



TRANSPORT AND RESOURCES COMMITTEE

Members present:

Mr SR King MP—Chair
Mr LL Millar MP
Mr BW Head MP
Mr JR Martin MP
Mr LA Walker MP
Mr TJ Watts MP

Member in attendance:

Mr DR Last MP

Staff present:

Dr J Rutherford—Committee Secretary

PUBLIC HEARING—INQUIRY INTO COALMINING INDUSTRY SAFETY

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 2 NOVEMBER 2022

Moranbah

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The committee met at 9.30 am.

CHAIR: Good morning. I declare open this public hearing for the Transport and Resources Committee's inquiry into coalmining industry safety. My name is Shane King. I am the member for Kurwongbah and chair of the committee. 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. With me here today are Lachlan Millar, the member for Gregory and our deputy chair; Bryson Head, the member for Callide; James Martin, the member for Stretton; Les Walker, the member for Mundingburra; Trevor Watts, the member for Toowoomba North; and Dale Last, the member for Burdekin, who has requested and received leave to join the committee today.

This hearing is a proceeding of the Queensland parliament and is subject to the Queensland parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. Could everyone please turn off their mobile phones or turn them to silent mode.

BAKER, Ms Anne, Mayor, Isaac Regional Council

JACKSON, Mr Beau, Manager, Brand, Media and Communications, Isaac Regional Council

CHAIR: Welcome. Thank you both for coming. Would you like to start with an opening statement, after which I am sure we will have some questions for you?

Ms Baker: Good morning and thank you very much, on behalf of Isaac Regional Council. Firstly, I acknowledge the Barada Barna people, the traditional owners of the land on which we meet today, and offer my respects to elders past, present and emerging. Further, I acknowledge the members of the Transport and Resources Committee undertaking this inquiry. Welcome to Isaac. Thank you for inviting Isaac Regional Council to expand on the submission that we have lodged—I am aware that everyone has read that—into the inquiry around coalmining safety.

The Isaac region is regarded as the resource capital of Queensland, producing over 72 per cent of Queensland's steelmaking coal and 22 per cent of Queensland's thermal coal. Our community is made up of a very unique population that consists of over 20,000 permanent residents and over 12,000 permanent nonresidents, making up a total population of 33,000. Isaac is home to 22 operating steelmaking coalmines, and a further 11 mines are in various stages of approval. The mining sector directly employs over 60 per cent of our region's workforce.

Therefore, as Queensland's largest coalmining community, this inquiry is extremely important to us. The safety of our coalminers and any miners should mean more than a tick in a box and it certainly should mean more than any KPI. When a miner dies or is injured, the impacts are felt far beyond the mine lease. There is a shock wave, which I have personally lived through, that ripples through our community, leaving lasting effects on the social fabric of this community.

As a local government, certainly we are not here to tell you or anyone which safety regulations are needed or need changing or what workplace health and safety practices are failing our miners. What we do know, however, is that there are failures. There can be no doubt. Our job as a local government, in our view, is to draw attention to the direct community impacts that occur whenever safety on a mine site fails.

From a community health angle, the Isaac community services 45 per cent more population than we are designed and/or resourced to, given the non-population residents who come through this region. That is not recognised within the state funding decisions. Residents are often forced to seek Moranbah

medical assistance from providers outside of the community as the appointments are fully booked months in advance. This can result in delays in seeking medical assistance and potentially compromise local residents of host communities, not to mention the impacts in terms of mine safety.

If I could ask everyone to picture this: an explosion a few kilometres from my home in Moranbah leaves five mine workers seriously injured and their co-workers horrifically traumatised. They are rushed to the local hospital, and if it were not for the coincidental visit of a specialist medical officer on that particular day, guiding our nurses and first responders, then I do not know what to think could have been.

The Grosvenor Mine explosion and fire was a terrible incident that occurred on a mine site, yet it had a major impact on local health services in this community and it sent an absolute shock through our community. It shocked this community to their core. Unfortunately, that was not an isolated incident. Further incidents include Peabody's North Goonyella underground ignition and the Moranbah North ignition, and in 2019 there were five fatalities at coalmines in a space of 10 months.

I draw attention to the Mining and Quarrying Safety and Health Act that describes the powers and the functions of the site safety and health representatives. The role of the site safety and health rep is wideranging, including that they have the capacity to stop operations and immediately advise the supervisor in charge. Historically, Isaac Regional Council elected members have been advised by site safety and health had to enact their power to suspend activities onsite when the Moranbah Hospital has not been adequately staffed. It is really clear—it is really clear—that, given the nonresident workforce numbers quoted and the research that has been compiled in terms of labour hire incidents on mining sites and in the mining industry, there is a strong likelihood of potential incidents that will place extra pressure on the hospital if it is not equipped and it is not appropriately staffed to manage the high-end industrial activity that goes on around this region, such as mining incidents in communities. They are scattered across the mining towns.

I reflect on the human cost of this industry. Our own Miners' Memorial, which was erected in 2019, is the centre of Moranbah. As you would be aware, Moranbah is surrounded by mining leases and the memorial is intended to keep safety front of mind. Please take the time to have a look while you are in town. Currently, the memorial hosts 14 plaques naming workers who, since 1972, have gone to work and never returned home. It just so happens that at a ceremony this Friday another name will be added to the memorial so the number will go up to 15. In 2022 we are adding another name from a death in a mine site.

Our community has dealt with more than its fair share of grief in terms of safety on mine sites. We are saying enough is enough. A serious injury or a fatality resonates with each and every member of this community. Whether we hear the landing of the CQ helicopter on the oval in the centre of the Moranbah community or scramble to assemble employee assistance support when an accident actually occurs, it is all an impact; we are all affected. The scramble comes after the incident. The incident is on the mine site but the impact is felt across the broader community. These people go into the newsagent. They go into the Coles supermarket. They go to the doctors surgery. They have relationships with people who either live in this community or come and go in this community.

The grief lingers right across the community and it is not uncommon—absolutely not uncommon—for residents to contact loved ones when the bells go off or for people to ring to find out, 'Is that my husband?' or 'Is that my neighbour?' When they are told, 'No, they're not on shift' then people can breathe. But is someone's loved one. We should not be confronted with this, from a community perspective, in 2022.

In conclusion, safety practices in the mining industry have far-reaching impacts. That is the community point that I am trying to make. However, it is often not considered and often not documented. Over the past few years, as I have referred to, there has been an increasing number of high-risk incidents in this region. There are far too many fatalities in the mines across the Isaac region in particular, which is not a reputation that we want to continue.

As recently as March this year we saw another life lost on the Moranbah North site. Our community is tired. We are tired of the promises. We are tired of empty words and reports. To be really honest, as mayor I am really tired. I respect and appreciate the public inquiry process but we have had public inquiries, we have had surveys, we have had reports and we are still seeing fatalities on mine sites. Our families have shed enough tears. Every time it happens, the original first piece of grief, which for me was in 1986, comes straight back to the frontal lobe of my brain and the top of my heart.

Something has to change here. On behalf of my whole region—everybody whose footprints come in and out of this region; whether they drive, bus, fly or live here they are all part of our community—there has to be a change.

CHAIR: Thank you, Mayor Baker. That is much appreciated. I know that you said it is not your role to get into particular safety systems—

Ms Baker: Yes, the technicalities.

CHAIR: Does the Isaac Regional Council have an overall view on production versus safety and the two competing? They seem to compete, from things we have heard. It is production, production, production versus safety, which seems to be slowing production. If you do not have a view, that is fine.

Ms Baker: Council certainly does not have a formal position on the methodology for action or operations on any mine site.

CHAIR: You did imply that. I was just asking.

Ms Baker: I appreciate the question. We hold the position that we lead the community. Everyone is part of our community. I have said this for many years, certainly as mayor and as a local government: we do not have a point of influence in writing rules or regulations on any mine site but we can give a community perspective.

CHAIR: I was just looking for a bit of context. Having worked in a mining town that was transitioning from a company town to a shire town, I was interested in the influences.

Mr MILLAR: Anne, thank you so much. I live in the very similar town of Emerald, where we have similar problems and resources to cope with the influx of drive-in drive-out and fly-in fly-out. You only have to look at Blackwater, for example, where we have a small hospital but we have a doubling of the population. Is government aware that the resources we have in mining towns are not really coping with the influx of population? Has government come back to you and said anything about this?

Ms Baker: Our local government has been on an advocacy journey for some time. I feel as though we are being listened to. What I can say is that in particular the Moranbah Hospital is on a journey to be constructed. That is the bricks and mortar. I guess we are not different to any other community in this state under the health umbrella. It certainly needs attention. I do feel as though we are being heard. I am certainly not convinced in the funding around the population. We have more work to do, not necessarily with the state, in that respect. As I understand it, we need to do further work with the federal government around the permanent population versus non-permanent population because that is around grant funding. We have misguided ourselves, I think. We have spent a lot of time working both sides of government in the state on that funding methodology, but we need to have done more with the federal government and we are ramping that up now because—I am not a government guru—what I have been led to understand is that if the federal government changed their funding methodology—

Mr MILLAR: Such as FAGs.

Ms Baker: Yes—that then makes it easier for the state.

CHAIR: Can I tease a little bit more out of that. With the methodology of counting the numbers, to put it bluntly, it is overall. They look at population and Census data instead of the fact that you could have a shutdown at several mines and nearly get a third more population.

