Royal Commission on the Pike River Coal Mine Tragedy

Te Komihana a te Karauna mōte Parekura Ana Waro o te Awa o Pike

UNDER **THE COMMISSIONS OF INQUIRY ACT 1908**

IN THE MATTER OF **THE ROYAL COMMISSION ON THE PIKE RIVER COAL MINE TRAGEDY**

Before: The Honourable Justice G K Panckhurst
Judge of the High Court of New Zealand

Commissioner D R Henry

Commissioner S L Bell
Commissioner for Mine Safety and Health, Queensland

Appearances: K Beaton, S Mount and J Wilding as Counsel Assisting

S Moore SC, K Anderson and K Lummis for the New Zealand Police

N Davidson QC, R Raymond and J Mills for the Families of the Deceased

S Shortall, D MacKenzie, R Schmidt-McCleave and P Radich for certain managers, directors and officers of Pike River Coal Limited (in receivership)

C Stevens and A Holloway for Solid Energy New Zealand

K McDonald QC, C Mander, A Williams and A Boadita-Cormican for the Department of Labour, Department of Conservation, Ministry of Economic Development and Ministry for the Environment

G Nicholson and S Stead for McConnell Dowell Constructors

G Gallaway, J Forsey and E Whiteside for NZ Mines Rescue Service

N Hampton QC and R Anderson for Amalgamated Engineering, Printing and Manufacturing Union Inc

J Haigh QC and B Smith for Douglas White

J Rapley for Neville Rockhouse

TRANSCRIPT OF PHASE THREE HEARING
HELD ON 24 NOVEMBER 2011 AT GREYMOUTH

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COMMISSION RESUMES ON THURSDAY 24 NOVEMBER 2011 AT 9.34 AM

GEORGE ARTHUR MASON (RE-SWORN)

EXAMINATION CONTINUES: MS BEATON

Q. Good morning Mr Mason, we finished off yesterday, you might remember, when I was asking you some questions about the risk assessment about ventilation and gas monitoring, and I just had a couple of limited questions about ventilation before we move onto another document. And the first, if we could have up please Ms Basher, is a page from Oki Nishioka's diary notes, which is NISH0002/27?

WITNESS REFERRED TO DOCUMENT NISH0002/27

Q. And it's going to come up on the screen, so have a wee look at that for me, and at the bottom of the page there you'll see under the reference for the 4th of October in paragraph 6, it says that, "George and Matt will establish the operating procedure when methane content comes up higher at the monitor face."

A. I see that, yes.

Q. Can you comment on that Mr Mason?

A. The – what was established was that it was the effect of the spray from the monitor going into the goaf and causing turbulence that affected the methane content in the return heading and the operators quickly learned how to deal with that. As for establishing a procedure other than that, no, I am not aware of anything.

0937

Q. I know you were present in Court yesterday when Mr Nishioka gave his evidence and you might recall references in his notes on three occasions, 22 September, 30 September and 1 October, that extraction at panel 1 should stop until the main fan was operational. Are you able to help us as to why it was that actually extraction continued?

A. Extraction did commence before the mine fan was commissioned, as I said yesterday, that extraction rate was only minimal and continued in that fashion

to the main. The amount of air that was going into that panel was sufficient to conduct extraction at those rates and that's why it continued.

Q. Was that a decision made by a number of people including yourself? Was there actual discussion about Oki's concerns in continuing despite them?

A. Not that I'm aware of.

Q. So were you part of any discussion at all about the ceasing of extraction until the fan was operational?

A. No.

Q. Were you present on the three occasions where Oki, those three dates I said before, where he raised those concerns?

A. I don't believe so, the only recollection I have is when Oki spoke to me personally.

Q. Which was when, do you remember?

A. I would not remember the date, no.

Q. Well can you recall what it was that Oki said to you?

A. Not in definite terms I can't no, it was just a concern for the operation of the monitoring, of the hydro-monitoring system with the ventilation as it stood at the time, so obviously it was prior to the commissioning of -

Q. The fan?

A. The main fan, yes.

Q. I think you said before that in your view the air velocity getting to the face was sufficient for the level of extraction that was occurring? Is that what you said?

A. Yes it is.

Q. I'm not sure whether or not you've seen the written evidence filed by a man called John Rowland who was a ventilation consultant in 2010 to Pike on some issues and his evidence was that in the context of preparing some modelling, ventilation modelling of the mine, he was given the figure of 30 cubic metres per second of air velocity as being required for the monitor panel. Are you aware that evidence or not before me telling you today?

A. No. But I do know that John Rowland was engaged by Pike River Coal, yeah.

0940

Q. Do you know where this figure of 30 cubic metres per second came from?

A. No ma'am.

Q. So you weren't, I take it, part of any discussion or review of how much air would be required at the face for safe operation?

A. That's correct, I wasn't.

Q. I want to move please to another risk assessment document which is DAO.001.01709 and I think you should have a hard copy of it in front of you now. It's the one that refers to operation of the Waratah guzzler and temporary roof support, do you have that?

WITNESS REFERRED TO DOCUMENT DAO.001.01709

A. I do.

Q. If we could just perhaps bring up page 3 Ms Basher of that document just for the record which you'll see is the signed page of participants and I just wanted to make it clear that you weren't or you aren't included there as a participant, you appreciate that?

A. That's correct.

Q. But if we could flick please Ms Basher to page 15, thank you, you will see there that there are a number of actions in this action plan, they relate to the five sequences that had been determined by Pike as to the operation of the hydro equipment and you'll see there in the column accountable person, that you are listed as being the accountable person for a number of those actions?

A. Yes.

Q. Yes. And in fact if we go through to the following pages, we probably don't need to do it on the screen Ms Basher because the witness has a copy but you'll see that there are, in fact, sorry, if we go to 16, when that comes up Mr Mason you'll see that in that page there are some tasks for which you are the responsible so I'm assuming that means that they are tasks that you are supposed to complete or delegate to others. Would that be fair?

A. That's correct.

Q. Looking back now are you able to comment on whether or not any or all of these task were completed? You'll see some have been signed I think by yourself and dated?

A. Yes.

Q. But the ones that haven't been, are you able to comment on whether or not they were done?

A. The first issue at the top, consider installing reflective streams, there was I believe there were some streamers but mostly there was pogo stick put along the edge of the flume line to identify it.

Q. Right. We can see the dates there for completion date, the majority being in September of 2010. I think that's true for the whole document?

A. What date did you say ma'am?

Q. The completion date column?

A. Yes.

Q. You'll that a lot of them are dated mid, various dates but mid September?

A. Mid September, yes.

Q. So about the time as I understand it that the panel was commission and began extraction. Is that right?

A. Yes.

Q. Yes.

A. They weren't completed by that date no ma'am.

Q. No, right, okay. At page 18 please, last reference to this document, this is in relation to sequence five of the operation modules which relates to coal cutting and the first lift. You'll see there the second entry is the task is to develop training for all involved in hydro as a minimum. The action being training the hydro crews in the process of cutting and moving machinery, and reference to you as being the accountable and responsible person?

A. That's correct.

Q. Were you involved in the training of the crews, the initial crew that commenced the extraction panel?

A. No I was not. The initial crew that started extraction were those people who were already had previous experience in hydromining. I was involved in the development of the training package to some extent, but that would – the development was largely carried out by the safety and training department and they also sought the assistance of Kevin Rowlands, in formatting that document.

0945

Q. So what about then about the subsequent three crews that were brought on, were you involved in training of those?

A. Not the actual training, no.

Q. Did you contribute to the training documentation, the modules that were created?

A. That's correct, that's what I said just previously, ma'am.

Q. Right, okay, sorry. Can we move now please to another risk assessment which is on the extraction of panel 1, it's DAO.011.00007?

