



TRANSPORT AND RESOURCES COMMITTEE

Members present:

Mr SR King MP—Chair
Mr LL Millar MP
Mr JR Martin MP (virtual)
Mr LA Walker MP (virtual)
Mr TJ Watts MP (virtual)

Staff present:

Dr J Rutherford—Committee Secretary
Mr Z Dadic—Assistant Committee Secretary

PUBLIC HEARING/BRIEFING—INQUIRY INTO COALMINING INDUSTRY SAFETY

TRANSCRIPT OF PROCEEDINGS

TUESDAY, 10 JANUARY 2023

Brisbane

TUESDAY, 10 JANUARY 2023

The committee met at 10.04 am.

CHAIR: Good morning everyone. I now declare this public hearing for the committee's inquiry into coalmining industry safety open. I would like to start by respectfully acknowledging the traditional custodians of the land on which we meet today and pay our respects to elders past and present. My name is Shane King, the member for Kurwongbah and chair of the committee. With me here today in person is Lachlan Miller MP, the member for Gregory, who is the deputy chair. Joining us via teleconference are: James Martin MP, the member for Stretton; Les Walker MP, the member for Mundingburra; and Trevor Watts MP, the member for Toowoomba North. Bryson Head MP, the member for Callide, is an apology. On 18 August 2022 the Legislative Assembly agreed to a motion that the Transport and Resources Committee inquire into and report on current practices and activities of the coalmining industry. The purpose of today's hearing is to further assist the committee with its consideration of the inquiry.

The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. As parliamentary proceedings, under the standing orders any person may be excluded from the hearing at the discretion of the chair or by order of the committee. The committee will not require evidence to be given under oath, but I do remind witnesses that intentionally misleading the committee is a serious offence. Our witness today has been previously provided with a copy of instructions for witnesses, so we will take those as having been read. The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and will be subject to the chair's direction at all times. The media rules endorsed by the committee are available from committee staff if required. Those present today should note it is possible you may be filmed or photographed by media during the proceedings and images may also appear on the parliament's website or social media pages. I ask everyone present to turn their mobile phones off or switch them to silent mode. I ask that any responses to questions taken on notice today be provided to the committee by 4 pm Tuesday, 24 January 2023. This morning we are going to hear from Mr Andrew Iwers, who is joining us via teleconference.

IWERS, Mr Andrew, Site Safety and Health Representative (via teleconference)

CHAIR: Mr Iwers, thank you very much for your submission and for your participation today. We might lead off with an opening statement from you and then we will go to questions.

Mr Iwers: My name is Andrew Iwers. I have worked in the coal industry in Queensland for 29 years, over 15 years working underground and the remainder in open-cut mines. I currently work in an open-cut mine. I also carry out the role of site safety and health representative, SSHR, and I have carried out that role for seven years.

During my time in the coal industry I have seen massive changes in safety and the way risk is managed, although unfortunately the majority of those changes were driven due to fatalities from the Moura No. 2 disaster in 1994 and the changes in legislation which followed the warden's inquiry after that disaster. I have seen workmates seriously injured and some whom have never returned to work. I have also attended the funerals of others who have been taken by the long-term effects of coalmining. I have chosen to make a submission as I felt it my duty to ensure policy-makers really understand what happens in coalmines from someone in a coalmine, otherwise they may not ask again and then the door may be shut on a similar process in future.

As a coalmine worker and site safety and health representative, I regularly see activities occurring whereby supervisors try to avoid compliance with procedures simply to increase production. Unfortunately, I have also seen coalmine workers being told or convinced by supervisors to knowingly breach procedures in an attempt to continue production. The majority of these situations occur when coalmine workers are not made aware by their supervisor of what procedures say and what should actually occur. Most of these occur with labour hire workers and/or contractors or cleanskins. When I refer to cleanskins, I mean people who are new to the industry. I have also seen labour hire and contract workers being treated differently when it comes to safety; for example, if their standard of safety performance is deemed unsatisfactory or they challenge a direction given to them which they believe is unsafe, they do not come back to that site again.

In the past I have challenged a site senior executive, SSE, over this type of behaviour. His response to me in that conversation was that he was not their employer and it was up to their labour hire employer or their employer to deal with them. Labour hire workers and contractors appear to be an easy target for compliance KPIs. As you would have heard in previous submissions to this committee, labour hire workers and contractors are reluctant to speak out regarding safety matters. I agree this is widespread within the industry. Given these labour hire and contract workers are paid substantially less than their workmates who are employed by the mine or where they work at those mines and their tenure is temporary and they want to gain employment at that mine, they do not want to upset the applecart for fear of ruining their chance of permanent employment, so they simply do not speak out.

