



Department of Natural Resources and Mines

Investigation of a Complaint Report for Chief Inspector

Schedule 4 - Contrary to public interest

Date of Report: 09/09/16

Lead Investigator: IOM Paul Brown

Other Investigators: PIO Andrew Smith

Lead Investigator

Chief Inspector

9/09/2016

/ / 2016

Schedule 4 - Contrary to public interest

1 Contents

Contents

1	Contents.....	2
2.	Executive Summary	3
3.	Introduction/Background	5
4.	Investigation	7
5.	Findings.....	27
6.	Conclusions.....	34
7.	Recommendations	36

RTI DL RELEASE - DNRM

2. Executive Summary

On 13 June 2016,

Schedule 4 - Contrary to public interest

Schedule 4 - Contrary to public interest made a complaint to Inspector of Mines Paul Brown.

Schedule 4 - Contrary to public interest

Schedule 4 - Contrary to public interest

in the sites SOP for Isolation, Lockout and Tagging (CMS&HR 2001 Section 78).

Schedule 4 - Contrary to public interest

2.1. Investigation Scope

In establishing the scope of the investigation, an interview of the complainant was conducted

Schedule 4 - Contrary to public interest

Schedule 4 - Contrary to public interest

Schedule 4 - Contrary to public interest

The investigation scope is to:

1. Conduct an investigation in relation to how the mine dealt with the implementation of the new tagging and isolation procedure and
2. to identify whether they carried out that process in accordance with their own safety and health management process and
3. Their obligations under the Coal Mining Safety and Health Act and the Coal Mining Safety and Health Regulations.

2.2. Investigation Process

The investigation involved interviews with the complainant, employees and management on site and former employees. Additional evidence was collected from information and correspondence that were requested through Notice of Document Production Requirement issued pursuant to Section 154 of the CMSHA 1999.

Schedule 4 - Contrary to public interest

2.3. Investigation Findings

There were numerous issues identified in the investigation outlined in Section 6 of this report.

The Major issues identified were:-

- Training Scheme not complied with, in particular section 6.2 and 12.1.
- Poor communications on site between staff noted in interviews.

Schedule 4 - Contrary to public interest

As part of the Investigation it was identified that the key failures were:-

- Senior Staff having less than adequate knowledge of the site Training Scheme.

Schedule 4 - Contrary to public interest

- Training staff had less than adequate knowledge of their role and responsibility's and, less than adequate knowledge of the site Training Scheme.

The complainant will be notified of the investigation findings as per the Complaints process. Section 8 Recommendations in this report outlines recommended compliance action

Investigation and reporting of alleged breaches of the Coal Mine Safety and Health Regulation 2001, Section 82 Training, (1)(2)(b)(f)(h)(3)(a), Section 85 Coal mine worker not to carry out task unless competent, (1)(2).

Schedule 4 - Contrary to public interest

3. Introduction/Background

3.1. A basic description of the incident.

Changes were made to the Isolation, Lockout and Tagging Risk assessment & SOP during December 2015.

Schedule 4 - Contrary to public interest

3.3. Location Details.

Mine Name	Lake Vermont
Address	Golden Mile Road
Lease No/s	70477
Holder	Bowen Basin Coal Pty Ltd
Operator	
SSE	s78B(2)

3.4. List of Persons named in the report:

Schedule 4 - Contrary to public interest

b. Paul Brown – Inspector of Mines, Lead Investigator.

Schedule 4 - Contrary to public interest

- c. Andrew Smith – Principal Investigation Officer, Investigator.

Schedule 4 - Contrary to public interest

RTI DL RELEASE - DNRM

4. Investigation

4.1. Investigation Plan.

- Conduct Interviews to establish the context and scope of the Investigation.
- Gather information and correspondence that are requested through Notice of Document Production Requirement issued pursuant to Section 154 of the CMSHA 1999.
- Develop an interview plans and strategy.
- Conduct interviews of relevant Site Management and former employees.
- Review evidence and transcripts when available to develop report.