WITNESS REFERRED TO DOCUMENT DAO.011.00007

Q. And I think you have a copy of this in front of you too, Mr Mason, is that right?

A. I do.

Q. This one's undated. If we flick to page 2 please Ms Basher, you'll see that you're listed Mr Mason as a participant?

A. That's correct, my name is.

Q. And do you remember participating in this?

A. I don't have a clear recollection of that, no ma'am.

Q. So I take it then you wouldn't be able to assist us with when it happened?

A. That's correct.

Q. If we turn to page 3 please, given though that it relates to the task being, you'll see at the top there, "Extraction of panel 1" it goes on to list a number of the hazards that of course accompany extraction, do you think that this would have occurred prior to I think the 18th of September was the first cut, the 22nd really was the first permit to mine?

A. I would expect that to be the case.

Q. Just while we're on that page, you can see the bottom third under the column, "Existing controls", there is the comment, "Limit people in the return, hydro operational risk assessment." And to the right of that, there's the reference, "SOP to be produced." To your knowledge was there an SOP about working or limiting people in the return?

A. No ma'am, but I took action on my own behalf to ensure that that was attended to. I had a barrier erected in the return and also, in relation stopping in the one cut-through of the panel was framed with mesh and had a gate installed in it to allow access through that gate and that both the barrier and that particular gate in the cut-through, were locked.

Q. And the only people who could have access through the locked stopping, would be who?

A. They were locked with the deputies lock, so the deputies, people who knew what they were doing could gain access. That's not to say other people didn't know what they were doing, but they had the authority to go through those appliances.

Q. If we turn to page 6 please of that document, Ms Basher, you'll see half way down that page Mr Mason there's a "Hazard total loss of ventilation due to main fan damage." And to the right-hand side there's an additional control listed on the ventilation management plan review, and a TARP. Can you assist us, do you know whether a TARP was created or whether there was a review of the ventilation management plan?

A. No I cannot assist you in that regard.

0950

Q. Do you know – perhaps if we turn to page 14 Ms Basher. Do you know whether there was in place a plan for sealing the panel?

A. I don't know that there was a formalised plan but yes, there was thought given to – well by myself how that would be carried out.

Q. Was it so – did you discuss that with other people? Was there meetings about...?

A. No ma'am I did not.

Q. So if we look down there the fourth entry from the bottom of that page, this is a list of actions and tasks. You will see there's a reference to, "Rated seals," and a, "Seal plan," and the accountable person being Doug White. I take it that you're not aware of there being any formal plan to deal with sealing of the panel in case that was required?

A. No ma'am I'm not.

Q. If we could turn now please to a document DAO.025.49864

WITNESS REFERRED TO DOCUMENT DAO.025.49864

Q. Have you seen this particular document before Mr Mason or not?

A. Yes I have.

Q. We turn to page 2 just to confirm again that it's a list of people who attended and I need to confirm that you're not amongst those, the date of 13 August. So before your –

A. I'm definitely not amongst them ma'am, I was not, I was still in Australia at that point in time.

Q. No before your time, yes exactly. Was this one of the documents that you reviewed when you started at Pike?

A. No ma'am.

Q. If you could be taken please to page 6 and you may have seen this shown to Mr Nishioka yesterday. At the bottom right-hand corner of that document sets out, "Systems to be in place before coal cutting." Can you see that entry there?

A. Yes I do.

Q. Are you aware whether or not there were any TARPs created for those hazards, Gas out, gas plugs and the machinery windblast? We've talked about windblast already but the other two?

A. No I'm not aware that there is a particular document that identifies those subjects.

Q. Next document please is DAO.003.08875

WITNESS REFERRED TO DOCUMENT DAO.003.08875

Q. And it's entitled, "Operational preparedness gap analysis," have you seen that document before?

A. Yes I have ma'am.

Q. Have you seen it recently or did you see it back last year?

A. No when it was produced it was given to me.

Q. Right, were you part of it? It was given to you was it did you say?

A. Well no I was part of that –

Q. Process?

A. Process, yes.

Q. When did this document, when was it created do you recall in terms of relative to the commencement of extraction?

A. It would've been at least a couple of weeks prior.

Q. Is it fair to describe this document as, it runs to four pages effectively, as listing a number of areas where tasks needed to be completed and documented?

A. It does.

Q. And they're given a priority and I take it one is the highest?

A. Yes ma'am.

Q. You'll see again that there are references there to a number of plans that needed to be developed by Pike dealing with a number of the hazards we've already discussed and references in the right-hand side to the people who were responsible for those.

A. That's correct.

0955

Q. Is it fair to say Mr Mason that by the time that extraction began, even in a limited way, that a large number of these processes and plans had not been completed or in some cases not documented at all?

A. I couldn't comment fully on, I couldn't give, apply that, to say whether it's fair or not before I'm not aware as to the extent that they were or were not done in terms of the people who were responsible for that.

Q. If these types of plans for example, if we look at the first four or five, spon com you'll see that there's according to this at least there's a plan in existence which needs review, is it a gassing procedure in place. But the next four no procedure exists and a plan needs to be developed?

A. I do.

Q. If plans had been developed would you, do you think, looking back now that you would've been either part of that process or if not, at least aware that they were in place?

A. I agree with that.

Q. Now the Commission's been provided with a number of documents which are titled hydro project updates and perhaps I'll refer you to the dated 29 September which is Ms Basher DAO.002.14913?

WITNESS REFERRED TO DOCUMENT DAO.002.14913

Q. Have you seen this type of document before? Perhaps if we could go to the second page, it might assist you.

A. I can't say that I've seen this document previous but I may well have.

Q. Do you know what the purpose of this document is, or these documents 'cos they were generally on a weekly basis?

A. I'd say it's providing the, a report to management on the status, what's been carried out through that previous week.

Q. Management, you mean mine manager and above or?

A. Yes ma'am.

Q. Do you know who would've prepared this type of document?

A. I would say it would come from the project team or the project manager Terry Moynihan.

Q. So are you able to say whether or not you had any input into the information that was provided in these reports?

A. I don't know, I didn't have any input.

Q. I just want to show you another document, a safe operating procedure DAO.001.10676 which relates to operation of the hydro-monitoring guzzler and I think you've seen a copy of this previously but we'll wait until it comes up. Do you recognise that one?

WITNESS REFERRED TO DAO.001.10676

A. I do.

Q. Now just so we're all clear, this is a version which is clearly not finalised, it contains a number of references to it being a draft and it's missing a number of sequences in terms of the operating procedure. It's you'll see dated though at the bottom 18 November 2011. Obviously that can't be?

A. 20 November mate, ma'am.

1000

Q. Interesting, mine's dated 18 November, perhaps that must be the printing date. Were you involved in the preparation of this?

A. I don't know who produced that document, ma'am, not I.

Q. This safe operating procedure and another one which relates to the intersection of in-seam boreholes, and I think you've referred to that in your statement to the Commission, they are the only safe operating procedures that have been provided to the Commission at this point that relate to the hydro-panel. To your knowledge are there others in existence that we should be aware of that relate to hydro?

A. I don't know of any others ma'am.

Q. Moving to a different topic now Mr Mason, how often were you underground in panel 1 prior to the explosion?

A. I'm sure that in my statement I've got the figure of three or four days per week, but it may not have been as regular as that, but that is my recollection.

Q. In relation to the location of the gas sensors in the panel, you have a knowledge of where those were located and how they worked?

A. I do.

Q. If you could please have a look at this map that's going to come up? DAO.031.00001?

WITNESS REFERRED TO DOCUMENT DAO.031.00001

Q. You'll see up in panel 1 there, there's a reference to a CH4 methane sensor, and a line to where it's located, which appears to be in the vicinity of the cross-cut?