Ms Baker: Put simply, if Isaac Regional Council applies for a grant, the majority of those grant methodologies are based on permanent population. If we were applying for something in the community of Moranbah, at the moment the approximate population of Moranbah is just over 10,000 people, but on any given night in the community of Moranbah we can have an extra 13,000, so the full-time equivalent is 23,000. Does that make sense? If we apply for anything—for health, emergency services, hospitals, education—it is, 'Well, what is the permanent population?' The reality of life is: instead of 10,000 we have 22,000 or 23,000 people having the ability to access all of those services, but we are not funded.

CHAIR: You are funded on the 10,000.

Ms Baker: Yes. That is the conundrum with that. It puts a lot of pressure on private medical businesses. It puts a lot of pressure on the whole community—our hospitality venues, everything. There is an impact on housing. You probably do not want to talk about housing, but at some point we do.

CHAIR: We get it. This week we ran into some of my old work colleagues here who bolstered your town by six. It is surprising how many people are here.

Mr WATTS: I want to tease out the whole health thing a little bit more. Obviously the general population model for building a hospital and then equipping that hospital does not really fit the community in terms of the industrial nature of what is going on around it. That gives a different Moranbah

footprint. Tell me if I am reading this wrong. If there is an incident, the response from that hospital is particularly important. I am curious about the facilities here for an industrial accident versus how far away it has to come from in terms of Mackay, I would assume, as support, versus the amount of revenue the state government is pulling out of the ground around us and its investment back into the health and safety of the people who are doing that work. Could you give us a little bit of comment around the nature of what is required from a hospital?

Ms Baker: If I could just say very clearly first and foremost: any service that comes out of the Moranbah Hospital, from the nurses and the doctors who are in attendance there, is absolutely excellent. There is not one circumstance, even in the Grosvenor horrific example, where the service from the nurses and the doctors has not been exemplary.

Mr WATTS: Just to be clear, I am not implying or suggesting anything there apart from: is the hospital designed and does it have the correct staff for the nature of the environment it is operating in?

Ms Baker: Yes. My response to that is: at the time of the incident I would say it was not fit for purpose. Since the incident there has certainly been a direct commitment to change that and that is actually moving now, as I understand it, in terms of planning for an extended emergency department and a more fit-for-purpose facility. I cannot comment on the real specifics of all that. I do not know what the ED is going to look like.

Mr WATTS: I guess I am interested in, as mayor, what you would like to see. What is the community telling you they would like to have, not what is being planned?

Ms Baker: My narrative has been, is and will continue to be a fit-for-purpose facility for the industrial business that goes on around this region.

Mr WATTS: In terms of air evacuation—what is based locally, what is not based locally—what is the time line to get multiple people from here to a tertiary hospital?

Ms Baker: To my knowledge there is nothing locally based. We have CQ Rescue in Rockhampton and Mackay, and I think that is about a 20- to 30-minute flight from there to here. That particular day they were outsourced somewhere else. I do believe that day RFDS came in—and I think that comes from Brisbane, but I am not right across that. There is nothing local. The drive, if it was to be ambulance, is just over two hours from Mackay to here, if they were to come from Mackay. Very rarely they would come from Emerald, but I guess that could be a back-up at some point. It is generally helicopter and they land on the Moranbah oval.

Mr MARTIN: In the council's submission you talk about road accidents and road safety issues for mineworkers driving to and from their shifts. I was wondering if the council had any statistics about this or if you could elaborate further on the issue. For instance, what could mine operators do better to address that issue? Is it to do with roster patterns or labour hire or contracts? Do you have any other comment on people driving to and from work?

Ms Baker: It is probably more of an opinion than a council position. We have lots of traffic on the road, whether it is mine traffic, private traffic, wide loads or heavy vehicle equipment, so the risk is high, in my opinion, for road accidents. We certainly have data that we can refer to and pass on to you in relation to what we get off our REMPLAN and all of that. It seems to be too regular, the accidents. I guess I do not like to comment on or put forward anything to tell mining companies how their rosters should be. That is not a decision for us, but if the question is, 'Going down the line, is there an impact on what those rosters are to community?', there always is. If I can go back to the eighties, when it was a five-day roster—six till one everyone was home, a three-shift rotation—then the changing of the shifts has definitely had an impact on community. I can only speak in different communities that I have personally lived in the Bowen Basin. Going from a five-day roster to a seven-day roster and the impacts there, and the move to more drive, more bus and more fly rather than permanent residents—it is a catalyst for change on volunteering, all your sporting groups. The whole social fabric of the community is impacted off those decisions. As always, while I do not consider us to have a point of influence in the actual decision-making process, I do feel like we have always put that view forward and requested that, when making these decisions around roster changes, they put a social lens over it.

CHAIR: Further to that, and forgive my naivety—the local member may have more information as well but I am not questioning you at this stage, member—are the roads themselves shire roads or state roads? If so, do the mines, as a lease comes on, have any influence or funding towards the roads that will be necessary to service those mines?

Ms Baker: Right across the region there is a mixture of ownership, from local roads to TMR roads to federal roads. There is a whole blend in terms of road ownership. In many cases, particularly between mining companies and the council, we strike road infrastructure agreements with companies as they either come online or have a particular impact on any particular road.

Mr LAST: In the interests of transparency and to give the committee an idea of what that question relates to, can you explain to the committee what has happened with the Ellensfield Road with the closure and the impact that has had on not only this community but also Glenden?

Ms Baker: The Ellensfield Road is a privately owned road. It is a private road owned by the mining company. It is part of their mining lease. It is a connector. It connects the town of Glenden to the community of Moranbah. It has been a road that the mining company have given permission, because they are the owner of the road, and have been for, I think, 23 years—that might not be completely accurate, but it is over 20 years they have been in operation and they have allowed the community and the broader community access to that road. It is a privately owned road.

In the last 18 months they had a change in operations. The road had not been maintained and was in very poor condition. The original position was to hand the road to the council. While council is of the mind to take the road over, we are certainly not about to take over a road that is not fit for purpose. It has not been fit for travel, so the private road went from public use to closure. That has closed the thoroughfare of not only the people who live in Glenden to come into Moranbah to do grocery shopping or play soccer, hockey and netball but also a cohort of workforce people who drive from Bowen, Collinsville, Townsville or Cairns to come through, so they have to go the longer way around.

Our offer is still on the table: if the road is rectified we will go through the process so this behaviour cannot be repeated. Put simply, in our view, anyone who operates in this region for over 20 years and decides to exit—that is their decision, but it is not with a good social conscience that you exit the community with the closure of a road that provides access. In our view, the ratepayers should never be put in a position to fund that.

Mr WATTS: Just on that point, do we know what sort of royalty contribution that particular operator made to the Queensland government over those 20-something years?

Ms Baker: I would not know that off the top of my head.

Mr LAST: Can I go back to the issue around health. Given the geographic spread of mines in this area, I would appreciate your comments regarding the provision of health services in some of those outlying communities like Clermont and Dysart and their ability to respond to a significant incident in those areas, particularly given issues around doctor shortages.

Ms Baker: Like I said earlier, we are certainly not unique to any other region in terms of the supply of doctors. Clermont4Doctors have mobilised very well in retention and attraction for doctors into that community. What I am seeing and hearing is that there are different laneways within the health sector. There is the public health sector and the private health sector, and I do not profess to be across all of that. What I have been saying for some time now is that in our part of the world we are not different to any other human walking on this earth but we are unique.

I think the fundamental baseline for recruiting doctors or medical support needs to be thought about differently. We have to think outside the square around recruitment, particularly in the public system, if I could just focus on the public system. We have three hospitals in Isaac: Moranbah, Clermont and Dysart. There is not one that is indifferent to needing doctors. We are getting doctors but on a contract basis; they are in and out, in and out. There are different demographics across the region. Clermont's community is 150 years old so there are grandparents living there and there is an aged-care facility there. It is not an excuse; it is a fact. All generations like to see the same doctor.

CHAIR: It is more of a locum style doctor rather than a permanent doctor.

Ms Baker: I think it is the make-up; it is the modelling across the different parts of health. I would ask everyone to have an open mind about health. It is not just the public system. We have local doctors who are carrying some heavy weight and expenditure in terms of doing different types of medicine and specialist medicine that you would not do in the normal GP world.

Mr WALKER: The Isaac Regional Council submission quoted details on the safety impacts associated with labour hire and contract work that were included on page 377 of the inquiry report part 2. However, the committee has recently heard from the Queensland Resources Council that there is little or no difference in the safety statistics between contractors and employees. Can the Isaac Regional Council elaborate on its knowledge of any differences between the safety outcomes of contractors and employees in this region?

Ms Baker: One of the main differences in our view between being on contract and having a permanent shirt on your back is that a contractor has a job this week and may not have a job next week, and if they were to put forward any discrepancy they see in terms of safety there could be repercussions in terms of keeping their job. It came in the health and safety report, and over 64 per cent of those accidents were labour hire.

The other side of that would be looking at the data of how many labour hire people are onsite versus how many permanents are onsite. That would be an interesting piece of data. It is not different to looking at your permanent population versus your nonresident. It is interesting data when you are looking at the whole of the picture.