4.2. Timeline.

Time	Event	Participants	Evidence
4/12/15	Review of Isolation Risk Assessment, Isolation Lockout and Tagging.		Copy of Risk Assessment. Thiess Safety Essentials Core Isolation Gap Analysis Dated 4.12.15.
4/12/15	Review of Isolation SOP, Isolation Lockout and Tagging.		Copy of SOP for Isolation, Lockout and Tagging. Dated 4.12.15.
21/01/16			Copy of e-mail sent 21 January

RTI DL RELEASE - DNRM

Schedule 4 - Contrary to public interest

Schedule 4 - Contrary to public interest

	Schedule 4 - Contrary to public interest		2016 05:02hrs.
29/01/16			
29/01/16		Schedule 4 - Contrary to public interest	
29/01/16			
30/01/16	Schedule 4 - Contrary to public interest		Isolation, Lockout and Tagging assessment.
01/02/16			
01/02/16			
01/02/16		Schedule 4 - Contrary to public interest	

RTI DL RELEASE - DNRM

4.3. Evidence

a. Site

Evidence collected from site by Production of Documents notice under section 154 of the Act, on 20/06/16:

1. Copy of procedure in place at the mine on 29/01/2016 for Isolating and tagging in accordance with Regulation 78 of the Coal Mining Safety and Health Regulation 2001.

2. Copy of Risk assessment that underpinned procedure for Isolating and tagging in place at the mine on 29/01/2016.
3. Copy of procedure implemented or proposed to be implemented at the mine after the 29/01/2016 for Isolating and tagging in accordance with Regulation 78 of the Coal Mining Safety and Health Regulation 2001.
4. Copy of Risk assessment that underpins new procedure for Isolating and tagging proposed to be implemented or implemented at the mine after the 29/01/2016.
5. Copy of Change Management procedure in place at the mine on 29/01/2016.
6. Copy of change management documents associated with the new procedure for Isolating and tagging proposed to be implemented or implemented at the mine after the 29/01/2016.
7. Copy of any training material to be used in the implementation of the new procedure for Isolating and tagging proposed to be implemented or implemented at the mine after the 29/01/2016.
8. Copy of assessment material to be used in the implementation of the new procedure for Isolating and tagging proposed to be implemented or implemented at the mine after the 29/01/2016.
9. List of persons appointed as Trainer and Assessors on site at the mine as of 29/01/2016.
10. Details of any training undertaken in the new procedure for Isolating and tagging proposed to be implemented or implemented at the mine after the 29/01/2016.
11. Copy of any procedure in place at the mine that deals with Fit for work procedures in accordance with Regulation 42 of the Coal Mining Safety and Health Regulation 2001.
12. Copy of training records for Simon Joseph William Hoyle (20/12/1967).

Evidence collected from site by Production of Documents notice under section 154 of the Act, on 28/06/16:

1. Copy of the Isolation, Lockout and Tagging procedure version 2015-12.V1.
2. Copy of the Risk Assessment that underpins Isolation, Lockout and Tagging version 2015-12.V1.

Evidence collected from site by Production of Documents notice under section 154 of the Act, on 28/06/16:

1. 1. Certified copies of any and all (Hard copy) training material completed and signed by Simon Hoyle until 22/08/2013.

2. 2. Copies of assessment material and sign off documents in relation to training Tagging and Isolation received by Simon Hoyle on the 1/02/16 (as per training records).

Schedule 4 - Contrary to public interest

c. Isolation, Lockout and Tagging Procedure (SOP)

A mapping exercise conducted by Inspector Brown has found a total of twenty one changes were made to the document identified as the Isolation, Lockout and Tagging procedure Revision 2, dated 4/12/15, from the previous version identified as Revision 1, 28/08/13. Fifteen of the changes found were significant changes. Changes made from Revision 1 to Revision 2 increased the size of the document from 14 pages to 20 pages.

Changes made (page & section numbers referencing from new document unless otherwise stated):

1. Page 3, Definitions added
2. Section 2.2 updates added
3. Section 2.3 updates added
4. Section 2.4 last dot point has been deleted
5. Section 3.0 significant change, 12 step isolation introduced, pages 7 to 10.
6. Section 3.1 significant change due to 12 step isolation introduced.
7. Section 3.2.1 significant changes made to context.
8. Section below 3.2.1, Isolation Lock Boxes has had significant changes made.