A. That indication line is not correct. It is further – there were three sensors at that location which is further inbye, so that the – the sensors were located a couple of metres inbye of the intersection –

Q. So towards the goaf?

A. Towards the goaf, that's correct. There was a CH4 sensor and a CO sensor in the middle of the road and towards the upper part of the roof and there was a second CH4 sensor in close proximity to the rib and not quite as high as the other two.

Q. And was that the one that the deputies checked?

A. That is the one that provided information to the operator of the monitor, so it was the readout screen, digital readout screen, it was at the guzzler. The other two transferred information to the control room.

Q. The one that you said linked back to the operator at the guzzler. Can you explain to us your knowledge of what would occur if there was a large amount of methane pushed out into the return? Would that – does it interlock with the guzzler machine and automatically cuts out for example?

A. No, ma'am. It only provided the monitor operator with an indication of the concentration of methane in the return airway, and allowed him to take action to prevent a continuance of that.

Q. So do you mean in reference to the technique, using the water spray?

A. That's correct, yes. The guzzler itself had a methane monitor incorporated so it measured the concentration of methane –

Q. That was going past it?

A. At the guzzler, yes. And that was linked to the – it would trip the power to that machine if it reached the limits.

1005

Q. And what was the limit do you know?

A. I believe that it gave a warning at 1% and tripped at 1.25%

Q. We've heard evidence that the methane sensor or sensors in the return read to a maximum of 5%. Can you comment on that?

A. I understand that is the case.

Q. To your knowledge was there any discussion about whether there should be a sensor in there that read up to 100%?

A. I didn't have any discussion as such with – I did hear a comment from a deputy, I think it was Stephen Wylie about that matter.

Q. Nothing came of it though I take it? There was no change of sensor?

A. No ma'am there was not.

Q. In terms of these sensors, all of them that were present in panel 1, what's your knowledge of how often they were checked or calibrated?

A. They're required to be calibrated on a weekly basis.

Q. And did that occur do you know?

A. To the best of my knowledge, yes.

Q. To your knowledge were they all operative at the time of the explosion on 19 November?

A. Yes ma'am.

Q. There's been evidence previously –

A. I'll just – the only reason that they wouldn't have been if they had been tripped and not reset, so if that had occurred I would expect that notification would've been made to surface control.

Q. To surface control or by surface control?

A. To surface control.

Q. By the workers underground?

A. That's correct.

Q. And is it reset where from surface control?

A. No ma'am the deputy resets it in the return.

Q. To your knowledge had that occurred on the afternoon of the 19th of November?

A. I'm not aware that it was.

Q. I want to move now please to the process of authorities to mine and permits to mine. If we could have please document DAO.001.03556

WITNESS REFERRED TO DOCUMENT DAO.001.03556

Q. You will have seen that before Mr Mason?

A. Yes ma'am I have.

Q. That's an authority to mine dated 19 October 2010?

A. I'll agree with you.

Q. Take it from me it is, small type yes. I understand that's the second authority to mine that was issued for panel 1? Would you accept that or not?

A. Yes.

Q. Can you explain to us the purpose of an authority to mine as an overall document?

A. It gives formal go-ahead to operate, to conduct extraction in compliance with those conditions as set out there.

Q. You can see in the portion that says, "Plan," which is a diagram of the actual panel itself, that by 19 October obviously permission had been given to extend extraction to the, what's effectively the right side of the panel but in this diagram it's shown at the bottom, is that right?

A. Yes that's correct.

Q. And the red lines that are going through it are obviously the in-seam drill holes?

A. Yes they are.

Q. And the yellow boxes with the number references beside them are as I understand it references to the chainage or the distance? So for example the 189 metres is the first position where mining commenced or where the monitor was located?

A. That's correct.

Q. And this is an overarching document and permits to mine are issued on a more regular basis?

A. They are issued before the next sequence is to be mined.

1010

Q. So any time there's a change, I take it?

A. That's correct.

Q. Can you help us, you'll see there in that portion that's been expanded on the screen, that there's an arrow at the top there and some words, "Windblast potential for extraction outbye from this point." Can you explain what you understand that to mean? Well it is what is I suppose but?

A. That's correct.

Q. Well perhaps a better question would be, do you know how it was assessed that that was the point where windblast became an issue?

A. No I do not know that, this document is not, it's prepared by Tech Services. As far as I understood there was minimal potential for windblast in terms of major cave-in.

Q. You'll see there also at the top of that plan that there's a reference to the CH4 and CO monitor or one of them at least, in the location. Was that, does that better accord with your recollection, a couple of metres back from the cross-cut?

A. It does ma'am, yes.

Q. You'll see at the bottom Ms Basher, if we could highlight that bottom right corner again please? That it says only extract the Brunner main seam, no mining of immediate roof or floor and as I understand it that wasn't included in the initial authority to mine. Can you assist us as to why there was to be no mining of the immediate roof or floor?

A. I don't know whether I'm blind ma'am, but I can't see that on there.

Q. I'm sorry, the largest words actually, about half way, the very first line, only extract Brunner main seam, sorry the heading?

A. That's just referring to the coal to be mined. We don't want to cut into the floor or the roof.

Q. You don't want to get down to the stone or the –

A. Or into the roof, that's correct.

Q. Just for completeness, if I can refer you to one of the permits to mine which was issued on 3 November DAO.001.03565?

WITNESS REFERRED TO DOCUMENT DAO.001.03565

Q. It's a two page document, that's the first of them. Am I right that a permit to mine which is, as you said before, issued every time there's a change, is something that is provided to the actual crews working?

A. That's correct.

Q. And it obviously sets out there the way in which they're approach to panel extraction of the lifts?

A. Yes.

Q. If we turn to the second page please of that document, it provides a significant amount of information for the crews. It might be easier on your screen in front of you. And I take it this is an example of the sign-off procedure here, we can that it's been signed by Greg Borichevsky, Pieter van Rooyen and yourself as hydro co-ordinator?

A. That's correct, that's correct.

Q. Along with the permit to mine, are there other instructions that are given to the crews at the commencement of each shift?

A. Yes I would make handwritten notes usually on a copy of the sequence plan.

Q. We'll have a look at an example of those in a moment but if I could just refer you please to the permit to mine dated 19 November, so clearly the morning of the explosion. That's DAO.001.03563?

WITNESS REFERRED TO DOCUMENT DAO.001.03563

1015

Q. There's another reference there to, "Do not mine roof or floor rock." Can you see that? Down the very bottom a handwritten note?

A. Yes, I do.

Q. Was there some concern that that was occurring?

A. Yes, Mr Borichevsky had concern that we were digging into the floor as against the roof and spending time digging holes in the floor rather than mining coal.

Q. So that's a production issue, was there any safety issue that related to extracting roof or floor rock?

A. Not that I'm aware of ma'am.

Q. To your knowledge did the presence of stone from the roof or floor cause any issue in relation to friction or ignition for example?

A. No, I'm sure the concern was with the amount of time that was spent "boiling up" is the term, and it was practised at Spring Creek, I believe, where they would dig a hole in the floor and then aim the water jet into that hole and break up any lumps that had washed into it.

Q. Lumps of coal?

A. Lumps of coal, yes.

Q. Move now please to an example of your handwritten notes, I think, which is DAO.025.21212.

WITNESS REFERRED TO DOCUMENT DAO.025.21212

Q. Now that's your handwriting at the top, isn't it?

A. It is.

Q. So dated 9 November 2010 and it's a note to Peter, who I expect will be Peter O'Neill?

A. Yes, ma'am.

Q. The deputy, and it provides instructions as to extraction for that particular shift?

A. That's correct.

Q. And I take it that these notes were also an opportunity for directions to be given in terms of new procedures and sometimes safety issues. You see at the bottom there, there's a note from, I expect, Matt Coll, is that right?