Mr WALKER: There is fatigue and driving distances, people who are week-on week-off, people who are more work fit if they are on a continual working program, people who know the terrain—and you say that this area is unique. Do you think there is a fatigue factor in amongst people coming and going on a contract compared to as a permanent employee?

Ms Baker: I assume there would be. There would be fatigue, obviously. I have my personal knowledge, not council knowledge, from my lived experience of being married to a miner for 38 years. My lived experience is that when they get home from the night shift they do not get behind the wheel of a car. There has been a lot of work done in the industry and the workers and the unions collectively. It is my understanding that there has been a lot of work done around safe travel.

Mr WALKER: The reason I say that is that the road has come up a bit. I just want to know if it is fatigue or the road. That is the reason I ask that question.

Ms Baker: Every time there is an accident, that comes up. When there is an accident, the question that is asked quite quickly is whether it is the quality of the road or driver fatigue, and those questions are generally not asked at a very respectful time. They all need to be looked at in isolation because you just do not know; people do not actually know at that time.

Mr HEAD: I am a geologist and worked here until I recently took my job as the member for Callide. In council's experience, do site safety and site compliance go hand in hand? Or is the industry more compliance focused, so to speak, rather than safety focused, if you follow my question?

Ms Baker: I follow the question but I am not on a mine site. I think it would be a bit brash of me to try to answer that. It would be an opinion. I actually do not know the answer to that. It is probably best to ask someone who actually works on a mine site or from a company.

Mr HEAD: That is a question I will certainly be putting to others as well. I just like asking multiple people. From your experience as mayor and getting around the regions and talking to people who work at various mines et cetera, what do you think are the underlying fundamental issues with legislation when it comes to mine safety?

Ms Baker: It is probably action when accidents happen, in particular fatalities. I am not purporting to be right across all of the mining legislation, but the recommendations that come out of the inquiries need to be enacted, not just have nothing happen. There needs to be action on recommendations.

Mr LAST: Do you believe they are not acting on the recommendations coming out of these investigations and inquiries?

Ms Baker: Yes, it is my personal opinion. Why are we still having inquiries? If there has been action and there are fundamental changes around safety, why are we about to put another plaque? I think we have to be reasonable that accidents do happen—that is life—but for this to be continually happening in this one industry means there is something undermining what is going on here, pardon the pun. I guess that is why we are here.

Mr MARTIN: Does the council have a view on whether there is currently appropriate and effective incident reporting at mines in this region? Are you aware of any recent local incidents where there may not have been appropriate and effective incident reporting and how the council is included in that process?

Ms Baker: Do you mean notification to the community of when something happens?

Mr MARTIN: Yes.

CHAIR: You did say earlier that you hear the bells and the community wants to know.

Ms Baker: Over a period of time there have been a few bumps around that, but now, in my view, we are in a good position. We have a good working relationship with all of the companies that operate in our region. In the event that something happens, we have a very clear, direct line of notification.

Mr WATTS: Can I go back to the hospital situation. The submission says that the site safety and health representatives have been called on to enact their power to suspend mining activities when the hospital is not adequately staffed. Is it your view that they have that power? Is someone communicating to them what the staffing level of the hospital is? If not, how would they know?

Ms Baker: At the lodgement of our submission it was absolutely our view that the site safety people do have that power. It was information provided to us that they have at times been advised of inadequate staffing at the hospital.

Mr WATTS: If they have that power, obviously that can affect a lot of things, but what is the communication channel? How do they know what the staffing level is at the hospital?

Ms Baker: That is between the hospital and the site safety people. It came to us that they were informed of the capability at the hospital. It is our understanding that they have the ability under the act to stop operations if they are aware of an inadequate capability at the hospital.

Mr WATTS: To tease that out, I understand that you have been made aware of that but I am trying to understand the mechanism. At a state parliamentary level, my office often has difficulty finding out what is the current staffing level in real time at my hospital because that information is not available. I am trying to work out how a site safety officer would get that information as I am not aware of a mechanism that is reporting that back to members of parliament and/or anybody else. I am trying to understand why you believe that that information is getting across to them or how.

Ms Baker: I am not sure that there is a formal process. It is a conversation. It is people who know people.

Mr WATTS: You cannot ask a site safety officer to shut down a mine site based on an anecdotal conversation. Even if they had the power, if there is no mechanism for the live reporting of what is going on, how would they ever enact the power?

Ms Baker: That is a good point. What I know is that it is a small community and there is not too much that goes on in this community that the majority of people do not know. There was definitely advice provided on more than one occasion about the attendance or the staffing provision at the hospital in comparison to incidents at a mine site.

Mr WATTS: From my side, it is nice to be in a community where you are getting that information, but do you believe there should be some sort of public reporting, live updating or information about the capacity of a health service in your community, particularly given the nature of the industrial environment operating around it?

Ms Baker: I definitely believe that there should be a process of some description that enables that to happen. If it is not there then it should be there; otherwise, you could turn up and there is no-one there to help.

Mr WATTS: So some sort of real-time reporting would be useful?

Ms Baker: There needs to be some sort of mechanism to be transparent around the reporting of the staffing of the medical facility and the incident—if there is an incident, whatever that is.

CHAIR: That is a good question, member. I was just trying to figure out myself how that would work if, say, the hospital reported those conditions to the mining company, which then should be obligated to let their HSRs know what the conditions are. We are not here to solve their problems. It is a complex thing.

Ms Baker: The left hand needs to know what the right hand is doing.

Mr WALKER: Mayor Baker, you are the chair of the disaster management group in this area?

Ms Baker: I am, Les.

Mr WALKER: Does that cover any disaster that involves a mine?

Ms Baker: Not necessarily. Anything that goes on on a mine site is the responsibility of the mining companies.

Mr WALKER: If the trouble is landing and you have the interface with the mines and the local community, do you play a key role in that? Is there a desktop scenario that you work with in that space?

Ms Baker: Certainly we have done desktop practices. The reality of life is that if an incident occurs on a mine site then it falls to the company. They have all of their own disaster management—it is not called 'disaster management' but it is disaster management mechanisms—to deal with that. At all times, and this has been a learning, we are notified. The council is notified—not necessarily the local disaster management mechanism.

Mr WALKER: I am asking about that because you said earlier that you want to get some information or be involved in keeping the community informed. Looking at that point, how does the community and your council, with you as the mayor and leader of this community, interface with that process? I am asking that question as I think it is an important one.

Ms Baker: I can give an example of a fatality that occurred in Middlesmoot. A fatality happened at a mine site in Middlesmoot and all the appropriate steps were dealt with, I am sure, on the mine site. It was not until a few days later that the community—because, like I referred to earlier, the deceased person used to go to the pub for a beer before or after tea; he would go to the newsagent and the supermarket and the chemist. All of those people were touched by the passing. There were other broader community members going in to be counselled. There is no counselling service in Middlesmoot.

Mr WALKER: As a former chair of recovery in my former role in council, I know that the biggest part of a disaster is dealing with not only the incident but also the recovery phase.

Ms Baker: That is right.

Mr WALKER: It is a huge part of it. You just touched on a key point, which is the mental health recovery. That is why I asked that question about your role and how it interfaces with all of the services. Do you have any insight that we need to be aware of that we could work on in that space?

Ms Baker: I think it should be noted, and this is sort of through the social lens: just in that example it was not so much local disaster management recovery. It was as the mayor and as the council, with the local councillor and the broader mining company, together we met potentially in a recovery context. We brought in the department of communities and we brought in extra counselling. We moved into that environment. The incidents might happen on a mine site but the impacts far outreach the actual incidents themselves. It is technically a recovery process and I think it should be documented somewhere. Absolutely it should be recognised and documented. It is about all parties coming together. We have at least three examples where company, employees, community and counselling groups as well as the government—the state department of communities—have all come together.

Mr WALKER: So that is your value-add to the process?

Ms Baker: Yes, that is my value-add.

Mr HEAD: I am curious: does the Isaac Regional Council have anything to do with New South Wales based councils, such as in the Hunter Valley? Do you have anything to do with their heavy mining regions?

Ms Baker: Over the years I have been to the Hunter Valley. We have a lot of things in common, there is no doubt, but do we have a close working relationship? I would say, no.

Mr HEAD: I was asking that because, if so, I was going to ask a different question. I will go in a different direction. Do you see any shortfalls in the sharing of safety learnings from incidents and near misses in Queensland and do you think there are ways the industry in Queensland could be more proactive in sharing across sites and across industry what went wrong or what nearly went wrong?

Ms Baker: I am not sure I am the best person to answer that question either, Bryson. I think that is more for people who are on site. I can only speak to what I know. I think it was some time ago when there was a whole safety reset. There was a series of—I think they called it 'safety reset'. We were not involved in any of that. As to whether they were successful or not, I go back to the fact that we are putting another plaque on our memorial at a ceremony on Friday.

Mr WATTS: Do you think you should be involved when something like that goes on, such as a safety reset? Do you think the community has a place or a space in that conversation?

Ms Baker: I think we could potentially. I am not sure. If we could value-add something to it, of course we would be there front and centre. If someone can help me understand what that value-add would be to safety on a mine site, we would be there. We are not employees and we are not on mine sites. Our role is as the catalyst that happens once the incident has happened. Certainly I would be open, but I am just not sure it is a role for us, Trevor.

