

Government's Response to the Report on the Gretley Coal Mine Public Inquiry: August 1998

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Introduction

At 5.30 in the morning of 14 November, 1996, Edward Batterham, John Hunter, Mark Kaiser, and Damon Murray, were at work at the Gretley underground coal mine driving a heading using a continuous miner.

One minute later they were swept down the tunnel by the force of a huge body of water to their deaths. The men had inadvertently holed into the abandoned Young Wallsend workings.

Twenty days later, the government established the Gretley Mine Inquiry under the Coal Mines Regulation Act, 1982. It was headed by Acting District Court Judge James Staunton. The mandate to the inquiry was to find out how and why these four men died and to make any appropriate recommendations.

On 7 July, 1998, the final report of the Gretley mine inquiry was handed down. The Formal Investigation report stated that the deaths were preventable. The accident was the result of a string of oversights and professional failures.

The Path Travelled The Past Two Years

The Gretley Inquiry is a milestone in our efforts to create a safer workplace for New South Wales' miners.

Accidents at other mines and collieries in the State and elsewhere in Australia had already prompted an awareness of the need to review management of the hazards of mining. Deaths and near misses had caused the government to seek positive changes to rules governing workplace safety. A short time before the Gretley accident occurred, the Government approved a wide ranging review of mine safety in NSW.

Government sat down with organised labour and industry representatives to identify ways to improve existing mine safety legislation. This process is ongoing and will ultimately result in a far better approach to managing risks.

To date, the Mine Safety Review has outlined action on issues such as safety incentives; operational practices, workforce involvement; training; contractors; risk management; the Inspectorates; legislation; and, regulation. Implementation on some of these is well advanced, while for others action will continue throughout 1998 and beyond.

Current approaches to safety are based on a system of internal responsibility where both employers and employees are the first line in the provision of a safe and healthy work environment. Government's role is to oversee the system, offer advice where appropriate and provide solid enforcement where necessary.

The internal responsibility system can and does work. It is at work today in mining and other hazardous industries in New South Wales, across Australia and around the world.

The fact remains that coal mines in New South Wales are recognised by the International Labour Organisation as the safest in the world. Still, there is always room for improvement in educating workers, in planning for safety, communication and constant vigilance in what is a hazardous and ever-changing environment.

The Gretley Inquiry findings provide a clear reminder that responsibility for safety lies with the industry and includes:

- intelligent, objective and perceptive planning,
- management-worker commitment,
- monitoring of safety concerns
- dedicated training, and
- regular review.

Over the past two years, the Department of Mineral Resources has rewritten policies, and placed a priority on staff training and professionalism. It has hired new staff to change its skills profile, reviewed and restructured. It has improved communications and formed partnerships for safety.

There is still much to do. The Gretley report gives us direction and further impetus for continuing our work.

The Path Ahead 1998 and Beyond

Whilst strong clear rules are one thing, a "culture of safety" is needed to take these rules off the paper and into daily practice. Continuing awareness must be the order of the day.

There must be a commitment by all stakeholders - employers, employees, contractors, suppliers and regulators.

In moving towards the new millennium, the Department makes the commitment that the Gretley findings and recommendations will be applied positively in the context of its mine safety campaign. Guidelines, procedures and regulations will be changed. A world class system will be made even better.

While the Gretley report focuses on inrush as a hazard in the coal industry, the lessons learned can be applied to improve risk management practices throughout the mining sector.

Government is acting on all the 43 recommendations in the Gretley report. It accepted and is implementing recommendations from the Mine Safety Review. This document gives a timeframe for seeing that the recommendations are carefully analysed and carried forward. Where possible, changes will be effected immediately. Others will require more time, especially those where "ownership" needs to be understood and accepted or where there are bi-partite or tripartite responsibilities.

Many of the recommendations will need the involvement of industry, unions, professional associations and individuals to address the issues raised and maximise the benefits from the changes which must follow.

Department of Mineral Resources

The Department has already made significant progress with the implementation of the recommendations of the Mine Safety Review which go to the very basis of improving safe working practices in the State's mines and quarries.

These reforms include:

The establishment of an industry safety committee to oversee the continued implementation of the reforms. This committee will be chaired by Professor Dennis Else from the University of Ballarat who has played a major role in implementing the Mine Safety Review recommendations to date.

All mine sites to have Mine Safety Management Plans - a series of documents that show how a mine is designed, constructed and operated to reduce risks. Guidelines will be developed as an interim step.

Increases in remuneration for Inspectors to attract suitably qualified applicants.

Separation of the regulation of safety from that of environmental management will also ensure the Inspectors are better able to concentrate on occupational and health issues

Creation of the new positions of Mine Safety Officer - a level requiring specialist expertise in mining related fields. They will be allocated to technical and safety groups within the Department of Mineral Resources' Mine Safety and Environment Division and will operate in regional offices.

Introduction of a computerised reporting and tracking system to analyse trends and allow inspectors to assess the need for specific action in a more systematic way

Inspectorate processes will be more formalised, as well as revised so as to ensure a more critical analysis, allowing for checks on the level of rigour applied to critical decision-making

The Department has identified four issues of priority as a result of the Mine Safety Review findings:

- i) The management of major hazards in mines;
- ii) The provision of appropriate emergency readiness at mines;
- iii) The "small mine project", to educate less well resourced operators; and,
- iv) Improvements to the application of the Mines Inspection General Rule 1994.

Mine Surveying

Management at Gretley had always known of the existence of the abandoned workings of the Young Wallsend Colliery.

Evidence was given that the surveyors who worked at the Gretley mine implicitly believed that the plans of the old workings were accurate because they were held by the Department. The findings clearly demonstrated that the surveyors' assumptions were fallacious. The Department maintains the view that it acts solely as a repository for records.