9. Section in the old SOP for 3.2.3 Other Lockout Hardware has been removed, significant change.
10. Section 3.4 'Isolation Lock', is essentially a new section with some components of the old SOP used, significant changes made.
11. Section 3.5 (old document was Personal Isolation section 3.4) new title Standard Isolation.
12. Section 3.5 in the old version SOP fully removed, significant change.
13. Section 3.5.2 old version SOP fully removed, significant change.
14. Section 3.7, old version 3.5.3 significant changes made.
15. Section 3.8 transfer Isolation permit is a new section. Significant change made.
16. Section 4.0 High Voltage Switching, new section introduced. Significant change made.
17. Section 5.0 Live Testing, formally section 3.6 in old SOP, has been reworded and updated, significant changes made.
18. Section 6.0, 6.1, 6.2 Daily Servicing and Refuelling, new section introduced. Significant changes made.
19. Section 7.3 Mobile Plant Starter Motor Isolation Point, new section introduced. Significant change made.
20. Section 7.4 Light Vehicle Isolation, new section introduced. Significant change made.
21. Last page, Useful references and forms updated.

d. The Site Training Scheme

To determine if there was any breach of compliance to the Site Training Scheme, the relevant sections of the Training Scheme have been identified below for reference:

- *Section 6.2 Training Process*
Prior to Undergoing training, assessment or authorisation the operator will meet with their designated trainer or assessor who will explain the training process and provide the employee with all the necessary documentation including:
 - *The Competency Assessment and training log book.*
 - *Operators manuals: and*
 - *Relevant site procedures or SOPs*
- *Section 12. Training General*
The training scheme must cover the following matters: to the extent the matters are relevant to the duties of the person undergoing the training-
 - 12.1 Safety and health management system*
Training of all employees in the Safety and Health Management System as per the site Position Requirements Matrix and applicable to their area of work at the mine shall be conducted at

the commencement of a person's employment and as reviews or changes in legislation or work practices occur, or as the employee's role and responsibilities dictate.

Training undertaken by a person shall be formally assessed to ensure a clear understanding and commitment to safety and health is maintained within the workforce incident and injuries are unacceptable.

- Section 2. Training

- 2.2 Position Requirements Matrix (PRM)

The Lake Vermont Mine shall undertake Position requirements Matrix to ensure the safe performance of the mining operations and identify training requirements for the specific activities a mineworker may conduct. This Position Requirements Matrix will assist in identifying gaps between the mineworker's current knowledge/skills and required knowledge/skills in line with business needs. The PRM should be reviewed on an annual basis as a minimum and shall take into account:

- Qualifications and competencies, including those recognised by the RII Competency Standards.
- Appropriate safe work procedures and work instructions for the role.
- Appointments to statutory positions.
- Specific requirements as set by the SSE or Client.

- Section 5. Designated Task

A coal mine worker who is assessed as competent in a Designated Task must be authorised in writing by the SSE or the SSE's Representative before they are permitted to perform the task in the course of their duties.

Designated Tasks at Lake Vermont include:

- Operations of wheeled or tracked vehicles, mobile plant or mining equipment including cranes and forklifts:
- Working in HIGH RISK OCCUPATIONS: or
- Operation of nominated machine implements and attachments.
- Position Appointments.

A coal mine worker must not carry out a task at the mine unless the worker has been assessed as competent, and is authorised by the SSE or the SSE's representative, to carry it out. This does not apply to a task carried out by the person in the course of training or in an emergency.

- Appendices – Appendix A, Designated Task List

Item 11. Positive and effective Isolation – Fixed Plant

e. Recognised Standard 11, Training in coal mines.

To determine if there was any breach of compliance to the Recognised Standard 11 Training in coal mines, the relevant sections of Recognised Standard 11 have been identified below for reference:

- *Section 5. Trainer and assessors*

A Registered Training Organisation must ensure each person who trains or assesses a person on their behalf, on or for a coal mine complies with the requirements of:

1. The Queensland *Vocational Education, Training and Employment Act 2000*, 2. the requirements for training and assessment set out in the *Coal mining Safety and Health Act 1999* and the *Coal Mining Safety and Health Regulation 2001*, and
3. The requirements of the Coal Mining Safety and Health Advisory Committee

Coal mine workers not attached to an RTO conducting training and/or assessment against a competency standard in line with the endorsed components must ensure they have the relevant competencies, as identified by the Coal Mining Safety and Health Advisory Committee, and be competent to at least the level they are training and assessing against.