Mr HEAD: Further to what my colleague was asking, as you touched on, when an incident or a fatality happens—I was actually at Moranbah North as an exploration geologist when that fatality occurred earlier in the year so I am well aware of how that hits the community and hits the workforce. As it hits the whole community—and you have sort of tried to answer it in a way and I think you might not be quite certain how you could step in—in what ways can the community be more proactive? Do Moranbah

you think it is the community's place to call for safety resets to be across the industry, across companies and in a community rather than just companies doing them in silos and each company having their own safety reset day? A lot of companies are proactive in doing that, but would there be more benefit in that being industry-wide with, potentially, the likes of the inspectorate assisting in putting those sorts of things together?

Ms Baker: I think the community has a huge expectation that all of our workers go to work and they come home; they come home to their families. That in itself speaks volumes around our high priority on safety and how that is looked upon. Should it be more uniform? It just needs to be accurate. Whatever safety rules and processes and mechanisms and reviews and practices are put in place, they need to be put in place and it needs to happen and we need not to be having to deal with it on a regular basis. I can only assume that the trigger for the inquiry has been the regularity and consistency of the accidents and the fatalities and the incidents. Safety should be everyone's priority and every individual has a responsibility for not only their own safety but also their workers' safety.

Mr MARTIN: Anne, do you think the current level of use of labour hire workers in the Isaac region is appropriate? Would you support an increase or decrease in the coalmining industry's current use of labour hire?

Ms Baker: We are not opposed to everybody having an opportunity to get into the industry. It is a great industry. It supplies a lot of work for a lot of people and it supplies a lot of wealth to a lot of communities, but job security has to be front and centre. While some can see a need for labour hire, it does not provide security for people to buy their own home, to borrow money, just to live a valued life. I think we need certainly to have a closer look at what the percentages are—what is the balance of labour hire versus permanency—and change it and get it moving to swing more to permanency, because with permanency you get regularity, you get consistency, you get commitment to communities and you get stability. If we need anything more than ever now, all communities need stability and consistency and confidence. You get that with a permanent job.

CHAIR: We really appreciate your time here today and your fulsome answers.

LEGGETT, Mr Scott, Private capacity

CHAIR: Good morning and welcome to the inquiry. Would you like to make an opening statement before we go to questions?

Mr Leggett: Thank you for the opportunity to come here and speak. As a result of being asked to come here, I have had some more time to consider, so if it is possible I would like to add an addendum to my submission.

CHAIR: Sure.

Mr Leggett: I have just finished a week of night shifts. I just came off this morning, so the old eyes are a bit blurry. I wish to submit an addendum to my previous submission in order to provide the committee with information that I intend to refer to as a witness. My previous submission, submission 13, makes reference to and addresses the first of the terms of reference for this inquiry. This addendum refers to the second of the terms of reference; namely, that the committee consider the board of inquiry's reports, the views of industry stakeholders, worker representatives, workers and the community, and options for achieving the intent of the recommendations made by the board of inquiry to the coalmining industry.

The board of inquiry's reports make reference to investigations into actions of many parties in relation to the incidents that occurred at Grosvenor mine, Grasstree mine and Moranbah North mine, as well as one incident that occurred at Oaky North mine. Included in those parties referred to are Resources Safety & Health Queensland, the Mines Inspectorate and the minister for natural resources, both the current and the former. I specifically note that the terms of reference for this inquiry make no reference to these parties, but I do note that they are mentioned in the reports, terms of reference 2(a); that their role in mine safety is critical, in my opinion as a worker in the industry, terms of reference 2(b); and that action by those parties, and others, would assist in achieving the intent of recommendations made by the board.

Given the above, and noting the committee has previously called both the chief inspector and chief operating officer of RSHQ as witnesses—I refer to the public hearing brief, which I could probably talk to later because I watched that as well—as well as the current minister's comment that this inquiry would 'allow more information to be gained'—I have a statement dated August 2002 and there is a link in my addendum—I would hope that the committee accepts the addendum in the spirit of ensuring mine safety.

In order to illustrate the importance of the actions of each of the above-named parties, I have addressed the board of inquiry's reference to them separately—split them up into two parts: RSHQ and the Mines Inspectorate. The Mines Inspectorate is a division of Resources Safety & Health Queensland. The role of the Mines Inspectorate is to 'ensure that acceptable safety and health standards are established and practised within the mining and quarrying industries'.

As part 1 of the board of inquiry's report states, 'a properly resourced regulator, comprised of well-qualified personnel, is fundamental to safety in the coalmining industry'. Part 1 also makes direct reference to the inspectorate's difficulty in recruiting and maintaining well-qualified inspectors and described salaries paid to inspectors as 'markedly inadequate'. That is on page 7. Findings 7 and 9 of report 1 refer directly to the qualifications and workload of inspectorate staff, and recommendation 3 of the same report outlines the need for RSHQ 'to ensure that such remuneration is structured to attract and retain suitably qualified and experienced persons for such positions'.

Even though these issues are raised in the board of inquiry's reports, there is no reference to the Mines Inspectorate in the terms of reference for this inquiry. In fact, issues relating to staffing difficulties at the inspectorate were raised as early as 2008 in the Queensland Ombudsman's report titled *The regulation of mine safety in Queensland: a review of the Queensland Mines Inspectorate*. It is a good night-time read.

Part 2 of the Coal Mining Board of Inquiry's report also refers to the inspectorate, specifically in finding 28 and finding 60, both of which highlight actions that the inspectorate should have taken. The board of inquiry's report goes on to say—

The inspectorate should have identified Grosvenor as a problem mine that was deserving of particular and greater attention. Given Grosvenor's track record on previous longwalls, the Inspectorate ought to have been concerned about its capability to successfully manage methane levels during the production on LW 104. With the commencement of production at LW 104, it would have been timely, even without the occurrence of any HPIs, to have slated Grosvenor for an in-depth inspection and assessment of its gas drainage systems and strategies.

No-one can say whether this would have prevented the tragic incident at Grosvenor mine. Of specific importance is the Coal Mining Board of Inquiry's comment that, even without the occurrence of HPIs, an in-depth inspection should have been undertaken, especially given recent changes to

royalties received by government. It is entirely unacceptable to coalmine workers that staff who, according to the board of inquiry, are ‘fundamental to safety’ are inadequately paid leading, at least in part, to circumstances the board of inquiry describes as concerning and directly affecting the safety of coalmine workers.

In addition to the issues raised through the board of inquiry’s reports themselves and the findings, recommendations 5 and 6 refer to the direct action needed by RSHQ. Recommendation 5 specifically relates to direct action ‘with a view to ensuring that it’—RSHQ—‘operates as a proactive regulator’. Given the terms of reference referred to the committee considering ‘options to achieving the intent of the recommendations made by the board of inquiry’, the achievement or otherwise of these recommendations by RSHQ should also be considered by the committee.

I will now go on to the minister for natural resources. The minister for natural resources is the minister responsible for the RSHQ, therefore the Mines Inspectorate. It must be noted that the minister’s charter letter lists ‘continue to enhance measures to improve the safety and health of resource sector workers’ as a delivery priority. I would like people to think about that. In addition to having ultimate responsibility for issues raised in and the recommendations made towards RSHQ, the board of inquiry highlighted to the minister the importance of the ability to compel witnesses whilst ensuring the right to claim privilege to self-incrimination.

In report 1 the board of inquiry states they did not have ‘the power to compel a witness to provide all relevant evidence’ and that this compromised ‘the capacity of the board to inquire into the nature and cause of the serious accident and the probable causes of methane exceedances’. The board of inquiry, whilst acknowledging safeguards would be needed, wrote to the minister requesting the act be amended and also highlighted that the ‘absence of this power will also likely limit the effectiveness of future boards of inquiry’. As a coalmine worker myself, I would hope that another board of inquiry is not going to be needed. Given that these issues were raised with the responsible minister more than two years ago now, I believe that coalmine workers have a right to know what has been done to address them, especially given the reference to the committee considering the views of workers within the terms of reference.

As the committee would be aware, I recommended the reintroduction of the wardens inquiry in my initial submission, which I did a couple of years ago, and the one I have done for this here. In addition to the issues I highlighted in my previous submission, I believe that the reintroduction of the wardens inquiry would also address the issues highlighted in this, my addendum. I am more than happy to further illustrate that belief and the facts that have led to it during my time as a witness. Thank you.

CHAIR: Thank you for that. I will address at the outset that this particular inquiry does not—the member for Burdekin has mentioned the importance of the wardens inquiry. This committee suggested that he could introduce some legislation to the House to make that legislative change. That is a possibility. Today we are interested in hearing from you as a coal worker. I have so many questions, but we will have to share it out.

Mr Leggett: Would you like to me to start with who I am and what I do?

CHAIR: Yes, that would be fantastic.

Mr Leggett: I am Scott Leggett, generational miner. I have been working in coalmines for 30 years, I think. That is my anniversary this year. I started off on the mechanical side of things, as a TA scraping blackjack. Then I got a rigger’s ticket, scaffie’s ticket and train tickets. Then I got into the operational side. Pretty much everything from a dump truck to a drag line I can operate. I cannot operate a drill or a grader. I had been in mines rescue for about 12 years. I am no longer in mines rescue. I am now a multiple statutory ticket holder. One of them is the OCE ticket. I am an open-cut examiner. I have been practising that coming up to 10 or 11 years. I also hold an SSE ticket. I will never get appointed as an SSE; nonetheless, I thought I would take on the law exam for both those statutory tickets to get a better understanding of the legislation. I have worked at the mine I am at now for 17 or 18 years. I have worked on many different mine sites for many different companies doing many different things.