One of the biggest risk areas in the industry today is around supervision—more specifically, what happens after a coalmine worker gains the supervisor qualification. Just about anyone can answer the required questions to pass the test for what is required to be passed out as a supervisor on a mine site. Few of these people can actually balance the requirements of having to comply with their mine's safety and health management system and the competing demands of the coal company's production or maintenance KPIs they are asked to reach. Unfortunately, I have seen lots of supervisors who do not even understand or know the details of the relevant standard operating procedures, SOPs, which they work under. The statistics I have read in the Brady report that relate to either a lack of supervision or experience of the supervisor involved in fatalities clearly demonstrates this—I put those statistics in my original submission—yet within the industry very little appears to have changed to address or improve the situation around supervision.

I have also seen the process of risk management and risk management tools promoted on a daily basis during prestarts or toolbox talks, yet when the time comes to carry out tasks these risk management tools are either ignored or manipulated in ways to ensure that jobs still get done. I believe the word safety is bandied around by coal companies along with other catchphrases and acronyms they have to promote their safety programs, but the word safety is just a word unless it is supported by the actions of supervisors, superintendents, managers and site senior executives who support their safety systems. Without these actions to support the word safety very few coalmine workers will be encouraged to step up and speak out about safety, especially labour hire, contractor or cleanskin workers.

When incidents or accidents do occur, I see that it becomes a box-ticking exercise and not an opportunity or a process of reflection or looking inward at the systems that are in place at the mine. It all too often seems to be easier to point the finger, blame, and put it in the box of human error rather than accept that the mine's systems or procedures are inadequate or ineffective. In general, I see compliance with procedures drifting at coalmines or coalmine operators operating outside the required parameters which have already been set within their safety and system management system until challenged. Then once they are challenged they comply, especially with such things I see in the open cut industry as dust, dust control, poor road design and maintenance or road intersection design and maintenance, risk management and/or trigger action response plans, TARPs—basically, anything that seems to impede production.

As an SSHR, I represent all coalmine workers at the mine on matters of safety. I am elected by the coalmine workers at the mine, and I have an obligation to ensure that any matters raised with me regarding health and safety are followed through in their entirety. The Coal Mining Safety and Health Act details my functions and powers; in other words, the boundaries within which I have to carry out the role of site safety and health rep. Section 99(5) of that act states—

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

Section 99(6) states—

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

I have just read out those two parts of the act so that the next part makes sense. The act does not say that if I want to, I can make them aware; it says that I must. I must inform them when I see something or when I find something that is ineffective or inadequate in their safety and health management system. Yet, when I do this, instead of embracing the situation or the matter that has been raised as a free learning, I find that company representatives regard it as an attack on them and their system, and I find that the communication seems to slow dramatically and people put the walls up, and especially when an inspector is involved in trying to remedy that matter.

As a site safety and health rep, it is also challenging to achieve a balance between ensuring that these company representatives, such as supervisors, superintendents, managers et cetera, take on board the shortcomings of their systems and procedures when they are raised, without them

feeling that I am making it personal. Unfortunately, I believe that when these situations occur, there is a great deal of resentment and angst amongst them which is redirected towards me as the site safety and health rep in a much more personal nature. It does nothing to ensure a good working relationship at the mine which is what has to happen for the site safety and health rep to achieve outcomes when safety matters are brought to them. All I want to do is make the mine where I work a safer place for all coalmine workers.

When it comes to the inspectorate, there is another section in there which says the inspector must investigate any matter and report the results of the investigation to the mine and the mine record. I have had situations where this has not occurred when I have raised matters with an inspector, and those matters go back as far as 18 months.

That is pretty well in a nutshell where I sit, what I believe and what I see in the coal industry today, as a coalmine worker and also as a site safety and health rep.

CHAIR: Thank you very much, Andrew. We will go to questions. I want to touch on a couple of things you said before I pass to the member for Gregory. You said that when you have raised with a senior site safety executive safety issues involving labour hire and contractors—so the senior site safety executive worked for the actual mine, I believe—they fobbed it off in a way to say, ‘Oh, no, that is the contractor’s responsibility to deal with that.’ For the sake of the committee, ultimately the safety of all on a mine site rests with the mine manager, correct?