In addition, the qualifications required will be dependent on the individual's position. For example, Training Coordinators will require additional units to that of a Workplace Trainer and/or Assessor.

A person does not need to have formal training and assessing qualifications if conducting an information session, toolbox talk or those sessions that are conducted for information purposes and are not aligned with the endorsed components.

All personnel who are competent to give the training and assess the workers' competencies must be appointed, as per s82(f) of the *Coal Mining Safety and Health Regulation 2001*.

- *Section 6 Establishing training needs and pathways*

To ensure all persons working at a coal mine have the appropriate skills, knowledge and competencies to fulfil their position/role, all competencies;

- *As prescribed under legislation (statutory)*
- *Determined by the Coal Mine Safety and Health Advisory Committee,*

- Contained within site standards or the sites safety and health management system,
- *And / or otherwise determined through risk management , change management or other site processes, Shall be included in a Training Needs Analysis.*

A Training Needs Analysis will identify the skills needed, the skills held and the training gap for each individual against their position requirements. When an employee commences with the site, this analysis is to be undertaken to establish a training plan in line with the requirements.

f. Relevant Legislation

- The Coal Mine Safety & Health Act, Section 36 Person not relieved of obligations.
- The Coal Mine Safety & Health Act, Section 37 How obligation can be discharged if regulation or recognised standard made.
- The Coal Mine Safety & Health Act, Section 39 Obligations of persons generally.
- The Coal Mine Safety & Health Act, Section 42 Obligations of site senior executive for coal mine.
- The Coal Mine Safety & Health Regulation, Section 5 Ways of achieving an acceptable level of risk.
- The Coal Mine Safety & Health Regulation, Section 10 Developing standard operating procedures.
- The Coal Mine Safety & Health Regulation, Section 78 Isolating and tagging procedures.
- The Coal Mine Safety & Health Regulation, Section 82 Training Scheme.
- The Coal Mine Safety & Health Regulation, Section 85 Coal mine worker not to carry out task unless competent.

g. Key points from Interviews

Schedule 4 - Contrary to public interest

Schedule 4 - Contrary to public interest

- h. Testamentary**
Interviews conducted:

RTI DL RELEASE - DNRM

Schedule 4 - Contrary to public interest

Schedule 4 - Contrary to public interest

5. Findings

The following are the key findings from the investigation with respect to the scope of the complaint:

5.1.

5.2.

5.3.

Schedule 4 - Contrary to public interest

5.4.

5.5.

5.6.

5.7. Section 12.1 Safety and health management plan, of the site Training Scheme was not followed in respect to:

- i. Training of all employees in the Safety and Health Management System as per the site Position Requirements Matrix and applicable to their area of work at the mine shall be conducted at the commencement of a person's employment and as reviews or changes in legislation or work practices occur, or as the employee's role and responsibilities dictate.
- ii. Training undertaken by a person shall be formally assessed to ensure a clear understanding and commitment to safety and health is maintained within the workforce incident and injuries are unacceptable.

Superintendents were not trained prior to being expected to roll out the presentation and assessments for the SOP for Isolation, Lockout and Tagging Revision No.2 4/12/15.

5.8. Section 5. Designated Task of the site Training Scheme

Schedule 4 - Contrary to public interest

A coal mine worker who is assessed as competent in a Designated Task must be authorised in writing by the SSE or the SSE's Representative before they are permitted to perform the task in the course of their duties.

Designated Tasks at Lake Vermont include:

- Operations of wheeled or tracked vehicles, mobile plant or mining equipment including cranes and forklifts:
- Working in HIGH RISK OCCUPATIONS: or
- Operation of nominated machine implements and attachments.
- Position Appointments.

A coal mine worker must not carry out a task at the mine unless the worker has been assessed as competent, and is authorised by the SSE or the SSE's representative, to carry it out. This does not apply to a task carried out by the person in the course of training or in an emergency.