CHAIR: One question I asked of the shire council earlier concerned production versus safety. They seem to be at odds, obviously. Can you expand on your view of production, production, production and safety?

Mr Leggett: If you guys go out on to a mine site you will see big signs that say ‘Zero harm’ and ‘Safety first’—all that type of stuff. That is told to us daily. Is it a reality? No. Production will always come in front of safety. Does it mean that they are going to send you down into a pit that is on fire? Moranbah

No, but it is the culture that is driven. That is my firm belief. I see it; I get to live and breathe it. My job is compliance. My job is to go out and find unsafe stuff and make it safe and inspect areas before coalmine workers go in there. I know the pressure I get, and it is not week to week; it is day to day, hour to hour.

CHAIR: There are bonuses for production. What about bonuses for safety, for finding things that could cause an incident? Is there a relationship? Is one a higher bonus than the other?

Mr Leggett: That is difficult. Different mine sites have different bonus structures. You can get safety awards, money or gifts for not having a reportable injury—a lost-time injury—for 30 days, 60 days, 90 days or 100 days, however they want to measure it. Obviously that has a flow-on effect to people thinking, ‘Well, I am going to get a \$1,200 Engel freezer’ which was a reward handed out recently at my place. If Billy the blacksmith breaks his finger, he is going to be thinking, ‘Well, that’s coming next week. Maybe it’s not really that broken.’ It is funny you say that. It is a good question.

CHAIR: They are lag indicators.

Mr Leggett: I have some here. I would prefer to keep the names off it—I tried to pencil them out—but you can have a look at them. These are some examples. I was not sure if I would be given an opportunity, but you can have a look. This is from an underground mine—not my mine. I had a mate send it to me earlier this morning. That is their bonus for the week. They have a little table that gets placed out in the mine site: ‘Zero harm—zero reportable cases resulting from an intentional behaviour’. If they get none of them, they get \$100 a week. ‘Compliance—nil deliberate or careless breaches of their golden rules’. If they get none of them, they get \$50 a week. Then it is all about their metres: ‘If you go and hit your tonnes hard, boys, this is what you will get.’

CHAIR: Metres of production?

Mr Leggett: Yes. There are some quite good dollars there. Then down the bottom: ‘Efficiency—no deduction occurred due to rework’. There was no money taken away. Then: ‘Housekeeping—electrical standards in both development panel as per shift engineer audit’—and they had a HPI that week, a high-potential incident, cable damage, so they lost \$50. What sort of message do you think that sends? ‘If we have an accident at work, if we have an HPI, how about, ‘We just didn’t have it’ and that way we all get our money?’ That adds up. It does not sound much—\$50, \$100—but just that there that is \$200 essentially a week. What is that worth a year? It is not a bad little bonus, on top of their coal bonus of \$391 a week.

CHAIR: I will come back to that later, but the member for Burdekin has a question.

Mr LAST: In your submission to the committee you state that you are ‘yet to see any positive changes to practices or activities’. I note your qualifications as an open-cut examiner and site senior executive and your experience in the industry as well as your recommendation that investigators should be given proper training. In what areas are there currently deficiencies when it comes to incident investigations?

Mr Leggett: From which side of things? From the RSHQ or from the site level?

Mr LAST: All of it. Answer that as you see fit.

Mr Leggett: To be honest, RSHQ will struggle to even turn up to site. It is probably going to cost me my job, but anyway. We had a serious rollover at my mine a bit over a year ago. The service truck goes over and a coalmine worker is actually badly hurt, with multiple injuries—breaks, spinal, you name it. That is a serious event. It is reportable; it is HPI material. It is a serious accident. There was no inspector. Yes, the company does its investigation piece. I go and throw me cones down, as I have to do. We gather the primary information. They will call that through to the inspectorate and say, ‘Look, this is what we have had.’ They fill out form 1A. Then they have a time frame to do the investigation on site, submit the findings and outline what corrective actions they are going to put in place to prevent it from happening again. Less than seven days later—not my shift—I come back to work and an LV rolled over. The wheels had not even touched the ground. The operator thankfully was okay, but it is a repeat event. Another vehicle, which could have had up to four or five people in it, has flipped over and landed on its wheels. It is a serious accident but, again, we cannot get an inspector to come on site.

Mr WATTS: Can I just clarify that? I am a publican so I do not know anything about mines. So an investigation is done internally. That has then gone off and no inspector has come to check that? Is that what you are saying?

Mr Leggett: Correct.

Mr WATTS: The Mines Inspectorate have not followed through.

Mr Leggett: They have not turned up to site. When the business calls through and says, 'We have had a serious event,' they have the power to say, 'Freeze that scene as you've got it. I'll jump in my car and one of my inspectors is going to come out, actually put some feet on the ground and start doing some investigation pieces themselves.' We have to collect all the witnesses. That is all part of our primary information. They should actually have a discussion with those people. Believe it or not, these coalmining companies have a little bit of a problem with the truth. I would not say that they tell lies, but it is about under-reporting the information that they deliver.

Mr LAST: How common is that? How often are these incidents occurring and there is under-reporting out there in the industry today?

Mr Leggett: I would say it is a hell of a lot more common than people understand. We have a thing called the mine record. I hope I am not going off track here, Dale—

Mr LAST: No, you are right. Just answer as you see fit.

Mr Leggett: That is where every incident, accident and bit of paperwork lives. That is supposed to be an open bible for anybody. Any coalmine worker on a mine site can request to view that, or at least the last six months worth. I will give an example. I thought, 'I'm going to go and pull the mine record.' It is not something I can do anonymously; I actually have to make application to the general manager to be able to access it, to view it. You have to put your head up out of the trenches, so to speak. I made the application and he asked me why. The truth was that I was really after a whole heap of misfires that I knew had not been reported right to the inspectorate. We had trucks running over about 20 misfires, which is wrong.

I pulled that scene up. I just wanted to see what was reported through. I said, 'I just want the last six months of HPIs.' I am a pretty diligent person. I keep pretty good damn notes. I did not want to let off that I was looking for the misfires, so I got the whole kit and caboodle. There was six months worth. I started to flick through some of them. Another HPI is uncontrolled movements, so some of them were jumping out. There is the form 1As and the 5As. I was thinking, 'I was actually on shift that day' so I pulled that one out and went to my diary: 'Oh, that is interesting.' Yes, they have called through to the inspectorate and sent through the form 1A: 'We had an uncontrolled movement—a minor one. Truck slid 30 metres and came to a controlled stop.' The reality is that the truck had two slides. It has actually come off the dump at speed, around a corner, and slid once, about 60 metres down a ramp, and done a complete 180-degree turn, started again, went back down the ramp, lost it again and went through an intersection and hit a bump.

There is a difference between what I saw that day and what was given to the inspectorate. How common is that? Very. It was not just isolated to my place. That is right around. The only way you get to see that is when you start peeling the layers back. I do not get to see that every day as the OCE. All I need to know is if the scene has been secured and we have gathered the primary information. The business then tells me, 'Yes, I have called inspector so-and-so and we are going to release the scene.' I then go along, remove my cones, let the people do what they need to do and move on. Unless I had pulled that mine record, I would have had no idea. In saying that, the mines inspector can go and pull those records, but they have no idea, because they do not turn up to site and ask questions.

Mr LAST: What needs to happen within the RSHQ and the inspectorate to ensure these incidents are investigated?

Mr Leggett: Grow a set. Grow some cojones. There is no silver bullet. Some of this I put in my addendum. You need some better resourced people. It needs some people who come from the floor. They need more money and better resources. They need support. I do want to sound like I am giving them a flogging—I am—and I do not want to sound like I am totally against them because they are necessary. They need help.

If I go back to what Peter Newman said in his address—I watched that—everything he talks about is underground. I have family underground. I have stepkids underground. How many underground mines are there in Queensland versus how many open-cut mines? The numbers are vastly different. You might be talking 10 to 45 or something like that. The numbers are hugely different.

I have had a number of inspectors come to site. I have taken a number of inspectors out into the pits. We have the same hazards as underground but we have more. I have taken them down into what I call the gully of death. We had three geotech issues—the fire wall, the low wall and we are climbing up over a big fault. I am talking about a 30-metre throw on it. I had some issues with the high wall. It was controlled but it needed some more investigation because I knew what the six-month plan was.

What the inspector saw—even after I tried to explain it to him—was the dirty numbers on the back of the water cart. It was very dirty and you could hardly read the numbers. He called them up. He is right; yes, there is a requirement to have clean numbers, but there are numbers all around that truck. It is the valley of death. It is a holy shit pan. I ended up throwing a 'road closed' sign down, hopped in the car and took him back up to the office.

Mr LAST: In terms of the investigations and the recommendations and findings that fall out of them, how are they acted upon? How are they disseminated back to the mine sites? Are they disseminated across multiple mine sites and companies?

