr Cooper:** It is rotational. The dust committee sits every Friday morning and our crews rotate; we have four panels. Whichever crew is on the Friday morning, that is the representative of the dust committee for that particular week. It is essentially on a voluntary basis. We try to get a spread of people—a spread of technical experts, a spread of operators, a spread of maintainers and a spread of contractors. It tends to be more voluntary and who is there on that particular Friday morning at 7.30 in the morning.

**Mr PEARCE:** So the crews are actually nominating the person to be part of the committee for that work?

**Mr Cooper:** Nominating is probably not the process. It is more of a volunteer basis. You have worked in the underground coalmining game; you know how close the crews are. It tends to be by agreement and they tend to share it around as it suits them.

**Mr PEARCE:** What I was getting at is: the company or management does not make a decision about who is going to be on that committee?

**Mr Cooper:** No, it is purely voluntary. The only thing we try to do is make sure it is representative of all the people who are impacted. That is the only thing we will do. If we decide that there is not enough technical expertise—there may be a particular issue of the day and there is not enough technical expertise in that area. We will then make sure that that is available for the committee members to draw on.

**Mr PEARCE:** Does any of your workforce have a role in the actual monitoring of dust levels at the mine?

**Mr Cooper:** Only in the sense that they obviously wear the monitoring. Bobbie, do you want to talk through how the monitoring program is run?

**Ms Foot:** Certainly. As we have said previously to this committee, we have an independent contractor that comes and does monitoring. We also conduct weekly monitoring using internal people from the health and safety department. Then as Matt said, the workers themselves that are at the coalface are wearing those dust monitors. Perhaps I can just expand on something that the deputy Moranbah

chair asked before around the monitors. There is the full shift monitoring, which is the way that we have typically done it. The real time monitors are also monitors that are actually worn by people. It is just that they give a specific readout minute by minute on what is actually happening as well. That is the new process that is additional.

**Mr Cooper:** As I shared before, the results of those are posted on a notice board. All the current results are there. If there are any exceedances, they are colour coded red so it jumps out at people clearly. Everyone is fully aware of what the results are continuously.

**Mr PEARCE:** I am getting a bit of a feeling from people who work in the industry that they are really concerned about the integrity of the monitoring. Do you have an independent company doing that? I guess from the feedback we are getting I would be a little bit concerned about the integrity of the actual monitoring. Where is the monitoring done, when and how often? Those sorts of things are always a bit of a concern to people in the industry. Can you explain to me how you have had the confidence of the workforce with regard to your monitoring?

**Mr Cooper:** From our perspective we do the call-in monitoring, as Bobbie shared, and we do the weekly monitoring. The weekly monitoring for us is trying to find problems, so we actually target the highest production shifts. We are trying to understand the highest exposure environments. We actually target those coal-cutting people to understand what their exposures are like. That process has been successful in identifying that we have had a problem. By following that process of weekly monitoring and targeting the highest risk individuals that has highlighted to us earlier that we had an issue and allowed us to then report to the inspectorate and get an action plan in place. While it is regrettable that we have an occasion of overexposures, we actually know about that very early and we have a quick response plan in place. Of course, in relation to the workers at the face, we have mandatory RPE down there, so we know the risk to them is acceptable with the proper application of RPE. This is actually a circumstance where our monitoring has given us an early warning and allowed us to respond in a very quick fashion. As I said, the results for the last couple of weeks have already shown we are bringing the dust levels back under the relevant OEL. While regrettable, it actually is a demonstration of the system at work.

**Mr PEARCE:** You are confident that the majority of the workforce would have a good understanding of what is happening with the monitoring and the improvements you have made?

**Mr Cooper:** I am. I am very comfortable with that space. We are very public and transparent around this. Our highest risk individuals are the 40 individuals who work on the long wall. They are probably the most expert across this issue because the exposure that they face is the highest. Broadly speaking, I am comfortable our people understand the risks associated with dust, what the key controls are and what the monitoring results are for their particular areas. I am very comfortable around that.

**Mr PEARCE:** You mentioned a couple of times ongoing dialogue. If there is ongoing dialogue, do you record that? Do you make a record of that with regard to who you have been talking to and what the issue has been?

**Mr Cooper:** No. The answer to that is I do not. We do on a regular basis. When I say 'dialogue', my personal experience is standing up at the prestarts and addressing the whole oncoming crews around these issues when CWP first came to light back in late 2015 when we had our diagnosed cases. At every prestart that I and my leadership team attend we are talking in some form or fashion around a whole variety of risks including dust. I am routinely underground at least 10 per cent of my time interacting with the workforce, talking about these issues. It is in so many different forms and formats that we do not record that. The only minuted meetings are for the dust committee. The dust committee itself will actually record what it discussed and, more importantly, what are the corrective actions arising out of the committee so we can track that progress. I return back to the board that is in the prestart area, it has the dust results and any investigations. It is important to understand in our system we trigger an investigation if we have an exceedance over 50 per cent of the OEL. Assuming the OEL is two, if we have a reading over one, it will actually trigger an investigation to try to understand how we can keep driving the dust exposures down to ever lower limits. On the other side of the board, we have this action list that the committee is working their way through, and that is how we track the progress of the committee. In many other forums we do not actually record those conversations.

**Mr PEARCE:** There has been comment with regard to not hearing anything back. If they raise an issue about dust they never hear anything back about it. I am suggesting that maybe that is something that needs to be taken into consideration. If the workforce is to be informed, you report back. We have to do those sorts of things.

**Mr Cooper:** We spend considerable time feeding back on these issues. I can show numerous occasions where we feed back through our safety briefings, toolbox talks and the board that I have discussed. This dialogue and information flow is ongoing.

**Mr PEARCE:** Did you have any input into the submission that BMA put in?

**Mr Cooper:** Only in the sense of fact checking and reviewing. I have been a subject matter expert. I suppose that would be a good description. Unfortunately, my writing skills are not great, so I rely on others to do that. I just reviewed it from a subject matter expert perspective.

**Mr PEARCE:** Are you confident if I ask you a question? Do you want to answer it, or do you want to leave it go?

**Mr Cooper:** Can you repeat the question for me please?

**Mr PEARCE:** Are you confident that if I asked you a question from the BMA submission that you would be able to answer it?

**Mr Cooper:** If it was focused on operational or engineering issues, then I am comfortable I could answer it.

**Mr PEARCE:** I just ask a question about the NMAs. I think in the submission the company states that it has eight and that they are kept up to date on workplace environment and dust. Do you know if any of these eight have ever diagnosed CWP? Are they trained and experienced in ILO standards?

**Ms Foot:** I can perhaps speak to that and provide some clarification. The nominated medical advisers, as per the regulation, are the doctors who assess people. They will take the X-rays that the radiologist read to the ILO standard and they will review that report that comes back from the radiologist. They are not the ones that have the ILO training; that is actually the radiologist. However, in terms of our nominated medical advisers, the people that we have across all of our mines—the eight go across all of our mines—are all doctors. They all have some familiarity with site conditions or we make an effort to make sure that they actually get to visit site, and that is certainly the case for the Broadmeadow nominated medical adviser; they have been a number of times to understand those conditions. We also make sure that they have our dust results so that they can actually assess the risk for the people that they are seeing as well. Does that answer the question?

**Mr PEARCE:** Yes. I have a quick follow-up. If there is a possibility that a patient might be in trouble with dust, does the first person, the first doctor, have enough experience to be able to identify that, 'Gee, there is a problem here. I need to send this on,' or do they just put it in a box?

**Ms Foot:** I understand the question. In answer to your earlier question have they diagnosed CWP? Yes, the two Broadmeadow workers were seen by a nominated medical adviser. The process to actually get a diagnosis of CWP is further than just the X-rays. They have had high resolution CT scans and each of the people from BMA who have been diagnosed with CWP has seen a respiratory physician—that is more specialised again—and they worked with the NMA. That is our understanding of the process.

**Mr Cooper:** It is probably useful to understand there has been a number of occasions where concerns have been raised that ultimately on further testing have been put to bed. The process is double-checked by an Australian radiologist—RANZCR nominated to the ILO standard. Then it goes off to the B reader in the US for a triple check. That is the process that we have in place. Any one of those three can raise an issue or concern that then requires the further testing that Bobbie referred to.

What tends to happen at that stage is a section 4 or a restricted section 4 is generated to make sure that we are always caring for the individual and keeping them in a low-dust environment until there is a final diagnosis either positive or negative. The two confirmed cases obviously went through to a simple early form of pneumoconiosis. I have had about three other cases where early flags were raised that have ultimately been resolved and have not been CWP. The doctors appear to be very attuned to this issue and are flagging concerns early to make sure that we can look after our people.

**Mr McMILLAN:** Can I ask you first of all, Mr Cooper, to explain to the committee the background to the two confirmed cases of CWP that you have had arising from your mine? First of all, how long did each of those workers work in your mine—or have they worked in your mine?

**Mr Cooper:** I will talk to an answer and if you do not feel it has addressed your issues—

**Mr McMILLAN:** Thank you, and please do not identify the workers. If we can speak as generically as possible to assist the committee that would be helpful. Thank you.

**Mr Cooper:** Thankfully both these individuals took up the opportunity for the voluntary testing that we put in place post the Sim review. That flagged initially concerns about these individuals that ultimately resulted in diagnosis of a simple early form of pneumoconiosis. That pathway to diagnosis was extended. It actually allowed us to interact quite extensively with individuals as they travelled down that path. As you would appreciate, it is very concerning for them and their loved ones.

Through the course of those conversations it became apparent that both those individuals had been at Broadmeadow for less than five years. Both of them have worked in our development mining area, so an area of the mine that is under the 1.5 million grams per metre cubed of exposure. Both individuals had had extensive experience at other mines in other jurisdictions. One of the gentlemen has had close to 30 years in the UK industry. Does that address your question?

**Mr McMILLAN:** Yes, thank you. Do I take it from that evidence that both of those workers had been screened and had been cleared as fit to work at Broadmeadow when they commenced there?

**Mr Cooper:** As part of the onboarding process they would have had a current coal board medical in place, which is a five-yearly review. Both those individuals, as far as I am aware, had not been diagnosed with any issues on that previous scan.

**Mr McMILLAN:** Have you made inquiries as to whether their initial assessments included a chest X-ray?

**Mr Cooper:** I know from a matter of course that it would have. You do not get on to our sites—as Bobbie shared before, a current coal board medical is a prerequisite for actually entering the site. Just to get on site, you actually need a current coal board medical.

**Ms Foot:** X-ray is mandatory for the underground environment.

**Mr McMILLAN:** Is that BMA policy?

**Ms Foot:** That is regulatory as well.

**Mr Cooper:** No, it is industry.

**Mr McMILLAN:** Is the regulation not determined upon a risk assessment conducted by the nominated medical adviser as to whether that person is at high risk of dust exposure?