Appendices – Appendix A, Designated Task List
Item 11. Positive and effective Isolation – Fixed Plant

Section 5 and Appendices A, item 11 of the site Training Scheme was not followed. In doing so parts of Section 82 of the CSMHR 2001 were not complied with. S82(2)(c)(f)(3)(a)

- 5.9. Part of Section 5. Trainer Assessors of the Recognised Standard 11 (RS11) was applied incorrectly without consideration to the site Training Scheme sections 12.1, 5, and Appendix item 11.

Quote from Section 5 of RS11, A person does not need to have formal training and assessing qualifications if conducting an information session, toolbox talk or those sessions that are conducted for information purposes and are not aligned with the endorsed components.

The roll out of the Presentation and Assessments for SOP for Isolation, Lockout and Tagging Revision No.2 4/12/15 were applicable to the site Training Scheme section 12.1 and Regulations Section 82(2)(c)(3)(a).

- 5.10.

Schedule 4 - Contrary to public interest

5.11.

Schedule 4 - Contrary to public interest

5.12.

Schedule 4 - Contrary to public interest

5.13. There is no evidence of communication to the Superintendents of the changes made to the Procedure (SOP) for Isolation, Lockout and Tagging, Revision No.2 4/12/15.

Schedule 4 - Contrary to public interest

5.14.

RTI DL RELEASE - DIRM

Schedule 4 - Contrary to public interest

5.15.

Schedule 4 - Contrary to public interest

5.29.

Schedule 4 - Contrary to public interest

A mapping exercise conducted by Inspector Brown has found a total of twenty one changes made to the SOP for Isolation, Lockout and Tagging Revision No.2 4/12/15, of the 21 changes 15 changes were substantial changes. The changes made to the SOP from Revision 1 to 2 changed the size of the document from 14 pages to 20 pages.

5.30. The review of the risk assessment for the Isolation, Lockout and Tagging SOP was done as a Gap Analysis

Schedule 4 - Contrary to public interest

Schedule 4 - Contrary to public interest

5.31.

Schedule 4 - Contrary to public interest

5.32.

The changes to the SOP for Isolation, Lockout and Tagging Revision No.2 4/12/15 were to be delivered as a Tool Box Talk without the Assessment, this is not compliant to Section 12.1 of the Training Scheme, in particular "Formally Assessed".

5.33.

Schedule 4 - Contrary to public interest

5.34.

Schedule 4 - Contrary to public interest

6. Conclusions

- 6.1. It is concluded that the site Training Scheme has not been complied with.
- 6.2. Senior Staff identified within this report at Lake Vermont coal mine, have limited knowledge of the site Training Scheme.
- 6.3. Training staff at Lake Vermont coal mine had less than adequate knowledge of their role and responsibility's. Less than adequate knowledge of the site Training Scheme.
- 6.4. The site SSE chose not to utilise the Change Management process for the change to the SOP for Isolation, Lockout and Tagging Revision No.2 4/12/15. By doing so Senior Staff including the SSE were unaware there were 21 changes made to the SOP, 15 of those changes made were according to Inspector of Mines Paul Brown, significant changes, examples of significant changes were:
 - i. Deletion of sections
 - ii. New sections added
 - iii. 12 Step Isolation added, this in itself added >3 pages to the SOP.
 - iv. Change in process and change in hardware (locks).
- 6.5. Throughout the investigation there significant failings in:
 - i. Communications between staff are often not formalised, meetings not minuted.
 - ii. Communications of expectations not recorded or not clearly defined.
 - iii. Communications not conducted at all. No evidence in individuals understanding.
 - iv. Less than adequate knowledge of the Site Safety and Health Management System.
- 6.6.
- 6.7. It was identified during interviews that there was no Training and Assessing conducted with Superintendents prior to 31 January 2016 as required by the

Schedule 4 - Contrary to public interest

Schedule 4 - Contrary to public interest

site Training Scheme, Section 6.2, Training Process.

Schedule 4 - Contrary to public interest

6.8.