Mr Leggett: Information reporting throughout the industry is very bad. I have to give RSHQ a rap. I have to admit that in the last 12 months there has been vast improvement in safety alerts. I am getting them weekly or fortnightly—whenever they come out. I give them a rap in that space. They have done well. That seems to be where it starts and stops. In terms of investigation pieces for incidents or accidents at other mine sites, forget about it. I get more information through my network of family and friends than I get through any department, government or business. We can have fatalities at the mine next door to me and we get next to nothing. You can have excavators on their side on the other side of me and you get nothing. Our ability to learn from other people's mistakes is pretty much non-existent.

CHAIR: That is interesting because we asked that yesterday. I have a bit of housekeeping and then I have a question. Leave is granted for the tabling of the document. In terms of the other document you had, what I was going to suggest is you redact the parts you do not want in there and then you send it to us electronically.

Mr Leggett: Done.

CHAIR: We will table that at a future meeting. There is one more thing for the sake of parliamentary proceedings. I understand your passion. I come from a construction site background and I manage to curb my language.

Mr Leggett: Sorry. I thought I was.

CHAIR: I am not having a go at you. I say that for the sake of people reading this in the future. I have a question that I hope does not inflame that passion again, but it probably will. I think you have already answered this. You are a health and safety rep on a mine. You have the ability to close the mine. I think I already know the answer. Do you feel as though there is intimidation to not do that and not invoke your powers as a health and safety rep because of production and keeping the mine going? I am pretty sure you have answered it.

Mr Leggett: One hundred per cent. We have SSHRs. They do a reasonable job, but a hell of a lot of pressure is put on them. I can talk from an OCE's point of view. I know what has happened to me over the years. I have been attacked for discharging my obligations. I am not the only one. I am not the lone soldier.

CHAIR: I will just say that I was a HSR on a mine site in another state in a previous life.

Mr MARTIN: You mentioned in your opening statement that you are from a family of coalminers and you have years of experience in the industry. I was wondering if you could share with the committee your views on labour hire, how that has changed over time and whether you think that has had an effect on safety in the industry?

Mr Leggett: I will answer the last bit first. Does it have an effect on safety? Yes. How have I seen it grow? Labour hire has grown from having zero to having a small percentage. I am talking probably under five per cent on site. I did a mapping exercise at the mine I worked at four or five years ago and it got up to about the 60 per cent mark. That is only in the operations and maintenance world, not any other area. That was focused in that area. The numbers have exploded.

Mr MARTIN: How does that affect not just safety on the mine site but your family and friends?

Mr Leggett: It does not really affect my family and friends. Obviously those people become friends. Do I hear a lot of people saying that they hate them? No, I do not. It has become an accepted situation, for lack of a better word. Obviously a lot of family and friends are labour hire because they cannot get permanent jobs. That is the offer that is on the table so that is the one they take.

As for the safety side of things, last night is probably a good example. I shut down three sections of mine. People had been driving through either noncompliant or unsafe situations for probably two to three hours before I got there. I am talking about dusty roads, for example. It is bulldust: a truck goes down the ramp and I am following that. I am blacked out so I slow down. Another truck comes the other way. I am totally covered in dust and I know that there is a truck coming behind me. There is a bit of puckering going on.

I shut it down. It is an easy thing. Anyone can shut it down for that. Then I get congratulated by the labour hire people. They say, 'Thanks for shutting that down for us, Scotty.' I say, 'Why can't you shut it down?' They grab the badge. It is rubbish. That should not happen. The companies tell them they can pull up and it is safe to speak up, but I have seen that many of them shot out of the saddle over the years, I can understand why they do not.

CHAIR: For the sake of a water truck?

Mr Leggett: For the sake of a water truck. If they pull up it might take half an hour or an hour—depending on how big the strip is—for the water truck to go around. That is an hour of lost production. They say, 'Just slow down.' Even when you are in first gear in a light vehicle like mine and they come past, you disappear. The next truck comes along and he is metres high. The cloud of dust tends to settle down in the pit rather than float up. That is what worries me—a dump truck over a four-wheel drive and you would not even know.

CHAIR: It does not even slow them.

Mr LAST: The board of inquiry commented that their inability to compel witnesses to provide evidence prevented a full investigation. Given your interest and role in safety and your knowledge of both the current and former systems, how important do you think it is that investigators have the power to compel witnesses to give evidence?

Mr Leggett: If you cannot get the information then you are never going to get a result. You need truth. You need to be able to compel people to tell the truth about what happened. If you cannot get that information you will never get to what caused it. If you cannot understand or find what caused it you will never fix it. It will happen again. I can talk about this for a long time. That is why I am passionate about the wardens inquiry. People need to be compelled to speak. At the same time, we need to have people on the other side who can understand the information that is coming their way. They also need the knowledge to ask the right questions and to draw the correct information out.

Mr LAST: You have been very vocal in your calls for the reinstatement of what used to be called the wardens inquiry. Why are you calling for that and where are the deficiencies in the current system which warrant you calling for the reinstatement of that inquiry?

CHAIR: I will allow the question but I will just say, member, that you are getting away from the terms of reference. I understand where you are going and what you are attempting to do, but it is not part of the terms of reference. We are getting value out of hearing from you, Scott.

Mr Leggett: I am a coalmine worker and that is why it is important to me. I have stepsons who work underground at different mines. They are coalmine workers. My stepdaughter used to work in a coalmine. My friends and my father work in coalmines. I want people to come home from work; I really do. The culture is not out there now. The system I see in place is an issue.

There was a board of inquiry held into Grosvenor. I knew the moment I saw the terms of reference for that that I could have written down the outcome on a piece of paper and put it in an envelope to be opened on the day the report was handed down. I was probably about 70 per cent on point. I was not the only person. People with 15 or 20 years of experience were sitting around home having beers and a conversation about exactly what was going to happen.

People are not compelled to talk. People have agendas. Businesses need to be able to protect their interests. I get all that. It is a legal world. It is a political world. Everyone seems to be forgetting about the coalmine worker. We are at the prickly end every day. Every day I go to work I face the hazard. The ladies driving the dump trucks for Workpac face the hazard. A lot of the decision-makers are home in bed. On site they are exposed to burning themselves with a hot cup of coffee or hurting themselves with a stapler. They get to make the decisions.

When an incident or accident happens, I have already told you what investigation pieces happen or do not happen. We need to have an independent body that has the functions, powers and capability, can pull people forward, can draw on proper industry experience and can come up with the cause of the accident and what we can do to stop it from happening again. Recommendations are another thing that came out of it. I will touch on that. They just seem to die on a vine. Peter Newman, in his submission, I think to you guys, said they were given 30 recommendations. How many of them have they done? Five. The industry was given 67 or 71—I cannot remember the number now—and how many of them have they done? Bugger all.

CHAIR: That is the purpose of this inquiry, to see where they are with it.

Mr Leggett: Peter did not even ask them to ‘show us what you have done’ at the end of October—had not even heard from one. Look, we did a wardens inquiry guys, and I cannot beg and plead on you enough, even just for the families—they will get to them if they have lost a son or a daughter—to understand what has happened, how it has happened. It is not going to bring people back, but it may help with closure.

CHAIR: A legislative change is required to do that. It involves introducing legislation to the House which the member is quite able to do. He can bring a private member's bill before the House at any time—any one of us can.

Mr Leggett: Well, can you please do it, Shane?

CHAIR: I appreciate your passion with that.

Mr MARTIN: Going back to page 1 of your submission, it has there that ‘mine owners are reducing costs by removing controls that have been put in place over many years to prevent injury or accident’. Could you elaborate on that with specifics? What controls have been removed?

Mr Leggett: Could you read it to me again, sorry?

Mr MARTIN: It was on page 1 of your submission: ‘reducing costs by removing controls that have been put in place over many years to prevent injury or accident’.

Mr Leggett: Yes, removing controls. This could take me 10 minutes. Legislation requires that if you have an incident or an accident you do your investigation piece and then you come up with controls with a view to preventing it from happening again. What are some easy examples I can give you? I will give you one from my pit. I will get in trouble again, but here we go. We have multiple departments working in different sections of the mine. It requires you to change channels so that that area becomes its own fenced-off circuit, and anyone who goes in there needs to notify people that they are coming in so that people who are in the strip know you have people entering the work area—‘watch out for the light vehicle’ or whatever it is—but the people who are in there also have an opportunity to tell me, the newcomer to that area, that there is a hazard: ‘Hey, Scotty, there are personnel on the ground here doing groundwork’, or ‘There is a cable across the road.’ It could be any number of things—a broken down piece of machinery.

Because it took time for people to pull up at the sign to change the channel and then get on it and say, ‘OCE to pre-strip 3 North, I want to enter your area,’ and for them to reply back—‘Let’s remove it; it is a production inhibitor.’ The truck might stop there. It might be 30 seconds. That is the type of stuff they crimp at—30 seconds, 60 seconds. So they removed that. I raised it as a concern saying, ‘Well, we are increasing risk.’ It just falls on deaf ears: ‘We understand what it is, but, you know, people are actually enjoying not talking on the two-way.’ Really? Really? Someone from another department who comes from the other end of the mine now does not have to call up, drives straight around the corner and there is a supervisor on the ramp putting a guide post in—boom!

These coalmine workers now are being exposed to little hazards all day, every day. They do not know if the road is overwatered. They do not know if something has happened on that circuit because we are all on different channels. That is one incident. That is just one example.