**Ms Foot:** Yes, you are correct but in practice that means that the underground environment always gets a chest X-ray. We have a process with our medical processing team to make sure the underground people have chest X-rays. If they do not, it needs to go back.

**Mr McMILLAN:** If a worker is employed to work in the Broadmeadow Mine, do they automatically require a chest X-ray regardless of the particular dust environment they are going to be working in at the site?

**Mr Cooper:** That is correct. To not qualify for that needs to go through a separate risk assessment process to be classified as low risk, and then you may not have one in those circumstances. To the best of my knowledge, that has not occurred at Broadmeadow. The default position is a chest X-ray every five years.

**Mr McMILLAN:** As far as you are aware, every worker who comes through your gate has had a chest X-ray in the last five years that has been certified as clear of CWP?

**Mr Cooper:** They have been certified as fit for work. There is a distinction, but we actually do not get to know the individual diagnosis. What we see as the company is they are fit for work, or they are fit for work on restricted duties, or they are not fit for work. Bobbie, do you want to expand on that?

**Ms Foot:** I think that covers it. We do not actually get the diagnosis. In the case of the two people who were diagnosed, the only reason we know that is that they consented to work with Matt and his team on that.

**Mr McMILLAN:** In terms then of the determination that that worker is fit for work, is there any level of the ILO classification at which you are informed that the worker does not yet have CWP but they are at risk of developing CWP with further dust exposure?

**Mr Cooper:** The answer to that is yes. In some circumstances, there can be a very early form where the doctor and the respiratory specialist determine that there is an acceptable level of risk and they can be declared fit for work. I am aware of one case of that. In that particular circumstance, the individual involved has an intensive monitoring program around them, so both a respirable dust perspective and also an ongoing health surveillance program around them to make sure that the disease is not progressing.

**Mr McMILLAN:** Do you offer them the option of different duties in a lower dust environment if they wish to take that up?

**Mr Cooper:** In this particular circumstance, the individual was already on the surface in a low-dust environment. In this particular case, it is just monitoring them because we are very comfortable in the environment that he is currently working in.

**Mr McMILLAN:** I wanted to ask you about the determination of what is or is not a low-dust environment. How do you decide what aspects of the surface work are low-dust environments?

**Mr Cooper:** We comply with expert medical advice. We rely very heavily on respiratory specialists. They give us advice around the particular circumstances with the individual. Obviously, they are looking at the individual, their records, and they are matching that to the environment they are going to work in. We provide the respiratory specialist with full monitoring results for that environment so they can match them up and determine whether there is an acceptable level of risk. The way that is played out for the two individuals who have been diagnosed with CWP for us is the doctors have been comfortable that below one milligram per metre cubed is an acceptable level of risk.

**Ms Foot:** Just to add to that, it is whatever the restriction is that the nominated medical adviser writes on that form. In that case, the restriction has said to keep the dust below one milligram per cubic metre. If we get a non-specific response, which we have had, to say to keep them in a low-dust environment, we will go back to that NMA and say, 'Can you please be specific about what you mean by a low-dust environment?' just so we are able to manage the risk.

**Mr McMILLAN:** Do you ask that worker to wear a personal dust monitor more frequently than other workers might be asked to, to keep track of the exposure that that particular worker is susceptible to?

**Mr Cooper:** It is a case-by-case basis. In the circumstance of the gentleman who is still at Broadmeadow, that is exactly the case. He will be monitored from a dust-monitoring perspective on a more regular basis than others would be.

**Mr McMILLAN:** Mr Cooper, you made reference to exceedances that are noted from the dust-monitoring process. I think you said words to the effect that those exceedances were highlighted and fully investigated. The committee has heard some evidence from a worker that that investigation process is focused upon what the worker did wrong to result in a higher than acceptable dust level. He gave an example of the worker being in a no-go zone that might have contributed to the higher than acceptable dust level. Is there a focus in that investigation process on what the worker did wrong?

**Mr Cooper:** The investigation process focuses on all of the controls. People positioning will be part of that, but it is a broad focus. As part of my regular leadership meeting, we focus on these issues ourselves. We as the leadership team review these investigations to make sure that they are focusing on the broad spectrum of controls. As I shared before in my earlier testimony, our desire is actually to work at the higher end of the hierarchy controls. My focus tends to be more on the engineering fixes and those sorts of things. Ultimately, people positioning is one of the elements that we do discuss with the individual given its importance but, no, the investigation covers the whole range of controls.

**Mr McMILLAN:** Certainly, at least from that worker's perspective there seems to be a perception that where a dust monitor returns a higher than acceptable reading there is a belief that that worker has failed the test or that that worker has done something wrong. Do you agree, to the extent that that approach exists in the mine, that that is a negative way of, I suppose, enforcing positive behaviour in workers?

**Mr Cooper:** That is certainly not the intention. The intention is to understand the root cause of the exceedance and make sure we put controls in place to avoid a repeat. That is the focus of the investigation.

**Mr McMILLAN:** In terms of the engineering controls, which I think you have described as the higher level in the hierarchy of controls, the submission that has been produced by BHP Billiton lists a number of those controls that are used in the underground environment. They include water sprays. Do you have adequate access to water at Broadmeadow to ensure that you can use as much water as needed in dust suppression?

**Mr Cooper:** We have had to date. I guess with our current efforts we are undertaking an engineering study to confirm that our water supply is still sufficient. There is no doubt going forward that we will be consuming more water in the suppression process. The best information I have to date is that we have adequate pipe ranges down there. If that proves not to be true through the engineering study, we will upgrade to whatever we require.

**Mr McMILLAN:** I might leave it there for the time being but there may be some further questions arising from other evidence that we hear from your workers and from documents that the committee obtains. It may be that the committee will call you back or we might produce a list of questions. Would you be willing to answer some questions in writing so that the committee can move on to its next hearing?

**Mr Cooper:** We would be happy to answer questions in writing or host a visit to the mine so we can actually show you some of these things in action. We are actually very proud of what we have been doing, so if you could find time we would be happy to host you at the mine as well.

**Mr McMILLAN:** Thank you.

**ACTING CHAIR:** I will call the member for Barron River for one final question.

**Mr CRAWFORD:** You might like to take this question on notice and get back to us. Last night we heard evidence from one of your employees about a practice that he believed was unsafe in relation to contractors out at Broadmeadow. He described the situation where, as I think he referred to it, a pogo stick was placed into the ground at a distance from where they were working down a tail end, so I assume that is some distance from where the cuttings happen. He said they were instructed by management that when they cannot see that stick anymore that is an indicator there is too much dust and they have to leave. Is that an accepted practice at Broadmeadow? Can you conduct some sort of inquiry into that and advise this committee as to whether that is an accepted practice?

**Mr Cooper:** I will be happy to take that. If you can provide some detail around that particular circumstance, I am happy to investigate. No, that is not an acceptable practice, to be clear. Our system requires, and my expectations are, that people are not working in return airways. If they are working in return airways, there is a separate risk management process that our system requires. It is all about risk to the individual and risk to dust exposure. I would like to take that and investigate it properly and provide a response. From my perspective, as you have described it, it is not an acceptable circumstance.

**ACTING CHAIR:** Thank you, Ms Foot and Mr Cooper. You have taken a number of questions on notice. As per the member for Barron River's request, we would ask that that matter be investigated and reported back to the committee. The secretariat will be in touch with you regarding those matters. Thank you for appearing today. Our next witness will appear in camera, so I ask that all members of the public and the media leave the room and we will call you back in as soon as we have completed with the next witness.

*Evidence was then taken in camera but later resumed in public—*

### **ISAACS, Mr Shaun, Private capacity**

**ACTING CHAIR:** I reconvene the public hearing. Shaun, thank you for appearing. I invite you to make a very short opening statement. I know that you are on an extremely tight time frame, so it is up to you whether you want to tell us your story or whether you want us to ask questions. We probably will not have time for much of either, so let us get going.

**Mr Isaacs:** Yes; thank you, Mr Acting Chair. I work at North Goonyella underground coalmine which is operated by Peabody Energy Australia. Just briefly I would like to touch on what we do at North Goonyella. Obviously it is very similar to Broadmeadow in the fact that we run a longwall top coal caving longwall. This was introduced in 2013 when we saw a great increase in the amount of respirable dust that was in the air. Obviously with the rear chain it does create a lot of dust on the outby side which is the intake side of where the operators usually stand when they run a longwall face. With that being a larger open face, it requires a lot more ventilation to go through that area. Of late we have seen an increase in the amount of air we have pushed up there to try and get the dust away quicker to try and mitigate the amount of dust that actually hangs around the longwall face. With that we have seen some consequences in the development areas where we have lost a lot of air at those faces. We are now seeing some continual exceedances in dust levels in development. Unfortunately, while the company seems to be doing something about the spray system, again we do not have a lot of capacity within our ventilation system at present to actually increase the ventilation in that district without compromising the ventilation we have on the longwall face. While it does mitigate the dust, it also keeps the heat down that we get from the falling goaf behind us.

In terms of what we have seen since the re-emergence of black lung, so to speak, there was a bit of a six-month delay from people. We did not have any issues on site. It was a bit at arm's length in us thinking it did not affect us and that we are fine and that we have always been fine. Unfortunately, recently we have had an employee diagnosed with coalmine workers' pneumoconiosis. Again, when that first came out, the initial response was to say that he had also worked 15 years at another coalmine which had had other coalmine workers' pneumoconiosis cases, so they seemed to put a little bit more blame towards someone else in the first instance. I suppose it has taken some time, but they have actually accepted the fact that we do have dust issues at North Goonyella and because of that they have increased their dust regime testing. Unfortunately, that is done by a private practice in Moranbah and we have raised concerns about that. At the end of the day we would rather see Simtars come to site rather than a private organisation which is paid for by Peabody. After those concerns were raised, they have initiated some more testing regimes with Simtars. We have seen them on site a lot more lately, but we have concerns with the testing regime in that it is a lag type system—that is, if you get tested today, you will not know for a couple of weeks if you have had an exceedance. Unfortunately, in that respect you cannot do anything about it until after the fact which we have concerns about. We really hope that we can get this real-time monitoring approved in Queensland so that we can get that to the boys on the face. Thank you, Mr Acting Chair.