Schedule 4 - Contrary to public interest

RTI DL RELEASE - DNRM

Schedule 4 - Contrary to public interest

7. Recommendations

Prosecutions may be recommended to the Commissioner under section 129 and 256 of the CMSHA.

Section 257 of the CMSHA refers to Limitations on Time for starting proceedings.

A proceeding for an offence against this Act must start within the latest of the following periods to end—

- (a) 1 year after the commission of the offence;
- (b) 6 months after the offence comes to the complainant's knowledge but within 3 years after the commission of the offence;
- (c) If the offence involves a breach of an obligation causing death and the death is investigated by a coroner under the Coroners Act 2003—2 years after the coroner makes a finding in relation to the death.

As the time period for Prosecutions in this matter has expired, it is the recommendation to the Chief Inspector of Coal Mines to pursue the matter by compliance action.

There are 5 levels of Administrative Response (Compliance Action)

Level 1: Advise obligation holder of opportunity for improvement, or where they are failing to comply with their obligations which may include issuing an SCP notice.

Level 2: Advise obligation holder where they are failing to comply with their obligations which includes issuing a Directive

Level 3: Site management accountability meeting at regional office with Deputy Chief Inspector/Manager Safety and Health/Regional Inspector

Level 4: Senior company accountability meeting at Safety and Health Head Office with Commissioner for Mine Safety and Health, Chief Inspector, Deputy Chief Inspector/Manager Safety and Health/Regional Inspector

Level 5: Recommend prosecution.

Summary of Evidence	Recommendations
Training Scheme section 6.2 Training Process and section 12.1 Safety and Health Management System has not been complied with by staff on site.	Level 2 Directive – Training of CMW in the SHMS is to be formally assessed. Section 4.7 (g)(h), 5.1, 5.2, 5.5, 5.7, 5.18, 5.25, 5.35 within this report.
Senior Staff identified within this report at	Level 1 SCP – All Staff that have

<p>Lake Vermont coal mine, have limited knowledge of the site Training Scheme.</p> <p>Training staff at Lake Vermont coal mine had less than adequate knowledge of their role and responsibility's. Less than adequate knowledge of the site Training Scheme.</p>	<p>responsibilities to plan, organise, schedule training must have a formal process of introduction to the Site Training Scheme.</p> <p>Section 5.11, 5.18, 5.19, 5.20, 5.21, 5.22, 5.25, 5.31, 5.33 in Findings within this report.</p> <p>Schedule 4 - Contrary to public interest</p>
<p>The site SSE chose not to utilise the Change Management process for the change to the SOP for Isolation, Lockout and Tagging Revision No.2 4/12/15. By doing so Senior Staff including the SSE were unaware there were 21 changes made to the SOP, 15 of those changes made were according to Inspector of Mines Paul Brown, significant changes</p>	<p>Level 1 SCP - Change Management process to be applied to changes involving the SHMS adopting corporate procedures to site.</p> <p>Section 4.7(c), within this report.</p>
<p>Throughout the investigation there significant failings in communication</p>	<p>Level 1 SCP – The SSE is to develop a system for Meetings, Tool Box Talks to be minuted and records maintained.</p> <p>Section 5.11, 5.12, 5.13, 5.14, 5.36 of this report.</p>
<p>Schedule 4 - Contrary to public interest</p>	
<p>It was identified during interviews that there was no Training and Assessing conducted with Superintendents prior to 31 January 2016 as required by the site Training Scheme, Section 6.2, Training Process.</p> <p>Schedule 4 - Contrary to public interest</p>	<p>Level 2, Directive – Audit training records for persons not having conducted training in SHMS according to their TNA and position description under Section 55.</p> <p>Section 12.1 of the site Training Scheme not followed / applied.</p> <p>See section 5.2, 5.5, 5.7, 5.8, 5.9, 5.14, 5.15, 5.19, 5.20, 5.23, 5.32, 5.33, 5.35 of this report</p>

<p>Schedule 4 - Contrary to public interest</p>	<p>Level 1 SCP - Site to Audit SHMS for all assessment papers used during the roll out of the SOP for Isolation, Lockout and Tagging Revision No.2 4/12/15.</p>
---	---

RTI DL RELEASE - DNRM