Mr Iwers: Yes. They work under the same safety and health management system which belongs to the mine site, as everyone on the mine site.

CHAIR: Yes, so it seems outrageous that they would say a statement like that.

Mr Iwers: When it comes to their employment, if they have been walked off the mine site or told not to come back to the mine site in that situation, then it is easy for those situations to be put back to their employer.

CHAIR: Yes. Still, ultimately, if there was an incident or anything, which is what we are all trying to stop—and I applaud you for your actions—the mine manager is ultimately the person responsible?

Mr Iwers: Yes.

CHAIR: To give you a little bit of history, I worked in a mine years ago, too, so this is all very relevant. Raising safety issues—and these are my words from what you said, so please correct me if I have it wrong—can appear to cause offence. You are raising a safety issue saying, ‘Let’s fix this,’ and people get offended because something has gone wrong and think that you are causing trouble rather than raising something that could save lives or save money for the company ultimately. Did I get that correct?

Mr Iwers: Yes.

CHAIR: Was that also the case with the inspectorate, that when you have raised it with an inspector, there seems to be offence taken rather than, ‘Let’s fix it and make it safer’?

Mr Iwers: There has been, I would say, at least one occasion where that has occurred.

CHAIR: With regard to job security, do you feel your employment, even as a mine worker, is not as secure, in general, for you and your workmates, for raising these issues rather than going along with the flow; that it puts a target on you? Do you feel that is the case?

Mr Iwers: There is certainly a section that, when people stick their neck out and raise matters, if they are a person who does not have a strong personality or does not have a depth of knowledge on safety matters, then they are less likely to achieve the outcome that they want.

CHAIR: I assume these are union sites that the unions are allowed onto. Do you know where the union sits with this if they are made aware of these things or if they attempt to act?

Mr Iwers: The mine site where I currently work does not have a structured union presence on the mine site. You just made the statement, if I am correct, ‘the union site’.

CHAIR: Yes.

Mr Iwers: There is no such thing as a union or non-union site; it is whether people are organised to have a collective. The mine site where I currently work does not have a collective and does not have that situation. There are people on the mine site who are union members.

CHAIR: I understand.

Mr Iwers: Different to other mine sites.

CHAIR: Where I worked in a different state, there were no awards and no unions were on site. I was one union member amongst hundreds who were not. That is just my reflection on that. Thank you very much. I really appreciate that, Andrew. I will pass over to the member for Gregory for questions.

Mr MILLAR: Thank you, Andrew, for participating in this committee. One of the things I have heard in the past from people who have come before the committee is production bonuses. Do you think production bonuses outweigh safety? Do you think there may be a fear to try to fix something up because it may affect a production bonus; would that be correct?

Mr Iwers: For the people whom I represent as a site safety and health rep on this mine site—the majority of those people who are, if I could use the term, ‘at the coalface’—as far as I am aware, nobody on this mine site gets a coal bonus. I am not sure what the staff employees may get, but as far as what I see in regards to the people whom I work next to each day, we do not get paid a coal bonus.

Mr MILLAR: Obviously there is a fear to report or, if you do not have a strong personality, it is hard to be heard. Is that mainly for the contractors, the people who are at labour hire, that they say, ‘No, let’s just keep going; I need the job’?

Mr Iwers: Whether they have a strong personality or not, the general feeling that I see and hear with labour hire workers is that they are not willing to raise too much noise because all they want to do is get a permanent job. If they make too much noise in the time between permanent jobs being offered, then there is less chance of them being offered a permanent job because they may be seen to be a troublemaker or somebody who may not want to comply with a direction. For a lot of these people in that employment situation, they may not be able to get a mortgage or a loan or that type of thing so that they can lead a life like everyone else and the people they work next to because they do not have permanent employment. Those things in the background will influence their decisions on whether they should speak up or not.

Mr MARTIN: Thanks, Andrew. I was listening to your concerns about lack of supervision and knowledge of SOPs being a major safety issue. I understand what you are saying, but what do you say the answer is for that? Is it about more training, promotion from in-house, or is it an oversight and enforcement issue? Can you expand on that for the committee, please?