**ACTING CHAIR:** Thank you, Mr Isaacs.

**Mr KNUTH:** Mr Isaacs, it is Peabody that you work for; is that right?

**Mr Isaacs:** Yes, that is correct.

**Mr KNUTH:** Which mine?

**Mr Isaacs:** North Goonyella.

**Mr KNUTH:** With regard to the workforce in general, is it made up of mostly permanent and contractors or labour hire?

**Mr Isaacs:** At present we are probably at a fifty-fifty ratio. Last year we saw some redundancies. In 2013 we saw some redundancies. Over the last two redundancies we have lost 120 permanent employees and as such we sit at about 110 permanent employees on the floor. We have about 60 staff members on site and we probably have another 120 to 130 contractors on site during the course of the week. That will ramp up and ramp down depending on maintenance days; they obviously get a lot more contractors on site for that on a labour hire arrangement.

**Mr KNUTH:** We have heard a few issues with regard to the check inspectors in that the employer knows the date that they are coming through and they clean everything up and make everything look tidy. Have you experienced that at your mine site?

**Mr Isaacs:** Yes, we have. I used to work on the five o'clock crew, the maintenance crew, which would sit in-between the two production crews. You would always get notice that morning that the inspector was coming that afternoon or the next day and they would assign a number of operators to Moranbah

hose down all the chocks on the longwall face and make sure that everything was hosed down and everything was clean. They would put people on the outby roads to make sure that it was all salted and there was not any outby dust coming in to the panels so that the next day it would all look pretty.

**Mr KNUTH:** You are finding that the labour hire workforce is getting larger and larger and bigger and bigger and the permanent staff is getting smaller and smaller?

**Mr Isaacs:** Yes. We have definitely seen a trend over the last five years that they seem to be angling that way.

**Mr KNUTH:** If there are high levels of dust, does the labour hire workforce raise this or is it the permanent staff?

**Mr Isaacs:** Generally not. They do come and see us from time to time to get our opinion on what they should and should not do and what they are allowed to do. Again, we try and direct them to our SSHRs but, as people have probably already said at these types of meetings, they do not really want to stir the pot too much because a lot of those labour hire employees are on a week-to-week or a month-to-month contract basis with their employer. Peabody will issue a month-long purchase order for a contract company to come in and support the tailgate, so to speak, so they will not know if they have a job next month until the end of the month where they will get another purchase order. They are a little bit scared to speak up because they will get a text message saying that he is no longer required on site and could you please find other employment for him elsewhere.

**ACTING CHAIR:** I now call counsel assisting for questions.

**Mr McMILLAN:** Thanks. Mr Isaacs, when you said that contractors raise issues with us, who are you referring to?

**Mr Isaacs:** The permanent workforce.

**Mr McMILLAN:** All right. You also then said, I think, that they then sometimes go to the SSHRs on site.

**Mr Isaacs:** Yes, that is correct.

**Mr McMILLAN:** Do you know—and if you do not please say—whether the SSHRs are able to inspect any area of the site without notice?

**Mr Isaacs:** I do not believe so. They do have a monthly inspection they must complete and they will do a report on that. At times we have had some issues getting people released because we are short staffed with permanent employees and we do run the production faces in the longwall, so we do have issues with getting them released to run their inspections. Unless there is a serious incident, they are not able to just release themselves to inspect an area.

**Mr McMILLAN:** Do you have faith in the regulatory regime of inspections by the state inspectors?

**Mr Isaacs:** Yes and no. I think that they do try, but I do believe that they need to conduct a lot more unannounced visits. I have been at North Goonyella for five years now and I do not remember that many unannounced visits. I remember a lot of announced visits, but again I think that it would benefit from a lot of unannounced visits from both the ISHRs and the inspectorate from time to time.

**Mr McMILLAN:** At your mine have you personally been asked to wear a personal dust monitor at any stage?

**Mr Isaacs:** Yes. Every day if I am on the longwall production face as an electrician, yes, they will ask me to wear a CleanSpace which is a full-face self-contained respiratory system. Sorry, it is not self-contained; it has a filter on the back so it is ESIA.

**Mr McMILLAN:** What about the actual dust monitors that determine how much dust you have been exposed to in the course of your shift?

**Mr Isaacs:** From time to time we will get asked. It seems to be fairly random. Unfortunately at the start it seemed to be a lot of maintenance days when they used to get these people in, but again we raised concerns through our SSHRs and our ISHRs and of late—and honestly in the last six months—they have been really good. They have been there on high-production days. Unfortunately at North Goonyella of late we have had some issues. We have had a longwall move and we have had some teething issues getting the new longwall up and running, so we have not had a lot of recent days where we have had a lot of production and we have seen a little bit of a lapse in issues on the longwall but we have seen a lot in development start to crop up.

**Mr McMILLAN:** Do you as a worker in the production environment have faith in that monitoring system that it is accurately reporting back the level of dust that you as a worker have been exposed to?

**Mr Isaacs:** Yes, I think it is accurate. The only concern I have is that it is a lag system, so it will take a couple of weeks to get your results back to say that you had an exceedance. To me that does not build confidence in the fact that you have to wait to actually see the limit before you find out you have exceeded the limit.

**Mr McMILLAN:** Thanks very much, Mr Isaacs. Thank you, Mr Acting Chair.

**Mr SPRINGBORG:** Thank you very much, Mr Isaacs, for assisting the committee. I was interested in your comments earlier on that in order to address a dust issue here it created a bigger one over there—I think you said—in the outby area; is that right?

**Mr Isaacs:** The development area.

**Mr SPRINGBORG:** The development area?

**Mr Isaacs:** Yes, where we do new roads and new headings with the continuous mines.

**Mr SPRINGBORG:** Is that being noticed or is that being taken seriously by management—that is, that they may be addressing a problem here but creating a bigger one over there? What would your suggestion be to address something like that from your observations?

**Mr Isaacs:** I think they are a little bit lacklustre at the moment. They did have a lot of focus on the longwall when they had issues. They did create a longwall dust committee. They have talked about creating a site-wide dust committee to involve development, personnel and outby personnel on the belts. With development being an issue with the dust, probably in the last three months with our monthly testing regimes we have had at least one exceedance, if not two, every month. We simply need more ventilation I believe. We just do not have enough. We are on the minimum limit of ventilation in those areas and at times with a continuous mine—I am not too sure how familiar you are with the operation of that—if you advance sometimes the ventilation system can fall out of the ducting system and you have a moment of basically no ventilation at the face before you realise that this device has fallen out of where it needs to be.

**Mr SPRINGBORG:** Thank you.

**ACTING CHAIR:** Mr Isaacs, thank you very much for your testimony here today.

**Mr Isaacs:** No worries. Thank you, Mr Acting Chair.

**ACTING CHAIR:** We will now take a 15-minute break before we resume the hearing.

**Proceedings suspended from 7.58 am to 8.18 am**

**EASTMENT, Mr Michael, Private capacity**

**MEIKLE, Mr Jason, Private capacity**

**ACTING CHAIR:** I reconvene the hearing of the Coal Workers' Pneumoconiosis Select Committee. Thank you for making yourselves available this morning Mr Eastment and Mr Meikle. I invite you both to make a brief opening statement before we move to questions.

**Mr Eastment:** I do not actually have an opening statement. I am happy to answer questions. I have been in the industry for a bit over 30 years. I have worked in a half a dozen different coalmines in varying capacities from an operator to shot firer. I am currently an open-cut examiner at Goonyella Riverside.

**ACTING CHAIR:** Where do you work currently?

**Mr Eastment:** Goonyella Riverside.

**ACTING CHAIR:** You are not here officially representing that company?

**Mr Eastment:** No, I am just a concerned coalmine worker.

**Mr Meikle:** I have worked in Western Australia in hard rock and also in several Queensland coalmines. I am an OCE and also a site safety and health representative elected by the workforce at Goonyella Riverside.

**ACTING CHAIR:** Did you have an opening statement?

**Mr Meikle:** No. I am here in my own capacity.

**ACTING CHAIR:** Out of interest, are you currently working in Western Australia and Queensland?

**Mr Meikle:** No, I am currently working at Goonyella Riverside and have been for 12 years.

**ACTING CHAIR:** But you had previously worked in Western Australia?

**Mr Meikle:** I previously worked in Western Australia in hard rock and iron ore.

**ACTING CHAIR:** How long ago was that?

**Mr Meikle:** That would have been in the late 1990s.

**Mr KNUTH:** Jason, do you find when the check inspectors are coming in the company knows about it and they make the site look clean and everything is up to scratch before they arrive?

**Mr Meikle:** By check inspectors are you meaning ISHRs—the industry safety and health representatives? Is that who you are meaning?

**Mr KNUTH:** Yes.

**Mr Meikle:** Yes, whenever an inspector or an ISHR comes along there tends to be a clean-up that happens. Sometimes, depending on who they are, there seems to be a designated route that they travel. Instead of travelling the normal roads which other people are on they will be guided a certain way. Recently there was an inspector on site and I found out about that through the grapevine. I made myself known to him. He told me he was looking for something. We happened to go a different way and we found what he was looking for. Otherwise it would not have happened. In terms of dust issues, they will quite often keep them away from that part of the mine.

**Mr KNUTH:** When there was the discovery of the re-emergence of black lung did the company create the perception that they were getting their act together with regard to controlling dust?

**Mr Meikle:** In my capacity I have not seen a change since that happened. We have had the first person diagnosed with black lung in an open-cut mine in Queensland. There seems to be a push away from doing positive things. I can table a document from management where I work around the actions in terms of dust. In my capacity as OCE—

**ACTING CHAIR:** Excuse me, Mr Meikle, are you seeking leave to table a document?

**Mr Meikle:** Yes, if I could.

**ACTING CHAIR:** Leave is granted.

**Mr Meikle:** There are two documents I would like to table. One is a statement in regard to coal board medicals. I have some photographs that I would also like to table.

**ACTING CHAIR:** Are these the photographs we discussed earlier?

**Mr Meikle:** Yes, the power point.

**ACTING CHAIR:** Given the format they are in, I am happy for you to show those to the committee. I will ask the research director to assist us in looking at those. I would ask you to make a submission containing those following the hearing.

**Mr Meikle:** Not a problem.

**ACTING CHAIR:** Please continue.

**Mr Meikle:** When we see excessive dust it appears to be left to the open-cut examiners to take action to control the dust. Under the legislation at section 26—the meaning of supervisor—supervisors have obligations in accordance with the safety and health management system. They also have obligations under section 39 of the legislation. It appears that there is a disregard by supervisors, especially, to take action. It is continuously left to the open-cut examiner to take action.

The OCEs are questioned regularly, 'Why did you do this? Justify why you have done this.' It appears—and this has happened several times—that labour hire will not bring up anything to do with dust, even safety issues. The reason being that they are there today and they are no longer there tomorrow. They will get a phone call and be given an hour and a half notice and they are gone. This has happened. I have witnessed it in my time here. It is unacceptable.