A. Yes.

Q. Relating to a new procedure, a JSEA for the operating the monitor at a higher pressure?

A. That's correct.

Q. Can I show you another example please of one of your notes which is DAO.010.00415?

WITNESS REFERRED TO DOCUMENT DAO.010.00415

Q. Can we have perhaps the first two pages side-by-side please? And again on the right-hand side at least is your handwritten notes to the crew?

A. It is.

Q. Dated, well for the weekend of 6 and 7 November?

A. That's correct.

Q. You didn't work the weekends generally as I understand it, is that right?

A. Generally that's correct, but that is correct, I generally did not work the weekend.

Q. Right, the reason I've referred you to this one is because on page 4, there's a reference there to shotfiring over that weekend?

A. There is.

Q. And as I understand it, there's some confusion or looking back now, some confusion on your part in terms of the preparation of your witness statement, because at paragraph 74 onwards, you refer to the shotfiring carried out on the weekend of 6 and 7 November and you refer to that as being without your prior knowledge?

A. Yes.

1020

Q. I know you want to speak to that so go ahead.

A. I was unsure of the number of times that shotfiring had been carried out, this was just from my recollections and I thought that the 6th and 7th would've been the first. When I was presented with this document obviously there was an occasion before this when shotfiring was carried out.

Q. And do you think now that the previous occasion is the one you're referring to which you weren't specifically aware it was going to happen until after the fact?

A. That's correct.

Q. In terms of shotfiring in panel 1 was there any specific procedure in place do you know or was it just governed by the mine's overall shotfiring procedures?

A. That's right and that was done in compliance with the requirements.

Q. And the purpose of shotfiring in panel 1 was to loosen up the hard coal, is that right?

A. Yes, the short answer is yes.

Q. Yes.

A. The monitor had trouble at the distance across the seam of being able to penetrate and then break that coal but we were endeavouring to assist the monitoring process by pre-breaking.

Q. Now as I understand it from your evidence the shotfiring wasn't actually successful in achieving that goal?

A. That's correct.

Q. And you've confirmed at paragraph 84 of your statement that although you had a discussion with Steve Ellis and Doug White on the morning of the explosion, that regard shotfiring, there was none planned or indeed occurred in panel 1 on the 19th of November?

A. That's right, there was none carried out. Doug didn't give his authorisation for that to happen.

Q. Doug didn't did you say?

A. He did not authorise, yes.

Q. He did not authorise. I want to move now to some questions about the monitor crews. As I understand it at the time of the explosion there were four and each had a deputy, an operator and an off-sider, is that right?

A. That's correct.

Q. Do you know when it was that the full ramp up to four crews had begun

A. My best recollection it would've been early to mid-October.

Q. Were you responsible for the rostering of crews and the makeup of the crews or not?

A. Yes I was but I had assistance from other personnel in selecting people for the makeup of the crew.

Q. I understand you've read the evidence provided to the Commission by Stephen Wylie in his written statement and he refers to – my summary obviously, but he refers to a concern he had as a deputy that the hydro-crew that he worked with was comprised of relatively inexperienced miners and yet we know that the crew who died, who are Peter O'Neill, Keith Valli and Allan Dixon were all comparatively experienced miners. Is that a co-incidence in terms of the makeup of the crews or not?

A. Yes ma'am there was no definite trying to load one crew up or whatever, it's – with assistance there was sort of the best makeup we could get of blend of personnel.

Q. What do you say to Steve Wylie's concerns and implicit criticism really that the men on his crew were inexperienced in terms of dealing with gas? The operator didn't have a gas ticket for example and that he felt that that meant he had to spend effectively all his time in the panel during a shift.

A. No ma'am that's not the case. He is correct with regard to him being the only person with a gas ticket, but if it was required for him to leave the panel to conduct other inspections the machine could be stood down to allow that to happen.

1025

Q. Did that occur, do you know? Was the machine stopped or paused while he had to go and do his statutory duties?

A. I couldn't confirm that without questioning, you'll have to question Stephen on that.

Q. Another issued that Mr Wylie raised that perhaps you can comment on is that as the deputy in the monitor panel that he was also required to cover what was described as outbye which as I understand it can be, is a term really for anything towards the –

A. Anything other than production area, yes.

Q. You agree that that's quite a large area of the mine that the deputy was responsible for?

A. No, ma'am. The whole mine was not large.

Q. No I acknowledge that, but in terms of Mr Wylie's concerns in particular that he felt he needed to be at the monitor panel as much as he could, that it took some time for him to get round and do his other duties during the course of a shift. Did you have any concerns about the fact that the deputy's weren't dedicated just to the panel?

A. It would've been a preference for us to have a deputy dedicated full-time to the production panel, but if that couldn't be the case, as we couldn't, we only had a certain number of deputies, obtaining new deputies is a difficult task.

Q. So it was a staffing issue?

A. Staffing issue.

Q. Now there's a number of deputies reports where you have signed them off as hydro co-ordinator?

A. Yes ma'am, I sign them off to say that I have viewed those documents.

Q. Was that the hierarchy that was in place for the monitor panel, 'cos as I understand it generally a deputy's report has to be sighted and signed off by the underviewer or undermanager?

A. That's correct.

Q. A number of them that have been provided to us for October and November for the panel were signed by you rather than by the underviewer or undermanager at the time?

A. It had become the custom for the statutory reports to be placed on my desk which is adjacent to the – well I was stationed in the same room as the undermanagers. It was a matter of convenience I believe, that became their habit for the deputies to place them there.

Q. So that wasn't at any instruction of yours or anyone else's?

A. No ma'am.

Q. Do you know whether the undermanagers actually sighted those reports on an ongoing basis or not?

A. I would expect that they had but you'll have question those people then.

Q. Because your role wasn't as an underviewer, you weren't qualified to fulfil that in New Zealand, were you?

A. No it was not a statutory position, ma'am.

Q. No but you didn't have the qualifications necessary for it, did you, or did you?

A. That is also correct.

Q. I want to talk about training and we mentioned this briefly before but I just want you to confirm, thank you Ms Basher, confirm that you yourself have provided the Commission with a large number of training documents or modules, they're called, which were prepared for the hydro-panel?

A. Yes ma'am.

Q. And just for the record those are documents CAC126 through to CAC133 I believe. Now an example if we could bring it up, just perhaps the first page please, CAC0126.

WITNESS REFERRED TO DOCUMENT CAC0126

Q. And this is a reference to operator training module 1. Are these the documents that you indicated before you had contributed towards?

A. That's correct, they are.

1030

Q. And just to summarise, there were documents prepared, there were three series of modules, the third series there were five within it, which relate to each sequence of the preparation and extraction process at panel 1, is that right?

A. Yes, ma'am.

Q. Now, to your knowledge was these modules provided to – was this training provided to all of the operators in the panel prior to, for example 19 November?

A. No, they had not all been.

Q. Why was that, can you say?

A. Just the opportunity to provide those people with the training.

Q. Would it be fair though that the opportunity was there in the sense that for one shift that crew could be trained rather than extracting or producing?

A. That's a true statement, or correct statement, sorry.

Q. Can you comment on why that didn't occur?

A. My belief is that training without having had prior familiarisation with something is not the best means of providing that training. People, to have some knowledge of the environment and the conduct of the operation is beneficial to assist them with the understanding of the words or pictures or whatever provided in the teaching environment.