Judge Staunton identified the fallacy - together with the need to research historical records and all other available information - as a matter for urgent education within the industry.

Therefore, Department of Mineral Resources will immediately confer with the Coal Mines Qualification Board, the Australian Institute of Mining Surveyors and the Mining Industry Training Advisory Body to review mine surveyor examinations and curricula. Continuing professional education programs for existing surveyors will address the topic. This initiative will supplement the communications program already in place through the Mine Safety Review.

As a result of the Gretley Inquiry the Department has already taken steps to improve its control and custody of mine record tracings. The entire collection of more than 3500 records has been audited. Other changes include improving the way in which original tracings are copied, improving security measures under which the records are held, cataloguing relevant files and archival material and changing the manner of issuing copies of the records to interested parties. Further improvements will be made in consultation with the mining surveyors and professionals who use the records.

Approvals process

Applications to extract coal by underground mining methods other than bord and pillar are the subject of approval under section 138 of the Coal Mines Regulation Act. The Chief Inspector of Coal Mines has introduced guidelines both for mining companies and Inspectors which are aimed at a systematic quality approach to the submission and examination of each application.

This review will concentrate in the first instance, on the specific hazard of inrush. Over time, the Chief Inspectors' Guidelines on assessments to extract coal under Section 138 of the Coal Mines Regulation Act will be re-written to promote a more rigorous process for the evaluation and auditing of the mining proposal. Consistent with the Mine Safety Review, the Department will expect companies to submit extraction proposals which will be enhanced by the increased use of modern risk management techniques. Changed work instructions and training of inspectors will be introduced to demand a more critical review of these applications.

Safety is paramount to the approval process. The process will be extended with time to ensure a Mine Safety Management Plan is in place not only for extraction operations but for all major hazards within the mine.

Prevention of Inrush Hazards

Inrushes will not be prevented by reliance solely on the requirements for Section 138 approvals. However, the Department will review the regulations addressing the inrush hazard consistent with the Gretley recommendations.

Experts nominated by professional associations, unions, industry and the Department will examine specific recommendations in relation to the prevention of inrush. The review undertaken by this consultative group will be presented to mine managers and surveyors by June, 1999.

Investigations

The newly formed Accident Investigation and Analysis Unit is in place as a result of the Mine Safety Review. Its future role will be to examine mining incidents to ensure that lessons can be applied for the safety of workers at other mines. Its work will lead to an improved understanding and better management of hazards in all mines.

The Review has recommended the positions of Mine Safety Officers to ensure additional expertise in the investigation, review and reform of mining safety.

In the 1998 Spring session, the Minister for Mineral Resources will introduce amendments to the Coal Mines Regulation Act into Parliament. These amendments will define the role and powers of the Investigation Unit and will allow the Minister to appoint independent experts to carry out investigations when appropriate.

Judge Staunton accepted the Department's submission that any future judicial inquiries would benefit greatly from the appointment of Assessors to sit with the presiding judge. Amendments to the part of the Act dealing with judicial process will implement this important recommendation.

Prosecutions

In his findings, Judge Staunton made it clear that the Department of Mineral Resources should not rule out prosecuting any mining company or mine manager who fails to ensure the highest standards of safety for workers.

In the past, the Department has relied primarily on other, more immediate, means of persuasion and enforcement - for example, in the past five years more than 50 "cease production" notices have been issued. However, the Department of Mineral Resources now recognises that a clear message must be given that prosecutions are to be used more frequently than they have been before.

The Department will expect the new standards to be met and will enforce them wherever required.

Departmental policies relating to enforcement, prosecutions and investigations are in final draft form and will be presented to the industry by the end of August with a view to finalisation by the end of 1998.

Summary of Implementation of Recommendations (PRECIS)

Research on Plans (Recommendations 1,2, and 3)

- Bring together the surveyors, Coal Mines Qualifications Board, Mine Managers Association, Mine Surveyors Association to change curricula to incorporate recommendations
- Run a series of seminars to educate all current mine surveyors and management in the use of historical data

Storage of Records (Recommendation 4)

- The entire collection of more than 3500 records has been audited independently
- Secure storage in place. New procedures for cataloguing and control being developed

Prevention of Inrush (Recommendations 5,6,7,10,11,12,13,19,20,36)

- Bring together Mine Managers, independent mining experts union, to develop a standard set of procedures and regulations consistent with the recommendations
- More widespread implementation of risk assessment processes
- Legislative amendments will be made to incorporate safety improvements

Mining approvals process (Recommendations 8,9,14,15,16,17)

- Amend guidelines for company application for mining approvals to incorporate risk assessment
- Strengthen internal instructions to Inspectors for reviewing applications
- Define work instructions to Inspectors to review risk assessment adequacies

Colliery Abandonment Plan (Recommendations 18,35)

- Management plan is in place
- For closing of shafts and abandonment of mines, detailed guidelines are in place

Investigations (Recommendations 21 to 34, 37)

- Mine Safety Review implementation under way and covers many of these recommendations
- Specialist Investigation Unit already formed
- Legislative change due for next parliamentary session
- Legislation will introduce scope for wider range of independent formal inquiries into fatalities
- Specialist training for Inspectors in investigatory techniques

Prosecutions (Recommendation 38,39,40,41,42)

- Final draft of Prosecutions Policy is with the Crown Solicitor
- Policy will be released to industry and unions within two months
- Final version will be adopted by the end of 1998
- Commitment that Department will strictly adhere to the policy
- Three prosecutions are under way. Two of them in the coal industry
- Inspectors will continue to issue stopwork orders on mines where unsafe conditions are found (more than 50 issued in last five years)

Consideration of Prosecution (Recommendation 43)

- I will submit all papers in relation to the Newcastle Wallsend Coal Company to the Crown Solicitor