**Mr KNUTH:** In other words, the companies are more willing to employ labour hire so they are not accountable for dealing with dust and safety measures?

**Mr Meikle:** That is correct. We have seen a huge rise in labour hire in our workforce in the last two to three years. When I first started out there I was labour hire. I was targeted because the company said it was safety first. That is a load of rubbish. They do not do what they say they are going to do. If you put your head up you are shot. It is as simple of as that. You are disposable.

**Mr KNUTH:** With regard to safety measures, you were saying that the responsibility is with the open-cut examiners. Is that because some of the supervisors are too frightened to say anything?

**Mr Meikle:** Yes, supervisors are too scared to say anything because they have KPIs attached to their wages. When you have money attached to safety it has a negative effect in my experience in the industry. You cannot say, 'Here is a \$20,000 bonus and these are the targets you have to meet on production,' because every time you know what will take first place. It is not the safety and wellbeing of me and my colleagues.

**Mr KNUTH:** Basically, in some way all employees are in fear but some are willing to step out—like yourself—if they are in permanent positions, but if you are not permanent you would be gone?

**Mr Meikle:** That is correct. I asked approximately 10 or 15 labour hire workers to come along today. They said, 'No way am I turning up. I will not have a job and I will not get a job in the industry.'

**Mr Eastment:** I am not sure whether you appreciate that a good percentage of our supervisors are labour hire workers not permanents. They are concerned. The feeling is across-the-board with labour hire. If you stick your neck out you will get your head chopped off. Whether that is real or perceived, that is the feeling. You hear it quite often.

In terms of supervision, my issue is that some of them are trying to do the right thing but they can only work with the equipment they have. I spoke to the mining manager two weeks ago in relation to our light vehicle service road which related to inspectorate guidance note 16 in relation to building light vehicle roads across the site. We had most of them put in. We had two water carts to run those light vehicle service roads night and day. Cost cutting means that they have cut one of those water carts out of the night shift. We do not have any other water truck available except the little 10,000 litre water cart that looks after the drills and draglines on the night shift and he can only do minimum light vehicle roads. Our light vehicle roads are not being water. I have raised that with the mining manager. I said, 'What is happening about it?' He said, 'It is cost cutting. We will see what we can do.' I hear unsubstantiated rumours that they look like bringing one back.

In terms of the Goonyella wash plant, I have been told second-hand—I do not have factual evidence—that where it always had a water cart 24-7 they have cut the water cart out on the weekends. They do not have a dust issue on the weekends! To my way of thinking, even though the wash plant, for our inspections, is a grey area that would be even more important than mining. At least for mining they have the protection of an enclosed air-conditioned cab. At the wash plants they do not. They are out on the ground and open. We should be looking at that area a little more.

**Mr Meikle:** In the photographs you have just looked at, there are some photographs there of haul roads where there is just no dust control, as you gentlemen can see. There is one there where the dust protection for the cab of the excavator was paper towel jammed in the window seal. It happened to be a labour hire employee on that excavator. When I called up to ask them if they had

any dust issues in that cab: 'No, Jason, we don't. A couple of minutes later, a permanent employee called me and said, 'Jason, go and have a look at that excavator. There are problems.' I went up and had a look and that is what I found: paper towel jammed in the window seals to manage the dust. That excavator would be approximately four years or five years old. It is not an old machine. The door seals, rusted out. Rubber seals connecting to a rusted out doorframe does not give a good door seal. Holes down through the cab, in the floor to the room underneath and outside. This is continuously what we are finding. I have put this through to the mine record at our mine. I have shown the photos to management. Even to this day, there is still no action on this. That is continuously what we have.

**ACTING CHAIR:** Thank you, Mr Meikle. Have you reported that to the mine safety inspectors?

**Mr Meikle:** I have put that through the mine record book. I have to do a report after I do an inspection as SSHR, and give that to the SSE and the SSE has to take action. That is where we are at. We have to be fair to them and give them time to actually get stuff done. How long do I wait? Do I go and park that equipment up and then pull the mine to a grinding halt? We are the biggest mine in Queensland. If I pull that mine up with the machines that I know are leaking dust, they will scream that I have unduly parked the mine up and then they will look to do other things.

**Mr SPRINGBORG:** What 'other things'?

**Mr Meikle:** In my capacity as SSHR before, I have parked the mine up. I have issued what they call a 101. They sought my removal through the minister for mines, because I got in the way of their production. That is the 'other things'.

**Mr SPRINGBORG:** Obviously they were not successful?

**Mr Meikle:** No.

**Mr SPRINGBORG:** When was that?

**Mr Meikle:** That would be approximately six to seven years ago. Those are the tactics that these companies will use to try to intimidate people. Believe me, it was a very stressful part of my life.

**ACTING CHAIR:** Before we continue, you have tabled a document dated 4 November, which looks to be a letter addressed to 'To whom it may concern'. Is that a letter to the committee?

**Mr Meikle:** That letter was given to me as SSHR and it has been tabled with the company, as well. This person had concerns in regards to not being allowed to have an X-ray through his Coal Board Medical. He asked Dr Foley, the NMA, for an X-ray through his process. He was turned down; flatly denied.

**ACTING CHAIR:** The letter is de-identified. Is this a person who was having an initial assessment or somebody who was already working in the mine and having their five-year check-up?

**Mr Meikle:** This person is a current employee and it is a five yearly check-up.

**ACTING CHAIR:** Would it be your experience from talking to other workers that effectively you cannot go to your doctor and ask for specific information, which theoretically belongs to you, and you can have that request denied at the discretion of the doctor?

**Mr Meikle:** I beg your pardon?

**ACTING CHAIR:** This letter is alleging that this person has requested their own medical information be provided to them and that request has been denied at the discretion of the doctor.

**Mr Meikle:** That is correct.

**ACTING CHAIR:** Have you had other examples of this brought to your attention?

**Mr Meikle:** I have had other coalmine workers come to me, but no-one will put it on paper. There is one other. It is pure fear. They do not want to put their name to it because of reprisals.

**ACTING CHAIR:** I have made this statement earlier in the day, but I want to make sure that both you and Mr Eastment are aware of it. You should suffer no negative consequences from anybody or any organisation as a result of the testimony that you are giving here today. If there are any negative consequences or actions taken against either of you by anybody, the committee would strongly advise you to contact the committee and we will investigate those matters and take appropriate action. We would seek to provide you with some protection and thank you for coming along today.

**Mr Eastment:** I have one issue I would like to point out with the word that you used, 'should'. In legislation 'should' is not mandatory; 'shall' is mandatory. Retribution, for want of a better word, happens quite regularly. If they cannot get you one way, they will get you another. I appreciate what you are saying. I just want to point out that, from my job, 'should' and 'shall' are two very different words.

**ACTING CHAIR:** Thank you, Mr Eastment. I am certainly no lawyer.

**Mr Eastment:** I have had to wear it myself.

**ACTING CHAIR:** I will not have a legal argument with you, but I want to make the point that the committee would take a very dim view of any individual or organisation taking any negative action against any witness who appears before this committee. We would instruct anybody who may be in that situation to contact the committee and we will investigate and take appropriate action. Thank you for your support.

**Mr Meikle:** There is something else that I would like to mention that I have not spoken about, which is the dust in this town. I have been here since before Isaac Plains opened. I have lived in this town all my time in Moranbah, basically. I live on this side of town, which is the complete opposite side to Isaac Plains. We are continuously wiping dust off our outside tables, off our window sills, off our blinds. It is everywhere. I have friends who have had to move their children out of Moranbah—they lived on the other side of town in a brand-new house—because of the dust issues that their children were being affected with. I was in the Hunter Valley earlier this year and I can tell you now the standards which we live with in this town are woeful compared to what we have in New South Wales for dust in consideration to towns.

**ACTING CHAIR:** Thank you for that.

**Mr SPRINGBORG:** Thank you very much, gentlemen, for assisting our committee in its investigations. Jason, I refer to the letter that you have just tabled about the request by a mine worker to have a chest X-ray to put their mind at ease about black lung or CWP. Was this an open-cut worker?

**Mr Meikle:** Yes, that is correct.

**Mr SPRINGBORG:** If it was said before I apologise for not picking it up: are you aware if this worker had an X-ray previously, even a pre-employment—

**Mr Meikle:** I believe not.

**Mr SPRINGBORG:** The information that we have available to us in this committee and even from evidence given by some mine managers is that they do insist that their open-cut workforce also undergo medicals, including an X-ray, within a particular period, but that is not your experience?

**Mr Meikle:** I believe that is totally untrue. Some may. I had my pre-employment done in Brisbane when I started with BMA. The only reason I got an X-ray done was because I was the fool who ended up saying that I could not get it down locally and I ended up in Brisbane in Dr Foley's office, and it just happens that there is an X-ray unit just next door. I ended up doing it. I would ask Michael whether he had a chest X-ray when he done it, because Michael started in the same month basically that I did.

**Mr Eastment:** I have been in the industry 32 years. I have been offered a chest X-ray once when I was working for Henry Walker, roughly around 2000 when Henry Walker lost its contract at Goonyella. They offered all their people a chest X-ray, even though we were open-cut. That was the only chest X-ray that I have had in relation to a Coal Board Medical.

**Mr SPRINGBORG:** You were offered one and you took up that invitation?

**Mr Eastment:** Yes, I did; most assuredly so.

**Mr SPRINGBORG:** Did many of your work colleagues do so?

**Mr Eastment:** More than I could answer at this stage. I would imagine some of them did, some of them did not. I could not give you any figures.

**Mr SPRINGBORG:** The reason that I am pursuing this is that sometimes there is a reluctance on the part of doctors to order too many X-rays because there is an issue with too many X-rays. That is why I was trying to explore whether this person may have had an X-ray within the last five years. That seems not to be the case. Would you mind providing to the committee privately the information relating to this person, so that we might be able to check?

**Mr Meikle:** I can give you his name, as long as it is totally confidential and there are no repercussions or reprisals to that individual.

**Mr SPRINGBORG:** There will not be, as the chair said before.

**Mr Meikle:** When information like that comes up to me as SSHR, it is totally anonymous what I put out.

**ACTING CHAIR:** We would invite you to invite that person to contact the committee and provide the information. We have the capacity to accept confidential submissions and also accept confidential testimony. As per the deputy chair's request, we would encourage you to encourage that person to contact us.

**Mr Meikle:** To add to Mr Springborg's question, I talk to a lot of people in regards to medicals and so on in my capacity as SSHR. I have not heard of anyone being given chest X-rays at Goonyella Riverside in the last five years. I talk to a lot of people.