Another one was pre-starts on machines—big bits of kit, mobile and they get bashed around a bit at times. Through structural failures of machines over the years, a requirement was put out that every operator has to do a pre-start inspection on that piece of kit before they operate it. You come to work. You go down to the area. All the trucks will be lined up. You walk out. A pre-start book tells you what you have to look for. You climb on it, around it and underneath it and you are looking for bolts and damage to steering arms—you do not need to be a fitter to look for damage or stuff that is not right. They say those things need to be done by a competent person—a tradesman. All the operator needs to do is check if the lights work, the brakes work and the horn works, then off they go.

The intent of the legislation has just been—I have to swear—bastardised. Apologies. Again, that saved the business probably 10 minutes. But we will allow the people to do it once every 24 hours, at the end of the shift or when they go and get fuel, which is once every 24 hours. So what happens? They do not get done. People do not fuel them up, people become lazy and they do not get done.

The safety officer management says we must be a documented, able-to-be-audited system, under section 62. How easy is it to audit that people are doing it when you have a whole row of machines, you are the supervisor, you are standing there and you can watch them all do it? It becomes a documented, audited system. You collect the paperwork and in the system it goes.

People do not understand the amount of risk that they are now exposed to. I have seen them come through. The inspector will be able to give you the better data. How many times do we have wheels falling off pieces of machinery now? How many times do we have struts breaking? How many times have we had chassis snapping? How many times have we had rails falling off draglines? How many times have we had excavator booms fall off? Drill rods? You can just go on and on and on.

Another incremental increase in risk: the sign that my mine—we have actually got a process called Challenge Change. I am cool for it. It involves technology advances—stuff moves. I am cool with it so long as the original hazard that we are protecting against is still protected. If there is a better way of doing it, if we can remove one control and put another one in, that may even eliminate the risk—hell, yeah, let's do it. But not at the detriment of putting production before safety.

What I see now—and it is not just in my pit; I talk to people everywhere—is all these little changes, all these little incremental increases. They use zero harm as their reasoning. We have had a control, and I will use the 'call up' signs, for example, which might have been in place for 15 years. During that time, incidences have gone down. When we go to sit down and do a risk assessment about removing that control, they assess: have we had a fatality in the last 15 years? No. What about a serious accident involving this? No. So now the risk rating is like when you do like the old Battleships, put you down in the green. Holy! Like, have we not learnt? Where is the corporate memory? You are going to take it away because you have actually achieved zero harm and you are going to put people back in the same risk exposure.

CHAIR: Achieve zero harm because of that control measure, yes.

Mr Leggett: 100 per cent.

CHAIR: They do not have, in your experience, hot-seat changeovers or anything like that because there was no ability to inspect anything during a hot-seat changeover?

Mr Leggett: Oh, mate, hot seats—she happens all day, every day. It is all about the hot seat. The quicker they can get you off and the quicker they can get someone else on, the better.

Mr HEAD: I have a question that goes to what you were touching on potentially. Do site safety and site compliance go hand in hand, or is the industry more compliance focused than safety focused?

Mr Leggett: That is another good question. Definitely compliance focused as in being seen to be compliant. Will they collect the data, go and do field leadership audits, that sort of thing, so that they can show to regulatory bodies that they are complying? Yes, they will. Is it meaningful? I would say a lot of it is not. I can guarantee you that on a Friday—it is early knock-off day, and that seems to be the day they all race out into the field. I will check my emails that afternoon and there will be 20 or 30 PL2s, PL3s, PL4s, event reports and hazard reports come through.

Mr HEAD: For the record, what are PLTs?

Mr Leggett: It is like a rating for an unsafe situation. A PL4 has the ability to potentially cause death or serious injury. It goes down to PL1, which is chipping a toenail. I will see PL4s for a 'keep left' sign that has blown over, but they will not go and stand up the 'keep left' sign.

Mr HEAD: Does some of the legislation and the regulatory environment actually encourage an obsession with compliance rather than giving the opportunity for key leadership personnel and work employees in general to be more safety focused instead? They are more worried about the compliance side because of the legislation and regulatory environment than actually saying, 'Okay, let's be proactive about safety' because they do not have the time to do that?

Mr Leggett: Image! The doc could probably talk on it a bit more, but at the end of the day, as I see it, we have to be seen to be all shiny and perfect. We work in coalmines. What we do is dangerous. People are going to get hurt, no matter how perfect we are. We have to own that. Until you can understand that, you are never really going to get to the root causes or be in that mind space where you can make some positive change. I have done some reading lately and the stuff is changing that much, I cannot even keep up—keep my full-time job and be a dad and everything else. HROs—well, from the reading I have done on that, it just scares me. I just do not think the maturity is there for this industry to be in that space. In regards to HRO, I think there is some really good stuff that RSHQ could pick up in that space—maybe RSHQ be the HROs. These big companies—

CHAIR: What does the acronym stand for?

Mr Leggett: High-reliability organisations.

Mr WALKER: Scott, on page 3 of your submission you wrote, 'BHP used the MERLA bill to ensure that open-cut examiners were moved off collective bargain employment arrangements onto individual staff contracts'.

Mr Leggett: Correct.

Mr WALKER: In your opinion, has that impacted on the levels of safety at BHP-operated mines?

Mr Leggett: Speculative opinion, yes. It has changed. To me, it went away from the intent of the legislation that was tabled by the Hon. Dr Anthony Lynham. I supported the matters that he put on the table. I thought that was a very good step in the right direction. You had contract OCEs who were working on every mine site. They had a precarious work arrangement. The ones that came to my mine site, within a short space of time, were not like the cat on the hot tin roof anymore; they actually felt comfortable. I was a union member. I was part of the Peak Downs Lodge. We were under a collective agreement, the same as everyone else. I was no more important than the pay scale of being a truck driver versus the OCE, nor do I think I should have been. But we had that protection to make those calls. At the time, I guess, I was lucky. I said I faced detriment from the company for me discharging my obligations and I had the support of my union and the lodge at the time, and that is what got me through that. It was a hard time, I have to admit.

Once that MERLA legislation came in, the company—very clever; it was an unforeseen consequence, I guess—had the ability to then take us away from that work arrangement and employ us by a whole different entity of BHP. I think at Peak Downs there are only 10 of us employed under that entity. We were given a choice. They kept telling me, 'It's a choice. You can either sign this or you go back to what you used to do.' I used to drive a dragline. It is not a bad job, so I said, 'I'll go back and drive a dragline.' They said, 'You'll go back and do what the business requires of you, Mr Leggett.' So I am going to drive a dump truck then. I have nothing against dump truck drivers, but it is a pretty mundane job and I have spent a lot of years investing in myself to improve myself. Which way am I going? I want to drive a dragline but the business will use you in the best place they can use you. At the end of the day I had a choice: quit, go back and drive a dump truck or sign over and become staff, so I signed over and became staff. Since then, out of our work group of about 12, seven are gone—seven in 12 months. Previous to that, in 20 years I would say the number of OCEs resigning was maybe three or four, and that was because they got VRs so they ran.

CHAIR: It certainly made a change.

Mr Leggett: Yes.

Mr WATTS: Thanks for being here, Scott. My question is a bit unrelated to where we have been but it is related to the hospital and communication of its capacity back to the mine sites. Some commentary was made before that there was some communication level between the hospital on its capacity and the mine site safety and health representatives. My first question is: are you aware of any of that? Secondly, do you think we should have real-time disclosure of the hospital's capacity to the mine site so that they understand what the capacity is if an industrial accident happens?

Mr Leggett: That is a good question. I have asked for this information myself over the years: 'Given certain scenarios and knowing that resources in town are stretched, do we have capacity to respond should something go wrong?' I could never get the answer. I do not know if there is information being shared between, I would say, council and whoever runs the hospital—whether it is Queensland Health or whoever—and the mines. I do not know. Should it be? From a safety perspective I think, yes, definitely, because we need to know how we are going to respond. I know that as part of our safety and health management system and our event management procedures we call out that we are going to call on, if need be, other resources—SES, police, QAS, chopper, hospitals. Like Grosvenor, we could have two, three, four, five or 10. If two buses collide it could be 30. Those situations are live and real. I am not aware if the information gets shared but, thinking on it now, yes, it should be.

CHAIR: If that was shared with the company, in your experience there would be an obligation for the company to share that in their pre-starts with the HSRs and everyone who has the ability to stop the process, because of the hospital's lack of capacity—in your experience? I am not saying that is happening. I am just saying, in your experience, if that information were shared then there is an obligation—I am asking, not saying—from the company?

Mr Leggett: You are 100 per cent right. Once you know information, especially around safety, you cannot un-know it. Section 39 of the act and the regulations say that there is an obligation generally but if you have information that may affect the health and safety of other persons then you must give that information.

CHAIR: A pre-start would be the vehicle.

Mr Leggett: On the hard ones, I do not think industry would want to go in that space because once they know it they would then have to make the decision of whether or not they are going to function that shift or for how long. If the Moranbah Hospital has capacity to deal with only one—

CHAIR: In a perfect world.

Mr Leggett: On our mine site, pretty much everything we do without material risk has the capacity to kill up to five. That is regular, every day.

CHAIR: I have another question on safety and it has come up a few times. I am glad you are well versed in the hierarchy of control measures.

Mr Leggett: I love the hierarchy of controls.

CHAIR: So do I. I think it is a way to answer this. I am looking at the difference between process safety—that is, 'let's us not keep that conveyor running because it may be unsafe'—and personal safety when addressed by the hierarchy of controls. Do you think there is a difference, from a company's perspective, in process safety and personal safety?