Q. Steve Wylie in his statement says that he'd been working on the monitor panel, albeit as a deputy, but from time to time operating it himself for about five or six weeks I think prior to the explosion, but hadn't by that point received any of the module training that we know existed.

A. Yes, ma'am.

Q. Were there others in that situation, do you know?

A. Well, I believed that is the case, yes.

Q. What proportion of the people working in panel hadn't received the formal training?

A. I would say 50%.

Q. How did you feel about that?

A. I had no particular concerns as to the wellbeing of those people, because to a large extent they were not involved with the – most of the training, most of the material in those training brochures deals with relocation of machinery, that is

the main content and we weren't moving the machine around on a regular basis.

Q. There's also modules on start-up procedures and safety issues and so on, though?

A. There are.

Q. No references so far as I can tell to issues how to deal with ventilation or high gas situations?

A. That's correct.

Q. Do you know, was training given to any of the crews on how to deal with ventilation and gas issues at the panel face, or in the panel?

A. No, I don't know of any particular instruction modules that were given to them, but all people –

Q. What about on the job training or informal training?

A. No, I couldn't comment on that. All I know is that they were all placed in there with deputies and other experienced people amongst them.

Q. I understand that you were with Matt Coll on the 3rd of November when the four men from Solid Energy came over and had a look at Pike's hydro-panel?

A. That's correct.

Q. Were you part of the discussion which, I understand, occurred a couple of days later when according to Mr Coll's evidence anyway that those members of Solid Energy spoke to Mr Coll about, or gave him some advice on techniques? Were you part of that discussion, or not?

A. I don't recall being part of that discussion.

Q. To your recollection of events on the 3rd of November – Sorry, going back, did you go underground with the Solid Energy people and Matt Coll?

A. Yes, I did.

1035

Q. If we can have a look please at the email of Mr Peter Whittall's TR.001.0194 on the screen.

WITNESS REFERRED TO DOCUMENT TR.001.0194

Q. If we can just expand perhaps on the content of it, you'll see that's an email from Mr Whittall on the 4th of November to the board members and copied to Doug White. And you'll see in the last paragraph, the fourth one from the

bottom, "We had a visit from the senior Spring Creek management. They concluded that our systems in cutting techniques were consistent with their own and had no significant advice to offer at this stage. We are working on techniques and observing roof falls et cetera, et cetera and learning." How does that accord to your recollection of the visit by Solid Energy staff?

A. There were some helpful – just having their presence there and I think that was a good thing for us.

Q. Yes my question really is that as I understand it, both Solid Energy and Mr Coll disagree with the comments that Mr Whittall has made in this email. Can you shed any light on that or not?

A. No ma'am.

Q. You've said in your witness statement Mr Mason that there was pressure for production but that you cautioned that that shouldn't be at the expense of safety, would that be...?

A. That's correct.

Q. You will have heard Mr Nishioka, Oki Nishioka's evidence yesterday of his recollection of a meeting where you were asked a number of questions by others in management about the lack of production and that Mr Nishioka said that you weren't able to answer the concerns but he effectively backed you up. Do you remember that meeting or discussion or not?

A. Not in detail no ma'am, I don't have a clear recollection of it

Q. So are you able to assist us on what occurred in that meeting or any further than Mr Nishioka did or not?

A. That must have been before I was in the courtroom yesterday I believe.

Q. I'm sorry, all right we'll move on from that. I want to talk now briefly about the roof fall that happened on the early hours of the morning of the 30th of October and you weren't obviously at work at that time but I understand you were contacted about it at the time, is that right?

A. Well I don't know whether it was the 30th or the 29th of October ma'am.

Q. I see, okay sorry my mistake.

A. I'm pretty sure it was a Friday.

Q. Sorry?

A. I'm pretty sure it was a Friday.

Q. You're sure it was a Friday?

A. I'm not absolutely sure but I feel it was.

Q. Well if we could bring up please DAO.001.03301

WITNESS REFERRED TO DOCUMENT DAO.001.03301

Q. Which is a monitor report card dated 29 October, nightshift prepared by Steve Wylie. Now this is an example of a document I think that the deputy's also required to complete by Pike and I think was also used to assist in terms of assessing production rates and so on?

A. Yes ma'am, that's correct but it also assisted by the operator in filling out of that report.

1040

Q. Because we can see there it records obviously the activity and the amount of minutes spent on each of those?

A. Yes.

Q. And of course it's obvious from that that we can see the roof cave-in, blew out stopping and the steps taken to ventilate?

A. Yes.

Q. Now there's a number of documents that relate to this night shift which are all dated 29 October and am I right that night shift will record the date on which the night shift commences?

A. Yes that is supposed to be, whether confusion and brains and it does at times 'cos a shift finishes on the actual day after.

Q. Yes, so it finishes in this case on the 30th?

A. The night shift runs from 7.00 pm of one day and finishes at 7.00 am the following day.

Q. Sorry, Mr Mason, just a second while I locate the document. I'll just move on and get you to look at DAO.001.00436, is an incident/accident form again dated 29 October? It's just going to come up on the screen in front of you. See that there Mr Mason?

WITNESS REFERRED TO DOCUMENT DAO.001.00436

A. Yes I do.

Q. You'll see that it relates to panel 1 obviously and if we can, sorry Ms Basher, if we can go to the third page of that document which is actually /23, just put it beside if we can, sorry. It relates obviously to the roof fall incident in panel 1?

A. Yes ma'am.

Q. And on the front page there you'll see that it's referenced to production George Mason and S Ellis?

A. Yes.

Q. Did you have anything to do with the investigation into the rockfall on the 29th or 30th of October?

A. I was down there for a considerable amount of subsequent, to come into work.

Q. Is it you that completed this typed page that we see on the right?

A. No it was not.

Q. Do you know who did?

A. I would expect that that was Steve Wylie's -

Q. His report?

A. - that was his modus operandi, so to speak. He would've attached –

Q. He would type out an incident, would he?

A. Yes.

Q. Well we can ask him about that. If you could have a look at the second page of the document which is /22 Ms Basher? This is the second page of the report, you'll see part way down a handwritten note there which I understand is from Mr Stephen Ellis referring to an extensive investigation and recovery?

A. Yes I see that.

Q. Can you shed some light onto the extensive investigation?

A. Not from recall I can't, no, ma'am.

1045

Q. Can you help us with what, if anything, was learned from this incident? It was the first, obviously, significant rockfall or cave-in that you'd had in the panel. Was there a review of what had occurred by yourself and others involved in the team?

A. The actions were taken as a result of that, the main things was the stopping in one cut-through, was upgraded and extended. It had been blown clear as reported in the incident report, so it was built to a higher standard.

Q. Were ventilation or gas issues reviewed, processes reviewed?

A. I don't believe so.

Q. You will have heard Mr Nishioka's view yesterday in evidence that Pike, in his opinion, had no plan in how to deal with the goaf that was forming in panel 1. What's your view on that? Was there a plan?

A. In what context do we mean ma'am? How to deal with the goaf?

Q. Well, for example, was it intended to induce cave-in, or to want ideally for it to stand up until full extraction and sealing?

A. The expectation was that there would be falls within the goaf, but not cave-in, to the extent, the expectations were that it would only be falls within the first section of cover up to the island sandstones, yes.

Q. Yes. So was the plan I take it then for the goaf to become inert of its own volition in terms of methane?

A. Yes, ma'am.

Q. Was that because there was concern at Pike that there be no subsidence on the surface for this very first bridging panel?

A. Yes. It was a condition that we could not subside the surface. That caused the limits of the width of the panel. There was a desire not to have cave-in, substantial cave-in.