**ACTING CHAIR:** Is it an open-cut mine?

**Mr Meikle:** Yes, it is the largest open-cut mine by tonnes in Queensland.

**Mr SPRINGBORG:** Gentlemen, I go back to something that was said earlier on. I think it might have been in response to the question from the member for Dalrymple and, Jason, you may have responded. It related to the inspectors' visits to your mine. You indicated that when they come there is a well-worn path from management who will take the person down here and around there, so that they can see what they want them to see.

**Mr Meikle:** That is correct.

**Mr SPRINGBORG:** If I have paraphrased you right, your experience is that is more normal than not?

**Mr Meikle:** Yes. Only as late as the last couple of weeks, we had a contingent from the owners come on site. There was a heavily graded area where they travelled. A supervisor who was stepping up to the position actually said to the superintendent, 'This is bullshit. Let them drive on the shit we drive on every day.' He was scalded in front of his peers for saying that. He walked out of the room and several of the supervisors said to him, 'Why did you say that?' He said, 'It's the bloody truth'. They said, 'Well, there are times when you just don't say stuff'. That was management; not inspectors. For the upper management of the company, that is what they did to give them the furry ride.

**Mr SPRINGBORG:** They took management that particular way, as well?

**Mr Meikle:** Yes.

**Mr SPRINGBORG:** In relation to what you are saying about the inspectors, this was not a planned preannounced visit; this also applies to any of the unannounced visits?

**Mr Meikle:** Yes. I believe inspectors and ISHRs should be allowed to just lob up on the mine.

**Mr SPRINGBORG:** They can do that, as I understand it. They are able to—

**Mr Meikle:** They must give reasonable notice, especially ISHRs. They must give reasonable notice that they are coming. Is it reasonable when you lob up to the gate to say, 'How are you going, Joe? I'm here' or is it reasonable to say, 'I'm coming in a week's time'?

**Mr SPRINGBORG:** You are saying that our state mines inspectors are not able to lob into a mine unannounced and say, 'I am here and I want to go down and inspect now'?

**Mr Meikle:** I have had one turn up in the last two years and it happened to be a night shift. He just lobbed up at six o'clock and said, 'I'm here'. That is once in my time.

**Mr SPRINGBORG:** So they are able to do it. Have you found in your experience, because you have obviously talked to these people, a desire or any great energy on their part to say, 'No, I want to go here'? Are they happy to be led where they are led by mine management?

**Mr Meikle:** It depends on the person. It is like all groups: there are people who want to do their jobs and there are people who just comply.

**Mr SPRINGBORG:** In your experience, some people are just happy to have an easy life and not rock the boat?

**Mr Meikle:** Yes, that is dead right. There have been inspectors I have witnessed in my role and that is the way it works.

**Mr SPRINGBORG:** Is that possible because there is a transition for some of these people from working in a mine or a management position and then you go on to the inspectorate, and then you have a cosy relationship? I am sorry if you feel like I am leading you somewhere.

**Mr Meikle:** This is a totally different subject outside of this, but, as far as I am concerned, yes. It appears to be that you roll into the inspectorate and then you roll out of the inspectorate into an SSE's role. It was not so long ago that we had an inspector who actually left the industry and then he appeared as a safety official at one of the mines for which he had been inspecting.

**Mr Eastment:** I can only give my evidence as I see it and what has actually happened to me. I have been at the mine at Goonyella for 12 or 13 years, the same as Jason. If you understand the statutory requirements of the act and regs—we are the statutory officials on site, the same as the SSE. We report to the mines inspector through the SSE. We are all expected to ensure compliance with the act and regs. One would assume or think that if the mines inspector was coming on site the OCE would be informed. That is not the case. In 12 years, personally I have been informed—I can only speak about myself—twice, or once actually. The other time I chased the inspector down. There was an incident at the mine and he ended up being at the incident. I did not even know he was on site. To my way of thinking and from my knowledge, they are kept right away from me.

**Mr SPRINGBORG:** For the purposes of assisting us—

**Mr Eastment:** This is the inspector, not the ISHR, not the check inspector. I am talking about the mines inspector.

**Mr SPRINGBORG:** We live in a world of acronyms—OCE being open-cut examiner.

**Mr Eastment:** Open-cut examiner, yes.

**Mr SPRINGBORG:** This is my final question. Do you have any suggestions to us as a committee about how we may consider making the process of inspections and compliance far more effective and robust than what you are saying it is to make sure that issues are properly identified and addressed following visits by the inspectorate?

**Mr Eastment:** That is a big question to answer. It is probably beyond what I could come up with off the top of my head at the moment. It is probably the attitude of some of the upper management. As I said, it is all about the budget: 'We cannot afford this water cart. We're not going to have it.' We have only got the one water cart to do our light vehicle roads and he works day shift, so there would be an issue on night shift. The OCEs having the ability to speak up without retribution is a big one. I have only just had my IDPR reviewed yesterday. Where that comes from I do not know. I have already done the IDPR. Why would they bother reviewing it?

**ACTING CHAIR:** Sorry, what is the IDPR?

**Mr Eastment:** Individual development and performance review. Why it has happened now I do not know. As Jason has indicated, they put all temporary operators on the truck circuits and they are worried about speaking up. As I said before, whether real or perceived, they are worried about their jobs so they try to fly below the radar. I had to close down ramp 14, a coalmining ramp, yesterday because it was just too dusty. If I had known, I would have brought some photos in. It was just ridiculous. As far as I am aware, they are all temporaries on that circuit.

I think the budget constraints at the moment where they are trying to cut costs everywhere is a big issue. You asked a question before about whether since the black lung has raised its head again the companies appear to be doing more or less in relation to controlling dust. I do not think there has been any change from what I can see in mining. As I said, they have dropped off water carts and that is their primary tool for managing dust.

**Mr Meikle:** When you are talking about speaking up, you are looking at two people who believe they had a genuine safety issue two or three years ago. Under section 274, both Michael and I removed ourselves to a place of safety. I sought advice via the chief inspector no less than four times that day. I sought advice from an ISHR no less than five times. We reported to the office and we were threatened with our jobs when we had removed ourselves. I had to read the legislation to the superintendent who was threatening us with our jobs. That was section 274. Under section 275AA we have protection from reprisal from removing ourselves under section 274. That is the extent that these people will go to to threaten statutory officials.

When you look at the inspectorate and ISHRs coming on site, we are struggling to be able to afford a fourth one to be able to go and look into things in the industry. This black lung inquiry has sapped those ISHRs out of the open-cut mines basically. I mean no disrespect to the ISHRs, but they do not have enough men to go around and give the safety legislation the attention that it needs. It is the same with inspectors. I have been with several inspectors recently. There is not too much emphasis from the inspectorate on black lung and silica at open-cut mines. I am struggling with the fact that it is not getting the attention that it needs. The industry needs to be funding at least another two ISHRs—the industry needs to so that we have a neutral party keeping an eye on the policemen. These companies are making huge profits with my health. Who owns this resource? Everyone in this room. They need to start contributing.

**Mr CRAWFORD:** Earlier we were talking about Broadmeadow as far as underground mining was concerned and BMA were talking about the fact that staff cannot access the front gate to get into Broadmeadow unless they have all of their health certificates and everything up to some degree of currency. Does anything exist at your mine to prevent people from being able to access the site?

**Mr Eastment:** We have a CAMS gate system, a swipe card system. All of our details are on that card. You swipe to come in. If any of them are out of date, it should theoretically lock you out.

**Mr CRAWFORD:** That leads me to my next question. What are your requirements as workers in relation to having the coalmine health certificate or assessments or whatever it is called?

**Mr Eastment:** Five-year Coal Board Medical.

**Mr CRAWFORD:** Does that include an X-ray?

**Mr Eastment:** No. As I said before, I have been in the game 32 years. I have been offered an X-ray once.

**Mr CRAWFORD:** We know for underground miners that it must include an X-ray.

**Mr Eastment:** Apparently, yes, for underground mines it is mandatory.

**Mr CRAWFORD:** For open-cut mines your knowledge is that it does not include an X-ray.

**Mr Eastment:** That is my knowledge, yes.

**Mr CRAWFORD:** In relation to the document you tabled, Jason, *Action to manage dust*, the opening line says, 'Over the past few weeks we have seen an increase in dust delays.' Can you tell me what a dust delay is?

**Mr Meikle:** It is where an open-cut examiner—remember the supervisor is not pulling it up and the coalmine workers are in fear of their jobs—comes along and pulls it up. You can ask Michael how he deals with it, but what I normally do is that I come and do a circuit. Remember we are on a 24-hour inspection regime. We do not always get to all areas of the mine. They have to be self-managed. I will be in an area of the mine and I will be looking across and there is dust bellowing out of there, so I make a beeline for that area. I call them up and ask them if the water cart is on its way or where the water cart is: 'Have you called the water cart?' If I believe they can still run to a degree, I will put them on a speed restriction of 20 kilometres an hour. I will get them to run slowly so they are still productive to a degree. After a period of time if I believe it is not right, I will pull them up—end of story: 'Park safely. It is over, guys.'

As late as last night at approximately six o'clock when I started, I walked out the front of the start point—there are workshops either side of our start point down the road—and I could see dust coming off the roads, the light vehicle roads and haul roads. You have to remember you could have 40 people minimum in each of those areas. The dust was bellowing through there. I put a 20 kilometre an hour speed limit across the site. I have never done that before. Why? Because the dust was that bad. We had one water cart running for—correct me if I am wrong, Michael. We were running from the northern end of the mine down to the southern end of the mine and then we were running another strip. It would be approximately 30 kilometres of road or thereabouts—

**Mr Eastment:** It would be 20 to 30 kilometres of road.

**Mr Meikle:**—with one water cart. They could not manage it. A supervisor came out and questioned me for doing it. I will be honest. I am over them, so I gave them a spray. I asked him what the meaning of a supervisor was as per the legislation. He could not answer, so I told him. Then I asked him what part of his obligation under section 39 he is actually complying with. The dust is just stupid. They are now pissed off that, since the re-emergence of black lung has come to light, there is a hard line being taken, especially by me—and I can only speak for myself as an OCE. The line has been drawn. People's health is No. 1. They do not like the fact that we are slowing down and stopping for dust. It costs them money.

**Mr CRAWFORD:** The document refers to 'We have another water truck coming for pre-strip.' Has that water truck arrived? I note that this is dated 2 November.

**Mr Meikle:** It has arrived but the water cannon does not work. Under our system, a water cannon is a category A fault. It does not get operated. The reason being is that you need it for firefighting. If someone is in a machine and it is on fire, you need to be able to do it. It has been parked up. They have ordered a noncompliant water cart. One water cart, I can tell you now, is not going to solve their problems. They have what they call DustBloc. It is a tar based stuff. It is sprayed on the roads. It works. I was sceptical of it in the first place. Now I have seen the results of it. It does work. That pump has been out for over two months. It could be a \$500 pump or it could be a \$5,000 pump needed to pump it into the water carts. It just has not been fixed. That is the emphasis that these people put on our health.