Mr Iwers: I have raised this matter and, to date, I have not seen any traction on it whereby I believe there needs to be either a coaching or mentoring system. For people who gain that supervision accreditation, they need to be guided and mentored by people who are not only competent—anyone can become competent—but who are people who understand the process of being a good supervisor. Anyone can be a supervisor. You could be a great digger driver or a great tradesperson, but you may not have those interpersonal skills or the ability to identify hazards that may be overlooked by the majority of people when it comes to supervision and risk management. There needs to be some sort of structured program for people to go from having knowledge but no experience in supervision to the point where they have that experience and then they are set free, for want of a better term, to be able to go out there. The risk is borne by the SSE on the site because he signed those people off as the supervisors to supervise whatever task may be going on. Therefore, I think there needs to be more guidance for those people.

Mr MARTIN: Andrew, you mentioned you have 29 or 30 years experience. Would you say that broadly since the BOI report was released 18 months ago, you have seen any improvement since then or are the same issues still lurking around?

Mr Iwers: I would say what has been recommended from the board of inquiry—there are certain aspects of risk management that certainly were applicable. I personally have not seen a great deal of change with any recommendation. Obviously the majority of them would be directed towards underground operations, so in the open-cut sense—very little as far as those things that are underground specific—but with regard to risk management, supervision and that type of thing, I do not see a lot of that changing. I have not seen a great deal of change.

Mr WATTS: Andrew, I am trying to understand from the perspective of regulation, law enforcement and culture, and I am trying to work out where the balance is and what are the outcomes. I am interested in your opinion on: do we have the law right, do we have regulation right, do we have enforcement right, and how do we get the culture right? Would you be able to give us some feedback on where you think we should be in balancing these four elements?

Mr Iwers: We have the act and the regulations and they tell us what we have to do and how we do it. They also explain where people fit into those parts of the system.

Mr WATTS: Do you think we have the law and the regulations right? That is part of the feedback as well.

Mr Iwers: I think there are parts of both of those documents that continually need to be reviewed and addressed because things change, as we all know. I was once told that those two documents, especially the act, are the expectations of the community. They are the rules within which the community expect the coalmining industry to engage. That is what rules everything that we do.

When it comes to trying to balance compliance with coal companies being able to make money, coal companies go into these situations knowing that there is an act and regulations, so there is compliance. We cannot live our lives without any sort of compliance. Yes, there is a balancing act but, unfortunately, there seems to be a driver to achieve production and do whatever needs to be done to comply with the act and regulations at an absolute minimum.

Personally I do not think there is enough encouragement for people to look at those documents as a means to see what is there, rather than to see them as something that hinders their ability to achieve what they want to achieve, if that makes sense. I am not sure if that makes sense. When the act and the regulations are mentioned, sometimes they say, 'Oh, why do we have to worry about that for?' If we promote the benefits of why the act and regulations are there, it would be easier to move forward and say, 'We need to do it. That is why we need to do it—because it makes it safer for us all.' It is a very delicate balancing act. I do not know if that answers your question.

Mr WATTS: One of my concerns is that if we come up with a whole bunch of regulations or legislative requirements then everybody is so busy either enforcing or trying to meet those things that they forget the general culture of safety. We are all busy following the rule book but is the rule book the best book to be following at that particular moment or is there something we are missing? Does that make sense?

Mr Iwers: Yes, it does. It is easy to say we are chasing compliance all the time. The reason those compliance documents are there—as I said in my opening address, the act is a reflection of the community's expectations. People have died and that is why that act is there. In the past the act said we had to do certain things. People have died. There was a warden's inquiry. They reviewed the act and they changed the act so that those things would not happen again. It is easy to say that we should not be worried about that but that is why it has to be there.

Mr WATTS: I am interested in the culture that drives that. You touched on it when you said we need to explain to people why that exists. History does get forgotten. Tragedies do get brushed over if nothing goes wrong for a long period of time. I think it is important. I am just trying to understand how we lock the culture into regulation, legislation and enforcement.

Mr Iwers: I do not know if this is practical, but what I see a lot is that there are so many people who are new to the industry and they have not been exposed to those previous multiple fatalities like Moura, Kianga and Box Flat. They may have heard of a lot of single fatalities that have occurred in the last eight to 10 to 15 years in Queensland and New South Wales but not those multiple fatalities. It seems to make less of an impact when there are those multiple single fatalities over time versus what has happened in the past.