Q. So, do I take it that if this panel had been able to be fully extracted and then sealed off, that the plan was for this goaf of methane to continue for the life of the mine? It would just simply be sealed and be sitting there as a void. Is that right?

A. To a large extent, yes, ma'am, those seals would have to be substantial in their nature, because there would be water pressure on them.

Q. And also because of the proximity of this mined panel to – pit bottom for example, which is intended to be used for the life of the mine?

A. That's correct.

Q. Just to move briefly Mr Mason, I'm conscious of time, to the 19th of November, the day of the explosion. Were you working that day?

A. I was.

Q. Can you recall now what it was that the hydro-crew specifically were to be doing that afternoon, the afternoon shift?

A. The shift was dayshift that were on.

Q. Sorry, yes.

A. They had started work at 7.00 am in the morning and they were attending general maintenance in the panel whilst awaiting repairs to be effected at the wash plant. When those repairs were complete and the support systems were up and running, they would commence mining coal.

Q. If I could get you to briefly look, finally actually, look at a map that has been included in Mr Steve Wylie's statement, the first one, which has a WYL number – SW2. See that diagram there in front of you?

A. I do.

1050

Q. In fact it's almost identical to one that's contained in your own statement at page 15 although the references are different. How does this accord Mr Mason with your recollection of the size of the goaf as of 19 November? I know this isn't to scale but are you able to comment on the dimensions of the goaf?

A. Yes I am.

Q. How, or tell us what you believe how big the goaf was on the 19th.

A. We (inaudible 10:51:02) had from the initial points 18 to 20 metres directly in by along the intake air road.

Q. Yes.

A. So that's 18 metres. We had five metres of roadway then there was a six metre lift taken off.

Q. To the right?

A. To the left.

Q. To the left.

A. Taken off at the pillar yeah. At that stage we still hadn't been advised that we could mine to the right-hand side of the panel. So I'm talking about in terms of depth of or length of the goaf then we retreated another 12 metres so that's 12, 18, 23 41 metres, 41 to 43 metres in length.

Q. In length yes.

A. Initially the width of the panel was 35 metres. There were 30 metre centres with another five metres being two and a half metres either side of centre.

Q. Yes.

A. The area shown as, “I,” I believe, I don’t think it’s as wide as that at the inbye end. That's showing that coal was extracted on the right-hand side right from the outset and that’s not correct. But in places down at on the right-hand side of the diagram at, “C,” that would be accurate so the width there would be 45 metres. I approximate that that distance to the right from the intake roadways would have been about 10 metres.

Q. To the right of the intake?

A. Yes.

Q. Where the monitor is located in that diagram?

A. Yes, so we have a distance of, length of 41 to 43 metres and a maximum width at the outbye end there being 45 metres.

Q. At that point?

A. Yes.

THE COMMISSION ADDRESSES COUNSEL – APPLICATIONS FOR CROSS-EXAMINATION OF WITNESS – ALL GRANTED

CROSS-EXAMINATION: MR HAMPTON

Q. Mr Mason, have you got your statement of evidence with you up there?

A. I do sir, yes.

A. I’m just going to go through some of it with you for a start. What role do you currently fulfil for the company in receivership, Pike River Coal in receivership? What’s your role there now?

A. I'm the mining co-ordinator, sir.

1055

Q. The mining?

A. Co-ordinator.

Q. I take it you still had not got any certificates of competence, you haven't regained certificates of competence in New Zealand?

A. I've never had them in New Zealand, sir.

Q. So you hadn't gained them since the event of a year ago?

A. That's correct.

Q. You say in your statement that you left Manawatu in 1995 and between '95 and 2007 what roles, what jobs were you performing, just in a general sense, what industries were you involved in, trades or industry?

A. You surprise me with your question sir. But if you need to know that's fine. I worked as a fisherman, professional fisherman. I ended up owning my own business in that for a while, after I got my certificates and bought licences and a boat. I then worked in the alumina industry in a refinery converting bauxite to alumina powder.

Q. 2007/2008 you say in your statement you worked for Coalrock Contractors at Oki North. What was your role there please?

A. I started back in the coal mine industry as an underground miner and I was mainly involved with installation of secondary roof supports. I was then transferred across to another mine and promoted to supervisor in charge of building installations.

Q. And is that the Goonyella Mine?

A. No sir that was Grasstree Mine?

Q. Grasstree, right. And how long then were you at the Goonyella Mine which you mentioned in paragraph 4 of your statement?

A. I was at North Goonyella Mine for some 18 months in a role of development co-ordinator and outbye co-ordinator.

Q. And Mr White's position at that mine at that stage was what, Doug White's position?

A. He didn't have a position at the mine, he worked for the company that owned the mine. He came to the mine on a relief basis on occasion.

Q. Can I get you to look please at a section of your statement of evidence, paragraphs 13 to 17 which is headed personal training for my function?

A. Can you just take me into that again please sir, pages?

Q. It's page, I wonder Ms Basher is it easier if we put it up then please? MAS0001/5, it's paragraphs 13 to 17?

A. Thank you.

WITNESS REFERRED TO DOCUMENT MAS0001/5

Q. And in 13 you talk about receiving no formal training and receiving on the job training and the training being informal.

A. Yes, sir.

Q. Was there any documents provided to you at all in terms of training?

A. Mr Nishioka gave me quite a number of documents sir, yes.

1100

Q. We'll come back to Mr Nishioka, aside from him, Pike River management, did they supply you any training materials at all, for your own training?

A. They gave me some documentation with regard to risk assessment that'd been conducted prior to my arrival at the operation. I went through the induction training but not with regard to the hydromining process, no.

Q. So you were supplied with nothing from management at all about hydromining?

A. Not that I recall.

Q. Did you do any reading of your own, any research of your own about hydromining?

A. I'd endeavoured to do so before I came, when I first became aware that it was hydromining co-ordinator's role and I couldn't find a great deal on the Internet about it, no.

Q. Did you find anything at all that was of use to you in training yourself for this role you were going to take?

A. No, I did not. I couldn't find what I was searching for.

Q. Paragraph 14, you say, "I was a little out of my depth because of my lack of knowledge of the hydro-machinery and equipment."

A. Yes.

Q. "Out of your depth" in what sense please Mr Mason, I just want to get a feel for what you're talking about there?

A. At that point in time Pike River was a very busy place. There were a lot of people and a lot of things going on. There were many systems being, they were in place or being put into place, it was – yeah, a lot of events that made me feel, I guess overwhelmed to some extent.

Q. And was that feeling of out of depth, being overwhelmed, was that something that carried on all the way through your employment in Pike, up until the 19th of November?

A. No, sir, I became more acquainted with things as time progressed.

Q. Did you still feel somewhat overwhelmed or were those feelings completely gone?

A. I couldn't say they were completely gone, but I was much more comfortable.

Q. Did you hear Mr Craig Smith from Solid Energy give evidence earlier on this week, Mr Mason?

A. No, I did not.

Q. Mr Craig Smith in his evidence, and if we could get it up please Ms Basher, SOL446723/32?

WITNESS REFERRED TO DOCUMENT SOL446723/32

Q. At paragraph 109, and relating events of a visit by Spring Creek personnel to Pike on the 3rd of November 2010, and you've told us about that visit. You know about that visit, don't you?

A. Yes, I've commented on it.

Q. At paragraph 109, said, as you can read, "The lack of experience and qualified staff at Pike River with knowledge about hydraulic mining was apparent. It was clear that PRC needed more information about hydraulic mining and advice on how it could improve production. George Mason appeared out of his depth. For example, one of George's managers told him to go along with the SEN group as he might learn something." Two things, first the general part, what do you say as to the comments about lack of experienced and qualified staff at Pike with regards knowledge of hydromining? Is that an accurate statement?