**Mr CRAWFORD:** Can you explain to me for my own knowledge what is a pre-strip?

**Mr Meikle:** The pre-strip is the burden over the top of the coal. There are three seams of coal at our mine. It is the burden sitting above the coal. You strip the coal and then you come in and you hit another layer of burden. It is waste.

**Mr Eastment:** In your open-cut mining it is your coal seam, your overburden and pre-strip. Usually the coal crew takes the coal. The overburden is usually done in our mine by draglines. That is the last 40-odd metres above the coal. Then above that it is all pre-strip. It is removed by truck/shovel operation.

**Mr CRAWFORD:** Is there any electronic dust monitoring done in the mine? You mentioned before about maintenance. You mentioned before about an area where trucks were going past.

**Mr Meikle:** The main haul road and the light vehicle roads past the workshops.

**Mr CRAWFORD:** I am guessing here that in the workshops there are employees who are working there who are not wearing PPE—

**Mr Meikle:** Dead right.

**Mr CRAWFORD:** They are not required to wear PPE in relation to dust.

**Mr Eastment:** They have been asked to wear the little white dust masks on occasions: 'Can you put that on rather than finish work and go to a place of safety?'

**Mr CRAWFORD:** You have a constant run of trucks going backwards and forwards past there. Is there any monitoring of the air levels?

**Mr Eastment:** I do not know whether there is any monitoring of that—permanent monitoring.

**Mr Meikle:** I have been asking the SSHR for fixed monitors in the workshops that are running 24/7. I have seen several times where we have a hopper at ROM 3 where they dump coal in—we used to have water sprays. You can imagine dumping a bucket of dry dirt in a confined space. It goes in and the dust bellows out the top. They used to have sprays on these bins that suppress the dust to a degree so it put a blanket across the top of it so the dust could not come out.

**Mr Eastment:** Water sprays.

**Mr Meikle:** Similar to an air curtain on your door for air conditioning. They have not worked for years. That hopper would be approximately 800 metres to a kilometre away from one of our main workshops. If the wind is blowing in the wrong direction, she's on, boys. All they have is what they call a dust tarp where at certain degrees if the guys on the floor believe it is too dusty they pull the doors down and do things like that.

**Mr Eastment:** Wear your dust mask.

**Mr Meikle:** Wear a dust mask. It is an open-cut mine, not an underground mine. We shouldn't be in that situation in the first place. PPE is the last form of defence. It shouldn't even be there, PPE, a dust mask in an open-cut, to be able to work in a workshop. I don't see that any different than if you walked down the road here to Moranbah Discount Tyres, walked in there and asked any of those fitters in there to put on a dust mask. If that is where we are we have lost the plot.

**Mr CRAWFORD:** You mentioned before that you placed requests. In what sort of fashion did you place those requests, was that verbal, writing, email, and to who did those requests go?

**Mr Meikle:** Verbal. I have done it with several SSEs. Yeah.

**Mr CRAWFORD:** What was the response?

**Mr Meikle:** We still haven't got them.

**Mr CRAWFORD:** Did they give any sort of indication that they were going to?

**Mr Meikle:** 'We don't need them. We do personal dust monitoring and that is telling us where we have the problems, Jason.' The problem with the personal dust monitoring is if there comes a high reading it is declared as a false result in a lot of cases. We had one recently. The guy was exposed over the limit for what they were supposed to be. I still haven't heard anything about it. As the gentleman before spoke about, it is the lag time before you get your results. You have already been exposed to the level and you might find out, in our case it could be several weeks later, not the day or four days later, it could be several weeks. Some people aren't even getting those results personally. I had to go and ask for the results to be displayed on the boards recently just after our colleague got diagnosed with black lung because a lot of people asked me what's the level that you are actually exposed to. I said I will go and ask. They weren't even displaying it to people.

**Mr McMILLAN:** Are you aware that there is a legislative requirement for those dust monitoring results to be displayed for the workforce?

**Mr Meikle:** That is why I asked for it.

**Mr Eastment:** If I could just add something to that. I had a meeting with management, the mining manager and the superintendent prestrip only two rounds ago. This document here came up and I said, 'Look, my people on B crew haven't seen results at a pre start meeting in however long. We haven't even seen a dust monitor on site. Is it still being done?' 'Oh, well, we have got those results.' 'Well, let us know, please.' I have since found out that, yes, there was a result posted in June, July this year, but whether it actually filtered through to our shift. Quite often in pre starts one shift or two shifts might get the information and one shift might miss out on the information. That is unfortunately how it may have happened. But that was my instance. I am not 100 per cent sure but I think that from you have from management there in front of you, Craig, is No.2. The first one, as I argued with the mining manager, I said, 'Look, you can put all the controls you want for dust in, but from my point of view as an open-cut examiner, from a legislative point of view, once you get to that situation where it is unmanageable, and my primary role is the health and safety of coalmine workers, if it gets to that stage under regulation 274 they have a right to remove themselves—let the supervisor know, remove themselves to a place of safety.' As far as I am aware that form hasn't a No.3 dot point, that was the second form of that that came out to add that on there because they did not want the trucks parked up. 'We don't want them parked up.' I said, 'Well, you'll get to the stage—', and it has happened many times, like yesterday afternoon, ramp 14 coal, it got to the stage where they could not manage it. You just could not operate down there. You could not see. The coal trucks were crossing the prestrip circuit at the top of their ramp and as they came up, even though prestrip were just managing their roads, the coal truck was billowing dust across the intersection: poor visibility. Something has got to give. We cannot keep running those trucks if we haven't got a water cart. As Jason said before, when he came in with the situation 20 or 30 ks of road, well, my afternoon shift, or that afternoon, I probably had an extra 10 ks of road that that one water cart was trying to manage and he just could not do it. One circuit will say, and I heard the coal supervisor say yesterday afternoon, 'You look after your circuit only. Only look after the coalmining circuit.' Five minutes before he has asked the prestrip water cart to leave his work area and help out coalmining. I can see some of the line supervisors are trying to do the right thing but they don't have the equipment. The equipment is not there. We need more water carts. We need more water carts on the light vehicle roads. That is our primary tool for managing dust. The tar situation on our coal roads it does work. I was like Jason, I was sceptical in the first place. I thought that maybe it might create slippery conditions on the roads, but really it does seal the roads and it does do a fine job, but we haven't had it for months.

**Mr Meikle:** A common comment from management is drive to conditions. My question to them is, so when do the conditions prevail when you cannot drive on them? They cannot answer that.

**Mr Eastment:** Drive safely.

**Mr Meikle:** They want to put the onus back on the lowest common denominator and take no responsibility for the actions.

**Mr Eastment:** Which is a temporary supervisor and a temporary coalmine worker. They are just worried about sticking their head up. A lot of the permanents will speak up, but we find it time and time again, 'Oh, we've only got temps on this circuit.' And I can't blame them. They have to feed a family.

**Mr McMILLAN:** Is there a dust committee at Goonyella Riverside?

**Mr Meikle:** A who?

**Mr Eastment:** Not as far as I know.

**Mr McMILLAN:** A dust committee.

**Mr Meikle:** That's why I asked, 'A who?' That is my answer. There's not.

**Mr McMILLAN:** BHP Billiton has provided a submission to this select committee and under the heading of dust controls underground they referred to the dust committee at their underground operations which was established in 2003 which includes a cross section of workers, employees, contractors and management SSHRs to identify and implement opportunities for improvement and to monitor progress.

**Mr Meikle:** No, it doesn't exist at Goonyella.

**Mr McMILLAN:** Is there anything resembling that in the open-cut environment?

**Mr Eastment:** Not at the open-cut as far as I am aware.

**Mr Meikle:** Definitely not at Goonyella Riverside.

**Mr McMILLAN:** Do you think that would assist you in reducing dust levels and making workers safe in the open-cut environment—or safer?

**Mr Meikle:** It would have to go a long way to helping us.

**Mr Eastment:** It would probably be a good start.

**Mr Meikle:** If it was given the power to actually do something. As an SSHR I can shut an area down. Do I shut those workshops down? Do I shut those wash plants down where those guys are continuously exposed? As I said, if I do that I am looking for another march off to the minister. I have no doubt in saying that. Will I do it if I have to? Bloody oath I will. If it gets to that stage, I will put my head on the block. We will go again. But why is it left to the last common denominator to actually take action.

**Mr McMILLAN:** I just wanted to clarify some of the language that has been used in these hearings about the inspectors. Largely for the purposes of *Hansard* so that it is clearer. You and other witnesses have been asked a number of questions about check inspectors. Just to clarify first of all, there are inspectors that are employed by the Department of Natural Resources and Mines.

**Mr Eastment:** Mines inspectors.

**Mr McMILLAN:** They are what you have referred to as mines inspectors?

**Mr Eastment:** Mines inspectors, yes.

**Mr McMILLAN:** You understand that they have a right of unannounced entry onto the mine site?

**Mr Eastment:** Yes, most assuredly so.

**Mr McMILLAN:** In your times working in Queensland, how many times and over what space of years are you aware of unannounced inspections being conducted at Goonyella Riverside?

**Mr Eastment:** I have been at Goonyella Riverside, as I said, 12, 13 years and I think I remember one, but don't quote me on it. As I said, I have been out there that amount of time and I have seen an inspector two or three times. That would be it. One of those times it was only because there was an incident and we all ended up at the incident. They are usually never taken towards the OCEs.

**Mr Meikle:** I have seen it twice and it was the same inspector. An inspector had come out of Mackay.

**Mr McMILLAN:** In relation to the announced inspections where there is notice given, is there any change in the work that is done on the days that the inspectors are coming or the days leading up to the inspectors arriving?

**Mr Meikle:** Most definitely.

**Mr Eastment:** Yes.

**Mr McMILLAN:** What changes are there?

**Mr Meikle:** They go round and they will grade roads, they will make sure roads are watered properly, stuff like that.

**Mr Eastment:** They take them on a set guided tour. It is very rare you will see them like that one time when there was an incident; the inspector, they had to bring him out to the incident because he insisted on being there and that was out of the routine, I suppose.

**Mr McMILLAN:** Was that a dust related incident?

**Mr Eastment:** No.

**Mr McMILLAN:** A different safety incident?

**Mr Meikle:** If an inspector comes and they are concentrating on wash plant you can bet your balls that she has been cleaned up. By law I can't be present at all times as an SSHR with them. I can tell them that I want to talk to them. I try to get them on their own and say, 'You need to go and have a look at this, this is no good.' Quite often they will go there and have a look. Quite often they will not either. The only ones that will actually do it is the ISHRs which you have referred to as check inspectors.