The changes in the legislation, I believe, have made sure that those ongoing multiple fatalities such as Box Flat, Kianga and Moura No. 2 have not occurred since, but because fatalities are still occurring as single fatalities does not make them any less important. At a point in time maybe something needs to be done within the industry to make those people who have not been exposed to multiple fatalities because they either are younger or have not been in the industry long enough aware of those things. I do not know whether that would help them have contact with that situation or the realities of coalmining.

CHAIR: Again, I want to touch on production being prioritised over safety. It appears that that is always what happens. I think you mentioned in your statement that in the lead up to the end of month and the end of year there is a production target that has to be achieved—that no matter what we have to hit that production target—and safety seems to be brushed over because of that. If you do not reach the production target, what happens? Is that when bonuses come into play? Do you think it is the case that it is for bonuses? Without going too much into my experience, it was always that the company had this expectation and 'we do it for the company' and that sort of thing. I did not know if there was that motherhood feeling towards the company—that 'we have to fix it for the company no matter what'.

Mr Iwers: I cannot speak for the people who drive those production targets. I cannot speak for them, but it feels as though they have a target and they have to meet it. Whether they have made promises to people above them or whether their salary or bonuses may be impacted by not reaching those targets either at the end of the month or at the end of the year, I do not know because that is their employment contract and I do not know how that works.

I have seen situations multiple times where let's say the maximum number of trucks need to be in operation so they can reach that target. Then other pieces of equipment may sit idle so that those machines can run at full capacity, but the ones that are left idle are things like water trucks or graders and they are needed to maintain the roads and keep dust down and those types of things.

CHAIR: I probably explained it wrong. I was thinking it was more of a culture of 'We have to get these tonnes out. We will let everyone down if we don't,' whereas everyone's opinion should be 'We have to get those tonnes out but it has to be safe and everyone has to go home at the end of the day.' That is the culture that should be there. It is more of a touchy-feely thing. Do you think there is that culture of 'We're letting everyone down if we don't get the target amount of ore out,' or whatever the production target is?

Mr Iwers: When you use the word 'culture', as I have said before, there are a lot of times when they say, 'We have to get this out but we have to do it safely.' Those types of catchphrases, I believe, are used an awful lot. As I have said, when it actually comes to doing the job I believe things change. I have encountered situations where things change. There is an old saying you may have heard in the industry about someone having a night shift ticket or 'Give it to night shift. They will get it done because the eyes are not there watching them.' We say one thing about doing it safely and we happily accept the benefits of those jobs getting done but we know that things may not have been done right to achieve those outcomes.

CHAIR: It is amazing what can happen during a night shift. Yes, I agree. Are there any further questions?

Mr WALKER: Your submission notes that incidents can sometimes be incorrectly classified initially. Why does that happen?

Mr Iwers: Are you talking about high potential incidents?

Mr WALKER: Yes.

Mr Iwers: When it comes to the classification of HPIs, which may be reclassified or if they are challenged by me or somebody within the inspectorate or an ISHR—because they have to be sent through to those people as well—I believe that there are certainly, as I said before, KPIs around those types of safety outputs. If there is a situation where an individual may be getting remuneration that is based around those safety KPIs, if they put in what they believe would be a rating for those incidents then that may affect their remuneration. In the past I have challenged ratings on high potential incidents. A lot of that is about getting the people who are doing those ratings to look at it from a different perspective—as I said before, to try to look inwards rather than looking at what they see straightaway, taking the time to go through it and then make a considered judgement on that rating for those incidents.

Mr WALKER: Andrew, when you have entered any coalmine that you have worked at, have you noticed any encouragement or signage that says, 'Ring a hotline number to report any safety issues or incidents'? Have you seen any big signage with a hotline number that you can contact?

Mr Iwers: No.

Mr WALKER: Are you aware of one?

Mr Iwers: I am aware of information that I have seen myself. As a site safety and health representative, I do try to go through the RSHQ pages, as well as the site that talks about coalmine workers health pages. I have seen some information about it but certainly no signage anywhere that hits me in the face to say, 'Ring this number if you don't feel comfortable.'

Mr WALKER: So you are aware of a hotline number?

Mr Iwers: I have heard of it.

Mr WALKER: You have heard of it but you have not seen it.

Mr Iwers: No.

CHAIR: There being no further questions, thank you very much, Andrew, for your time and also for your submission, which is quite comprehensive. It is much appreciated. Andrew, you will be provided with a copy of the transcript of these proceedings when it is available. Once again, thank you for your participation. I declare this hearing closed.

The committee adjourned at 10.43 am.