Mr Leggett: Yes, but it is a hard one to answer. It is multilayered. It depends. It is very situational, depending on how you answer. On personal safety, if I use my hierarchy of controls, everything drops down to PPE. Human behaviour is the new one now, which is even below PPE. Process driven: everything comes back now. I was talking about the increases in risk. With our hierarchy of controls, that is what they are doing: they are reducing our hierarchy of controls. Even through methods of mining, processes, geotechnical stuff—you name it—we are actually removing our higher level controls and replacing them with administrative and human behaviour, or we will go from an engineering to a separation—or separation to engineering.

CHAIR: It is not up to me to give examples, but just to flesh it out for the benefit of the committee: you have a moving conveyor and some guards are gone. You put the guards up and it eliminates the hazard. That is a process control. A personal one would be to give you some form of PPE so you are wearing something that stops it. That is where I am going with this.

Mr Leggett: It is funny you say that. Some years ago there was a drive to get everyone to wear long-sleeved shirts and long pants. We understand that. The main reason behind it was rotating bits of equipment, so everyone has to button up their shirt. They will come around today and say, 'Button up your shirt, button up your shirt.' You do not need to button up your shirt if you have your guarding on and you cannot get to it. One is a hard control and the other one is—

CHAIR: You have illustrated that, thank you.

Mr Leggett: That is regular.

CHAIR: That is where I was going with that.

Mr Leggett: That is pretty much one of the reasons I have all of this together, because that is what is happening. I can highlight it and you can highlight it, but the wardens inquiry will really highlight it.

CHAIR: I suppose I was going there because process safety helps production whereas personal safety—

Mr Leggett: I would not say a lot of it is malice, whether it is process or personal safety. I think a lot of it comes down to experience, too, with the supervision and the management, because they just do not know any different. How do I explain it? Some of the people we have in these roles now—and I am guessing you guys are educated people. You have bits of paper behind you, some of you.

CHAIR: I am an electrician.

Mr Leggett: You probably know more than some of our mine planners who actually map out what our process is going to be for a pit. They have never worked in a pit. They have been to uni—and I have nothing against their bit of paper—but they do not spend anywhere near the amount of time out on the exploration or in the open cut or underground getting hands on and understanding that process. That is why people do trades—that is, so you can undo that stuff and you put it back together. Now they just do it in front of computer screens. There is computer modelling and they just know that you are given X amount of cubes of dirt on a computer screen and I need to have a ramp in and it has to be X amount of metres wide and they will do in a four-metre pass because that is what they have just done the last time. They bash that in, print and there is your plan. Nature does not work that way. You have highwalls, low walls, you have weather, you have different types of geology. It is a plethora. You have got gases. With Grosvenor, do not get me started on process.

Mr MARTIN: Just quickly, Scott, you touched briefly on bonuses. The committee has heard about bonuses for achieving safety targets, but you mentioned that sometimes those bonuses can have the opposite effect where people maybe do not report incidents so that they will maintain getting their bonus. Can you elaborate on this for the committee if you have an opinion? Can you build in a safety bonus that works? Is it the case that maybe safety bonuses always have the effect of under-reporting? What is your opinion on bonuses and safety?

Mr Leggett: That is a good question. There are two paths in terms of my answer to this. Generally, I think any bonus that is tied to safety is bad—monetary, presents. If there is the potential to lose your job, you are going to be put on performance plans if your safety targets are not met. Any of that sort of stuff is bad. It is going to be a detriment, because do not ever come between a man and his honey pot. It talks. If I take this piece of paper—you will get this later—just underneath it are Facebook comments, just to describe where I got these comments off a Facebook page I maintain now. I will cleanse the names, but this one goes to the electrical standards and development panels as per shift engineer audit and HPI cable damage: ‘All the boys—everyone—has lost 50 bucks’; ‘The shift engineer must be a good bloke’; ‘Why don’t we blame ...? We don’t want to blame; we just want to name’; ‘It’d be nice to know what was written in the audit’; ‘It’s a daily audit that needs to be signed off,’ and someone explains to try and protect old mate.

Mr MARTIN: So people were targeting the person who reported?

Mr Leggett: Yes. If Billy the blacksmith trips over and because he injured himself people lost out on a \$1,200 Engel freezer, Billy the blacksmith is not going to have too many friends. Yes, it is detrimental. In saying that, is there a positive way of doing it? It probably takes a bit of thought, but, yes, I think there is. I will give my employer and the CFMEU a good rap. Some years ago in this town they decided that we were not going to do bonuses out on site as per each individual, but, yes, there would be a bonus if we reached a target and it went into a community fund. It had been distributed to each of the individuals, and a panel—I do not know who was on it; I was never part of it—from the union and the company would decide that the school is going to get air conditioners or the hospital is going to get something or the elderly people might get something. Maybe it could be something like that so the individuals themselves do not have that level like they are wedded to that money.

CHAIR: I will go to the member for Toowoomba North for a final question, but there has been a lot of talk in a lot of industries, including my old industry, about lead indicators. So you come up with a safety process that you know will work to test it and that is what the bonus is on rather than the lag and we have gone LTIFR free for so long. What would be your thoughts on that?

Mr Leggett: I would be interested to see the framework. Everything would premise on that. You need to get that right. If you do not get that right, it may not work. You would also have to be able to morph and change it. Humans are amazing creatures. We have a way of being given a problem and in a very short space of time we are working our way around it. If it means I am going to get some money and I have to do the lead, it will not be long before someone finds a loophole to—

CHAIR: I can give you an example and probably talk later because I do not want to take up the time of the committee and it is not about me; it is about you answering the question. I will have a chat to you later about some issues.

Mr Leggett: Yes. We do not do enough in the lead space—lead indicators. We definitely do not as an industry.

CHAIR: I will give you a perfect example of one later offline.

Mr Leggett: Yes.

CHAIR: We have gone over time already, but the member for Toowoomba North has a question.

Mr WATTS: Just very briefly, we spoke about inspectors coming on site—and forgive me again as I am not that familiar with the industry. When they come on site and, let us say, they find a problem, in my old industry, which was pubs, they would never tell you what to do about it or use their experience to give any advice or anything else; they would just say, ‘That’s a problem. You’ve got to fix it.’ Does that happen in your industry and do you think they should be compelled to give some recommendations based on their experience?

Mr Leggett: Hell yes! I am glad you raised this. It was something I thought of last night and it has got lost in my night shift fog. Inspectors have functions and powers legislated. They have been given to them. They come to site. I do not know every time an inspector comes to site. When he leaves, he does a mine record, and that should be posted up in an area that is accessible to everybody—that does not happen very often—or I go track it down and try to find it and read it. They

will do their inspection wherever they do their inspection and they are always going to find something, whether it is minimal or big. So under their functions and powers they are going to cease the operation. It could be the whole of the mine or part of a mine or a specific piece of equipment. I think I have seen that at my mine two or three times in 20 years. The last one was a drill moving over a highwall—and I am talking 40 metres, boom—but no more drilling near the face of a highwall. That was good, but there is plenty of other stuff, and this comes back to your lead indicator type stuff. They also have other powers to issue directives. That hardly ever happens. What we do get is things called—and I cannot find anywhere in the legislation where they exist—recommendations and SPCs, special something and something. It is almost like someone gets a wet cabbage leaf, dips it in the water and says, 'You've been naughty and you've got 14 days to do something, but we only recommend that you do it.' You recommend safety? Either it is safe or it ain't safe. If it ain't safe, direct. Put that onus on them.

Mr HEAD: So should the Mines Inspectorate be more proactive in identifying ways for industry to improve and give that to not only the company but the industry as a whole in the whole state?

Mr Leggett: That is their whole job—absolutely 100 per cent hands down got to do it. Got to.

Mr LAST: Really quickly, what is your take on announced and unannounced inspections?

Mr Leggett: You have to bring on a hell of a lot more unannounced inspections. I feel for some of them. If I went back 25 years ago and a mines inspector turned up, announced or unannounced, especially announced, people would panic. There was respect and it was fair. Fair is not a big driver, but there was an absolute respect that they were not going to get away with it because these people knew what they were doing. Nowadays I have seen people just get up and walk out of the room on them, and that is when they know they are coming. If they turn up unannounced, they throw every obstacle out there to try and not even let them on site. They have functions and powers to do it, but they will be sitting at the gate for an hour, two hours, three hours.

CHAIR: While a water truck goes around or something.

Mr Leggett: Yes. There are some old inspectors that I have spoken to over the years and if they had a troublesome mine they would go out there and do their inspection and give it some directives. The next day they will drive past that mine to go and see the one that is two hours up the road, and on their way home they will just pop straight in and battle. They would do that a few times and the management structure then learned, 'We've got to show a bit of respect here. We've actually got to step up and do some of the stuff that's been asked of us. Otherwise we're going to get ridden and ridden and ridden.'

CHAIR: Thank you very much for that. We will pull it up there. We have gone over time. I want to thank everyone, including the Isaac shire, which appeared earlier. Thanks to the Hansard reporters. A transcript of these proceedings will be available on the committee's webpage in due course, and I will let you liaise with Jodhi about us getting that document. I declare this public hearing closed. Thank you all very much.

The committee adjourned at 11.49 am.