**Mr McMILLAN:** I will get to that in a minute. I just want to try to separate the different functions if I could. Has there been an inspection by a mine inspector since the tar spray for the roads has been broken?

**Mr Eastment:** Since the what, sorry?

**Mr McMILLAN:** I think you have talked about a tar spray that has helped in dust mitigation on the road that has been broken for a number of months.

**Mr Eastment:** I have not seen an inspector. I don't even know if he has been out there.

**Mr Meikle:** There was one there approximately four weeks ago who came from Capella.

**Mr McMILLAN:** Were you there on that day?

**Mr Meikle:** Yes. I was not present with them all day because I had a lot of other stuff to do. I had been loaded up, I believe, so I couldn't be present and I have got to then prioritise my work.

**Mr Eastment:** We do hear after the fact. It has to go in our record book. We do hear after the fact.

**Mr McMILLAN:** Do you think that the level of dust as a result of that mitigation strategy being broken would have been obvious to the inspector on that particular day?

**Mr Meikle:** No.

**Mr McMILLAN:** Why not?

**Mr Meikle:** Because they wouldn't have been taken there.

**Mr McMILLAN:** Moving on to what you have described as the state check inspectors.

**Mr Eastment:** The ISHR.

**Mr McMILLAN:** An ISHR is an industry safety and health representative under the legislation.

**Mr Eastment:** Yes.

**Mr McMILLAN:** There are a small number of those officers employed in Queensland and they are the officers who I think, Jason, you have given evidence they are currently looking for funding for a fourth ISHR; is that right?

**Mr Meikle:** I believe that is correct. There are only three of them at the moment and those poor buggers are spread thin. They are spread like Marmite on your toast.

**Mr McMILLAN:** Are you able to give any evidence about their rights of entry, either announced or unannounced or should we ask somebody else about that?

**Mr Meikle:** I have witnessed them do unannounced visits. I have witnessed them do announced visits. Whenever they are on site at Goonyella Riverside either myself or Ross Ogden are present. There have been days when we have come out on our days off to be present with them because that is when we get a proper inspection done of our mine because they go where we are showing them. They are not guided by the nose.

**Mr McMILLAN:** Finally, there are site checkies and they are site safety and health representatives or SSHRs.

**Mr Eastment:** SSHRs, that's correct.

**Mr McMILLAN:** Jason, you are one of those?

**Mr Meikle:** That is correct.

**Mr McMILLAN:** Michael, are you an SSHR?

**Mr Eastment:** Not at this mine site, no. I was previously, but, no, I am open-cut examiner at Goonyella Riverside.

**Mr McMILLAN:** What is the difference in terms of the safety function of an open-cut examiner as opposed to the site safety and health representative?

**Mr Eastment:** There are a few legislative requirements that are different. Jason is probably better to answer that question. Jason is elected by the workforce, by all coalmine workers, whereas I am appointed by the SSE and you must have an OCE ticket for me to do my job where I don't think there is a legislative requirement to have any ticket. There is training that takes place for an SSHR, that is a requirement under the legislation, but Jason is probably better off to answer that.

**Mr Meikle:** To do my job as OCE, yes, I have an open-cut examiner's ticket and I am appointed. To be an SSHR I am elected by the whole workforce, union and non-union, management included. I am then appointed by the SSE. I have to have equivalent to S1, 2 and 3 which is a load of crap, it is totally inadequate to do your job. My time to do my job is one day per month. That is it. If I need more time, it appears to be frowned upon. I gave an example there when an inspector was on site recently. I had a lot of stuff on my plate that happened to be on that day. We don't have enough OCEs to cover at times so for me to actually go out as SSHR my colleague is running on his own.

We are the biggest open-cut coalmine in Queensland. I believe it is totally unfair to my colleagues that I step out of the role as OCE to go and do my SSHR stuff. We are not given the time to do the job properly. We are not even educated properly to do the job. I started educating myself after they went for my removal because I learnt a valuable lesson: they are going to come after you if you are not right, and I was right. That is why I have gone on to study and get three statutory tickets in mining.

**Mr McMILLAN:** Michael, I think you gave evidence that you have been working in the coal industry for—

**Mr Eastment:** Roughly 32 years.

**Mr McMILLAN:** You would have been working in the industry prior to the push towards self-regulation in the early 2000s?

**Mr Eastment:** Yes.

**Mr McMILLAN:** And prior to the introduction of the health and safety regime that essentially put health and safety obligations on all the workers—

**Mr Eastment:** The previous legislation.

**Mr McMILLAN:** Yes, and moved away from a system where there was a higher level of regulation by inspectors at a state, industry and local level. Has that move away from separate regulation by inspectors to self-regulation and the imposition of obligations on individual workers changed the level of safety and risk mitigation that you see in the workplace?

**Mr Eastment:** If you look at the statistics across-the-board, yes, there has been a marked improvement. Pre 2000 and 1999, most of our employees were permanent and they were prepared to put their hand up and say, 'This isn't right. We need to fix it. It's got to be fixed,' but what we are finding now is that at Goonyella there is 40 per cent of temps on site, 30 per cent, whatever—I am only guessing the percentage. Now that we have gone to that temporary workforce, there is a real or perceived thinking out there that if they put their hand up and say, 'This isn't right. I'm looking after my own health and safety. I'll let the supervisor know I'm not going to do the job,' that will put their neck on the chopping block and it will just get chopped off. The statistics say that, yes, there has been an improvement across-the-board since the new legislation came in in 2001, but we are consistently seeing now with the temporaries that, as I said yesterday, no-one is speaking up. They do not want to speak up. They are worried and I cannot blame them. As I said before, they have a family to look after.

**Mr Meikle:** To speak on the inspectors you were talking about before, I am in consistent contact with inspectors about issues that we have on our mine site. I believe even those guys are struggling to get around everywhere to actually monitor it properly. Then you get to the ISHRs that you were talking about before, we have three for Queensland. These guys cover from Collinsville right through, behind Toowoomba, Ipswich. There are three. I ask the panel whether you really think that would be truly effective—and that is a question to you. I believe not. Having four still will not help. They need more than just that to be actually monitoring what is going on in this industry.

**Mr McMILLAN:** Are those three ISHRs just for the coalmining industry or are they across all mining?

**Mr Meikle:** The ISHR is under the coalmining legislation so they only inspect coal mines. I have no doubt, from my experience in hard rock, these issues are going to be in there. The difference is that no-one has been diagnosed properly yet in that industry. I have no doubt in saying that.

**Mr McMILLAN:** Thank you very much, gentlemen.

**Mr PEARCE:** I have a couple of quick questions. Before we move on from where we just were, it has hit me that the duty of care is breaking down somewhere here. When you have a look at the labour hire employees, do they realise that they have an obligation under duty of care to make sure that unsafe workplaces are brought to the attention of yourself and management?

**Mr Meikle:** Yes, they do but the problem is that they have seen their fellow peers get sacked for raising issues. These people have families to feed, like all of us. What are you going to protect first? Are you going to protect your own health or are you going to feed your family?

**Mr Eastment:** Before any obligation that is written in the act under 39, I have got an obligation to my family to support them. The last five or six years have been a bit tight across the industry—we know that; they are trying to keep jobs—so I am going to look after my family. The thinking is, 'If I have my name known on the supervisor's list that I'm going to speak up about dust and I'm going to speak up about this safety issue, then, yes, I might not be here too long. I will not say anything.'

**Mr Meikle:** This is not a new issue. Michael and I were labour hire. I used to keep notes at the safety meetings because the company did not keep them, and I would then raise the minutes from the last month's meetings. I got targeted as a whinger. A conversation was had with two supervisors going home that, 'Meikle's nothing but a whinger. He needs to shut up at safety meetings.' I had worked with the other supervisor on a couple of other jobs and he actually defended me and said, 'No, that's what we're asking them to do—to raise these issues. He's just doing what he's been asked to do.'

**Mr Eastment:** That was raised, as I said, with the mine manager's meeting just recently that I had, mine management superintendent. They had a couple of people and they mentioned their names and said, 'They're just whingers.' I said that they need to embrace these people, that they are giving them notice that something is not right. I said that they should be listening to them, not just putting them aside and thinking, 'We'll sort these guys out.' I said that they need to listen to what they are saying. If they are brought on board and they start to think, 'The company is listening to what I'm saying,' then maybe there will be a turnaround of attitude but at the moment, no, it is not happening.

**Mr Meikle:** People are too fearful for their jobs, being labour hire, to speak up. It is as simple as that. When you have a permanent shirt, you have a little bit more protection. The reason is that most of the people join a union and they then have someone supporting them. The guys who are labour hire are not even joining the unions for the simple reason that they believe the unions cannot do anything for them. Is that right or wrong? It is not for me to say in this forum, but these people have no protection. They have absolutely nothing and they are being victimised by their labour hire companies. They only need to be given 1½ hours notice that they no longer have a job. How do you feed a family without a job?

**Mr PEARCE:** Does the workforce play a role in the dust monitoring at the mine?

**Mr Meikle:** Yes, they get issued dust monitors, certain sections of the mine, roughly three monthly. I could not tell you off the top of my head if it is happening regularly at that three months. As I touched on before, the results are not even being put on noticeboards; I had to ask for them. Some of the areas that they are going into are heavily watered for the day, blast crew, exposed. Something that happened a while ago was that we had dust issues where we had temperature inversion which kept the dust low in the pit. A superintendent told the blast crew, 'Put dust masks on and go back to work.' We are an open-cut mine.

**Mr PEARCE:** I want to read two lines out of the executive summary of the QRC submission to the CWP select committee inquiry. It says—

The Queensland coal industry regards the health and safety of coal mine workers as a core value, and the industry prides itself on ensuring the highest standards of health and safety.

What are your comments with regard to that? That is the claim made in the executive summary.

**Mr Meikle:** Mick can go first.

**Mr Eastment:** It is fine to say that but let us see some action. I am not saying every supervisor out there does not care; that is not correct. I get the feeling quite often that the upper management think, 'That's a budget issue. We can't afford that water cart.' That is why we lost our water carts. That is what gets me, because that has a flow-on effect right down the line. As with that letter you have there from the management in relation to how to deal with dust, I had have an argument with them—not an argument; a three-hour discussion—to get that third dot point put in that it is our right if we do not think it is safe to let the supervisor know and make ourselves safe. It is fine rhetoric but let us see some action.

**Mr Meikle:** Did they forget to add one last line there? 'As long as it does not get in the way of production.' I am pretty sure that should have been their closing line there.