1105

A. No I don't believe so sir, I don't think it's completely accurate. There would be a number of people out there who had prior experience with hydromining.

Q. Not completely accurate, would you agree then with the second part where he says, "Needed more information about hydromining and advice on how it could improve production." Do you agree with them about that comment?

A. I could agree that everybody has an opportunity or a need to gain more information.

Q. Was there a concern in your mind about the number of Cleanskins', inexperienced men that were working in this mine?

A. It's a very difficult position to be in and I assure you sir that having a large ratio of new miners, yes there was concern.

Q. There was concern in your mind?

A. Yes sir.

Q. Did you express those concerns to management above you about the ratio of inexperience to experience?

A. I didn't need to sir, everybody was aware of that.

Q. What do you think the appropriate ratio of inexperienced to experienced miners is given your past in the, your record in the industry, your past experience in the industry?

A. Yeah I would be happy with a ratio of four to one.

Q. Four experienced to one inexperienced?

A. Yes sir.

Q. And in Pike?

A. But that's a notional thought off the top of my head but yes.

Q. And in Pike, what was the ration?

A. I'm not exactly sure. There were a large number of inexperienced people, Cleanskins.

Q. It was almost the reverse wasn't it? One to four?

A. I'm not going to argue with you, if you know that's the facts, that's the facts sir, I...

Q. All right the second part of that statement of Mr Smith's, "George Mason appeared out of his depth, for example one of George's managers told him to go along with the Solid Energy group because he might learn something." Do you think that's fair comment as to your position as at the 3rd of November 2010?

A. I felt that the gentlemen, who came across to the mine from Spring Creek were much superior to myself in their knowledge and ability with regard to hydromining. I have made comment myself in my own statement as to that state.

Q. Following that visit and recognising as just told us –

A. But I would say sir, yeah, I spent a lot of years in the coalmining industry and take hydromining as a particular field of mining. I feel I am at ease with the mining process, the extraction process but not so much with the particular machinery involved in that process.

Q. Given what you've told us about how you felt compared with the Spring Creek men you met on the 3rd November, did you express to management any concerns about your perception of your lesser knowledge compared with theirs?

A. No I did not but the upper management were aware of my lack of knowledge with regard to the hydromining.

Q. And those levels of management being who?

A. Well I had a phone interview with Peter Whittall and Doug White.

1110

Q. Mr Nishioka yesterday told the Commission and it's 3549, when he was shown some methane readings, some graphs taken from the auxiliary fan shaft, expressed the view that the one time he asked for readings, he asked you for a printout of the gas reading chart, but "he", meaning you, George Mason, "didn't know, you know, how to print it out, so I didn't get it, you know, the record."

A. I recall that being part of his evidence.

Q. You heard his evidence, you heard him say that yesterday?

A. Yes.

Q. Did you have a difficulty in accessing yourself methane record printouts from the computer?

A. Yes, sir, at that point in time and still to this time it's difficult for me to do that, get that information from the computer.

Q. Is that because of the computer system or your own – and I'm a dinosaur Mr Mason in terms of computers, but is it because of your own lack of experience with computers?

A. With that particular setup, sir, yes.

Q. Did you ever express concern to management that you couldn't access the methane readings?

A. No, I did not.

Q. Why not?

A. Pass. I could get somebody to get that information for me.

Q. Did you do so?

A. No, I did not.

Q. Why not?

A. Because I was aware of what was happening within the mine without referring to a graph.

Q. Paragraph 16 of your statement of evidence, you say that, "Arrangements had been made for me to visit and view the hydromining operation at Spring Creek to enhance my knowledge of the procedures and equipment. As it transpired I never actually made that visit." You were there at Pike for some three months before the explosion. Why didn't you make the visit to Spring Creek?

A. There was – I can't recall exactly what the issues were, but there were things that came up on the two dates that had been previously arranged.

Q. Ms Beaton has discussed various documents and SOPs and TARPs and so on with you over the last afternoon and this morning. Did it ever concern you that you weren't seeing SOPs and TARPs and other documents in relation to hydromining?

A. These things were being worked on and developed. I was aware that things were happening in that regard.

Q. Yes, but you weren't having input into them, from what you say?

A. Not everything I wasn't, that's correct.

Q. Well, you were in-charge of the hydromining. Was it of concern to you at all that in that position, you're not being given the documentation, being involved in the evolving documentation?

A. No, sir, I was still learning my way around the system.

COMMISSION ADJOURNS: 11.15 AM

COMMISSION RESUMES: 11.33 AM

CROSS-EXAMINATION CONTINUES: MR HAMPTON

Q. Mr Mason can I take you to paragraph 28 of your statement please, and Ms Basher, if we could put it up MAS0001/8, thank you?

WITNESS REFERRED TO DOCUMENT MAS0001/8

Q. At paragraph 28 you say a barrier with a lockable gate was constructed across the return and you refer to that little plan that's now on the screen. So just looking at that, is that the barrier brackets prevent access that we can see on the left-hand side of that diagram?

A. That's correct.

Q. And I understood from Solid Energy's Mr Smith and perhaps from you this morning as well, that the stopping marked through the number 1 cut-through was that padlocked as well?

A. That's correct.

Q. And the reasons for locking both those gateways?

A. To prevent inadvertent access into the return whilst monitoring operations were in progress.

Q. In your experience, have you locked off gateways like this in other mines?

A. Not in my experience but I've been in mines where that is a practice, yes.

Q. Was that because of concern that miners and contractors underground weren't getting proper training about not accessing and not working in return airways?

A. No sir, it's to prevent access into that return, inadvertent access so that anybody who needed to go into that return would have to get the deputy's permission to gain access to those roadways. A safeguard.

1136

Q. Was that of your initiative or did you discuss it with someone else?

A. That was my initiative sir.

Q. And what relaying of that locking the gateways, what relaying of that, was there upwards to management by you?

A. The upper management were aware of the installation sir.

Q. And down to the men, what knowledge went down to the men about it?

A. Yes, people were aware that that had been put in place.

Q. How were they made aware please?

A. By their presence in their area sir.

Q. Was there any formal advice put out to the men that these two gateways were being padlocked and that only deputies would have the keys?

A. I'm not sure on the answer, I'm not sure that it was a general or a specific address, no.

Q. The methane sensors in that return, they were electrically operated?

A. They were real time sensors, yes sir, electrically.

Q. But not with any battery backup?

A. I'm not aware whether they had batter backup or not sir.

Q. Electricity supply was a continuing concern in this mine wasn't it? It was fluctuating and would go off from time to time?

A. The power supply to the whole mine site?

Q. The power supply, yes.

A. Yeah I'm not really that – no I don't believe so.

1139

Q. Just briefly if I could take you to paragraphs 56 and following /14 if I could please Ms Basher. Just about the goaf briefly. I take it from what you said earlier to Ms Beaton, that there was no plan and no TARP created for the sealing of the goaf, is that right?

A. No formal plan that I'm aware of.

Q. And you were thinking about it, were you?

A. Yes, sir, that was one of the items on my mind.

Q. What means of monitoring were you going to put in place to find out what the gas levels were beyond the seal?

A. Inbye of the seal, you mean?

Q. Inbye of the seal. What did you have in mind was going to be put in place there to measure and monitor gas behind the seal?

A. There would be pipes embedded into the seal which will allow us to draw samples from within the goaf, the sealed off goaf.