**Mr Eastment:** I know, you know, we all know, that they are there to make money. There is no doubt about that, and that is our job to help them get the coal out of the ground. There is no doubt about that but we have to do it safely. There are guidelines we need to follow, and I would just like to see them followed.

**Mr KNUTH:** Michael, you were talking about speaking up, and I commend you. What would the mine site be like in regard to safety if everyone was labour hire and there were no permanent staff?

**Mr Eastment:** Who knows? I have worked at other mines where we are all contractors and I have also been terminated at some of those mines for speaking up. It is more than I could answer. It is a hypothetical question for where I currently am. At least the coalmine workers have a process and they can go. We say to the permanents on the circuit, 'You speak up; they can't.' I know they cannot.

I know they are worried about their jobs, 'You should be speaking up and saying something.' Some of our permanents do not even speak up, but more often they do. If it was all casual labour hire, I would not be working there.

**Mr Meikle:** Can I add to that. I have worked as a contractor in the coal industry, and I have worked for it in the hard rock. It comes down to the management and how they perceive safety and what their budget constraints are. Do not get me wrong, there are some good contractors out there, just like there are some good coal companies out there, but there are some really awful ones too. I have been put off labour hire myself for raising safety issues.

**Mr KNUTH:** Basically, what you would see if it was an all-labour hire mine would be, 'Do what I say. We're here for coal; forget about the dust.'

**Mr Eastment:** There would be budget considerations.

**Mr Meikle:** We had a big contractor on site classified as what they call a tier 1 contractor not that long ago. We had a supervisor working very well with the open-cut examiners. He was pulled aside by management and chastised for working alongside the OCEs.

**ACTING CHAIR:** I have a couple of questions. The dust that appears in your photos and the dust that you are talking about is in an open-cut environment. Are you concerned about the coal element in that dust or other elements of that dust, the silicon perhaps?

**Mr Meikle:** Both.

**Mr Eastment:** We have both on the mine site. I took probably half a dozen photos yesterday afternoon. That is what I do now. If I pull a circuit up for dust, because I know I am going to be questioned as soon as I get up top—'Why did you do this? Why did you do that?'—what I do now is that I have a camera in the car and I take several photos of the dust situation so I can get up there and say, 'That's the reason why. Are you going to argue with that?' Is there a possibility that I can submit those photos at a later date and send them to you?

**ACTING CHAIR:** Yes.

**Mr Eastment:** I might do that.

**ACTING CHAIR:** You both hold various roles. Jason, am I correct in understanding that your primary role in your company is not the safety role, but that you are actually employed to do something else and this is almost like an additional task that you take on?

**Mr Meikle:** Yes. I am appointed as the OCE—that is my primary role on the C crew—and the SSHR role is a secondary role.

**Mr Eastment:** If I may add, as an open-cut examiner, our primary role is the health and safety of coalmine workers.

**ACTING CHAIR:** You deal with safety. Obviously, that is not just confined to issues of dust. There must be significant other potential safety hazards in a coalmine. When you identify and raise other potential hazards, or actual hazards, what is the response of management in relation to those hazards that are not dust related? Are they dealing with those appropriately? Are they acting on those?

**Mr Meikle:** Not so long ago I wrote a mine record entry in regard to the reporting of HPIs. HPIs are a high potential incident. They were being brushed under the carpet. I believed, as an OCE, that some of these incidents—we had rocks coming out of walls, we had trucks sliding down ramps, we had electrical conductors in the wash plant rubbed through by conveyor belts—were not being reported. I went to the inspectorate and reported it

**ACTING CHAIR:** The inspectorate being the external—

**Mr Meikle:** The Mines Inspectorate.

**ACTING CHAIR:** Thank you.

**Mr Meikle:** They ended up pulling them in for what they call a level 3 compliance.

**Mr Eastment:** Refresher training

**ACTING CHAIR:** Which involves what, sorry?

**Mr Meikle:** I will get to that. I spoke to the inspector involved and asked, 'Why would we not use demerit points?' Demerit points in the legislation are only \$100. The comment from the inspector was, 'Why would we issue them when it means nothing to them?' The demerit points system needs lifting, because there is no penalty for these companies.

Then they brought the level 3 compliance in. Out of that, they put this training through for all supervisors and OCEs and superintendents were supposed to attend across the site. On my crew, our prestripping operation did not even turn up to the training. It was to tell people how you define an HPI, how you observe it. That is what the compliance was out of it. Has there been an improvement on it? Yes, I think there has been an improvement on reporting. They do not like us getting in the way of their production. It is as simple as that. Our job is not to get in the way of their production unnecessarily, but sometimes we have to.

**ACTING CHAIR:** What are those risks that you described there? The electrical wiring being rubbed through by the conveyor belt in a wash plant; I assume that is quite a serious hazard that almost needs immediate action. That could create a live circuit.

**Mr Meikle:** That is prescribed under legislation as an HPI and it had not even been reported. The electricians came to me and told me about it and it was one of the ones that I went to them with. I am certain that we do not get around sticking our fingers in power points. It is no different. It was a live cable.

**ACTING CHAIR:** I assume there is water in a wash plant.

**Mr Meikle:** Yes, there is water in the wash plant, there is dust in the wash plant—you name it. You get a combination. If you had a spark and you have—

**ACTING CHAIR:** Lots of metal equipment, lots of metal structures?

**Mr Meikle:** There is all metal structures around it.

**ACTING CHAIR:** That is perfect conditions for transmitting an electric shock.

**Mr Meikle:** Most definitely.

**ACTING CHAIR:** That is interesting. Do temporary employees spend long periods of time employed in the company, or do they turn over at quite a rapid rate?

**Mr Meikle:** We have some on site, I think, for four years in temporary employment.

**Mr Eastment:** Five or six years.

**ACTING CHAIR:** It would be my understanding that there may be some jobs that are emergent—one-off maintenance here and there where we might not want to necessarily employ someone for that category of job for a long period of time, because you only need for them—

**Mr Eastment:** Specialised tasks.

**ACTING CHAIR:**— for a couple of weeks. There are others where, if you were there for four years, that is a job that you can predict is going to continue. I am interested in the relationship that the permanent staff build with these people. I have worked in similar environments. In my experience, we had temporary employees who would come and go day by day, week by week and you really did not get to know those people. You had other people who were there much more frequently over much longer periods. That second group of people would often become part of the workplace culture and would raise concerns with permanent employees—not just about safety but, in my environment, patient care and a whole range of things. Is that an experience that you have in your environment? Are the employers who are there longer more likely to share with you their concerns?

**Mr Eastment:** I would assume so. We have operators out there in the mining area for up to five or six years as temporaries. For whatever reason, they have kept their jobs but, as I have told all of them, 'If you have an issue and you are worried, you are concerned about your job, see one of the permanents and speak to him and get him to raise the issue or come and see us. You know where our office is. We are always driving around the mine site. Okay, we only do drive-by inspections half the time, because we are time constrained, but give us a call. I will meet you somewhere and talk to you—whether it is the crib, smoko, or whatever.'

**Mr Meikle:** One of the biggest cultural changes that we have had on our mine site was the reduction of the labour hire's wages to approximately \$50,000 less than what we earn. That straight out showed those people where they belonged in the company. They believe—and I am told this by them—that they are of no worth to the company, because why would they get paid \$50,000 less than what I do for doing the same job?

The long-term ones will speak up via me—some of them; not all of them. The shorter-term ones who have been there for less than two or three years will not speak up. There is just no way. Generally, the ones who have been there for a long time have not been speaking up, because they have not been shot yet. It is like a war out there: you stick your head up, expect a bullet between the eyes.

**Mr Eastment:** They know the rules.

**ACTING CHAIR:** Do you have a union delegate on site? Is that separate to the role that you have as the SSHR?

**Mr Meikle:** I am not a union representative. I will make that very clear.

**ACTING CHAIR:** I understand that.

**Mr Meikle:** I am a union member. We have three unions on site. We have the ETU, the AMWU and the CFMEU.

**ACTING CHAIR:** Do each of those unions have an on-site delegate?

**Mr Meikle:** Not all crews have a delegate. Yet again, some people do not want to put up their hand for fear of reprisal, even if they are in a union.

**ACTING CHAIR:** For each of those unions, would there be at least one person who workers would recognise as an official delegate elected?

**Mr Meikle:** On most crews, yes

**ACTING CHAIR:** Do those delegates get treated with respect by the management if they raise an issue on behalf of union members? Are they taken seriously? Are they listened to?

**Mr Meikle:** Some of them are. Quite often I get those union delegates coming through me as the SSHR to put through their complaints. They have put their hazard reports in and nothing has happened. I am big on using the company system. I ask them to report their hazards—'Put them in your book. Use a duplicate book.' They took duplicate books off us for hazard reporting, because people then had copies of them that they can come back with at a later date. I have stashed a pile of them and I hand them out to the people and they are not going to throw them out willy-nilly. They use them. Those guys are getting results, because they now have accountability to the company. They come to me. They are getting results. They just do not want people to have ownership of what is going on.

**Mr PEARCE:** Why does the person who makes the complaint not have a copy?

**Mr Meikle:** Because the company does not want them to come and chase that issue down. They want that issue to go away.

**Mr Eastment:** It gets lost in cyberspace.

**Mr Meikle:** They are very hopeless at keeping documentation. They must keep the underpinning risk assessment for their safety procedures that they currently work under. They struggle to find them three or four years later. Myself, now, when I sit on one, I get a copy. My wife does not like me when I come home with more and more paperwork. It just keeps piling up. Why do I do it? Because if I have a copy, I have a copy. I am only a little Jason Meikle. I can manage to keep copies of stuff. How can BHP not. The law says that they must keep a copy and they do not—of a lot of stuff.

**ACTING CHAIR:** If there are no further questions from the committee, I would like to thank you for your testimony today. Both of you have shared some photos here today. I would encourage you both to submit those photos later as part of your submissions to the committee process. You have also tabled a letter from an anonymous individual. Again, as per the deputy chair's request, we would encourage you to ask this person to contact the committee and provide further details and evidence, which can be done in a confidential manner.

**Mr Meikle:** How do I get them to submit—

**ACTING CHAIR:** The committee secretariat will speak to you at the conclusion. Thank you very much. That concludes our hearing. Thank you for your time today. We value your input immensely. We are especially appreciative of the speakers who have come today. I remind you of those protections of the committee office if there are any negative consequences out of your testimony today.

The record of what you have said today will be put in *Hansard*, which will be available on the parliamentary web page. Thanks very much to the Hansard reporter. I now declare the committee's public hearing in Moranbah closed. Thank you very much.

**Committee adjourned at 9.40 am**