Q. So a manual drawing of samples?

A. That could be extended to a tube-bundle system at some point in the future, when that was available.

Q. Did you discuss with anyone the availability or otherwise of a tube-bundle?

A. I had discussions with Mine Manager Doug White, about there being no tube-bundle system there.

Q. Was the lack of a tube-bundle a concern to you?

A. It would've been a better option, or it would've been a good option to have, yes.

Q. What did you say to Doug White about it? What was your view about it?

A. Doug conveyed to me that application had been made in the budget for the purchase or rental of a tube-bundle system and that had been removed from the budget.

Q. Were you worried about that?

A. It's nothing that I could influence, so there's no need for me to worry about that.

1142

Q. Briefly on shotfiring from paragraphs 74 on, so if I could have up please Ms Basher /17. First you say in your paragraph 74 you had no shotfiring qualifications or experience?

A. I have shotfiring experience but no qualifications. Sir, the experience that I have had is in open cut operation which is not underground, it's vastly different.

Q. Paragraph 76, that shotfiring that you mention there of 6th, 7th of November and you not knowing of it, you've got the date wrong for that, have you?

A. I believe that to be the case, sir.

Q. So was there some shotfiring previous to the 6th, 7th of November that took place that you were unaware of?

A. I believe that to be the case.

Q. Just dealing then with the 6th, 7th of November that you now accept you were aware of, was there a risk assessment done for that particular one, do you know?

A. Not that I'm aware of sir.

Q. Shouldn't a risk assessment be done for shotfiring underground Mr Mason?

A. I believe that the main priority is to conduct those operations in compliance with the requirements of shotfiring as in the coalmining regulations.

Q. Shouldn't a risk assessment be done?

A. It would be advantageous in identifying any particular risks, abnormal to normal shotfiring.

Q. So having seen those documents for 6th, 7th of November was it you who gave directions at to where, what side of the ribs the shots should be placed?

A. I believe I made mentioned that they needed to be in a particular place, yes. Prior to that I understand the shots were fired in the floor coal as against the rib coal.

Q. And when it came to the, as we see at paragraph 82, when it came to the 13th, 14th of November, you instructed that the holes and the explosives be placed in the rib on the left hand end of the fender. That's what you're saying?

A. That's correct, yes.

Q. Under what or whose authority were you giving that instruction Mr Mason, as to where the shots were to be placed?

A. It's just a logical thing that we were endeavouring to break the coal that couldn't be mined successfully with the monitor.

1146

Q. Did you discuss it up the chain of management with anyone where the shots were to be placed?

A. No sir.

Q. You didn't discuss with the statutory position holder, the underground manager?

A. No I did not.

Q. Why not?

A. When I entered the area where the drilling was being conducted, and saw that the holes were being drilled in the floor, it was logical to me that they needed to be drilled in the rib.

Q. So the crew were drilling holes in a particular place and you told them to stop that and drill it somewhere else, am I right?

A. I did.

Q. Is that the position?

A. That is.

Q. Do you know why it was then that the shotfiring that took place before the weekend of 6, 7th November, the first one you were not aware of, how that came to take place without it being drawn to your attention that it was to occur?

A. No I do not.

Q. Did you make enquiry as to why that had taken place without you being aware of it

A. No I did not.

Q. Again, why not if it was of concern to you or you were, "Uncomfortable about it," sorry, using your words.

A. Obviously the instruction for that to happen would've been made by the manager of the mine and I did not feel that he needed to be questioned.

Q. Well you say, "obviously," did you check that in fact it was the manager who'd done it and it wasn't just someone acting of their volition, getting impatient and going ahead and doing it?

A. That's not allowable sir.

Q. But you didn't check?

A. No I did not sir.

Q. Paragraph 83, you conclude that paragraph by saying, "You were advised during the following week that this attempt," that's the 13th,14th of November, "had also failed to loosen the coal," and then if we go over the page /18 please Ms Basher, para 84 you say, "You were having discussions with Steve Ellis and Doug White in relation to whether we would shotfire in the hydro-panel for a third time," and what you've now told us, this will be the fourth time, wouldn't it?

A. Yes sir.

Q. "The following weekend there was never intention to shotfiring in the hydro-panel on the 19th of November. Any shotfiring there was going to be done on the weekend." On the 19th was the hydro-monitor crew, they weren't actually operating that day were they, the afternoon shift?

A. There was not an afternoon shift sir.

Q. Sorry the dayshift.

A. The dayshift, yes. No they weren't operating. They were to commence operation once the services had been re-established to allow that to happen.

Q. Had you been underground at all on the 19th yourself?

A. I don't believe that I was underground on that day.

Q. Had you discussed with the crew on that day at all about the prospect of shotfiring over the weekend?

A. I don't believe I did, no.

1151

Q. Paragraph 92 if you would please, /19, where you talk about the methane accumulating in the back of the goaf and you conclude by saying, you "believed that ventilation after the main fan was operational would cope with this volume of methane." What did you base that belief of yours on Mr Mason, please?

A. The increased volume of air that was available was considerable. We had to regulate the return airway to bring the volume that was passing through the district down to an acceptable level.

Q. Was there any actual ventilation study done as to whether that would deal with the volume of methane that would come down if there was a collapse?

A. Not that I'm aware of.

Q. Shouldn't there have been one done to make sure that the ventilation would be able to cope?

A. I feel confident that the amount of air that was being drawn through the mine would have diluted it.

Q. You don't answer my question sir. Don't you think there should've been one, a proper study done?

A. A study would've verified that, yes.

Q. Your paragraph 93, the staff reporting line, Ms Basher asked you a little bit about Mr Wylie's statements – sorry, Ms Beaton, I'm sorry, I apologise to both of them, you respective woman, thank you. I wonder if I could have up please Ms Basher – I'll get it right this time – FAM00056/4?

WITNESS REFERRED TO DOCUMENT FAM00056/4

Q. And if you could highlight please paragraphs 21 and 22 please Ms Basher? Now this is what Mr Wylie has said, "The mine undermanager is in charge of the mine." Do you agree with that?

A. I do.

Q. Then he says, “But the monitor deputy reported directly to the hydro co-ordinator George Mason, do you agree with that?

A. They supplied me with information regarding the operation in there sir, yes. I gave them instruction with regard to tasks that were to be carried out in the area.

Q. Were the deputies told to report directly to you?

A. I’m not sure about that, whether they were or were not.

1155

Q. As far as they knew at that time the undermanager had no say in the hydro operations. Is that correct?

A. In as far as what was being conducted in there, that is correct, but he has statutory responsibilities for the area.

Q. What section of the deputy’s reports did you sign, where did you sign on them?

A. Just down in the bottom right-hand corner I believe.

Q. I wonder we could just put it up for a moment Ms Basher? It’s DAO.001.02837/1?

WITNESS REFERRED TO DOCUMENT DAO.001.02837/1

Q. So looking in the bottom right-hand corner, that’s your signature there as shift co-ordinator, is that it?

A. It’s alongside that box, yes, sir. But I was not the shift co-ordinator.

Q. After you'd signed them did you put them on the forms, did you put them onto the undermanagers to sign?

A. I didn't put them onto their desk, no. There was a box where they resided.

Q. A box where?

A. On the wall in the office.

Q. So you signed them off and they weren't handed on to the undermanager?

A. I didn't hand them on, no.

Q. Now when was it that you came to sign them off please Mr Mason, were you instructed to do so or did you do it of your own volition?

A. I was not given instruction.

Q. You just did it?

A. Sir, yes.

Q. I wonder Ms Basher if I could have up again FAM00056/1 please? Mr Wylie's statement, paragraph 22?

WITNESS REFERRED TO DOCUMENT FAM00056/1

Q. Mr Wylie seemed to be of the view that you had the necessary tickets. Do you see that?

A. I see that.

Q. Why would he have been of that view do you know Mr Mason?

A. No I do not. I have never purported or gave any indication that I did and in my resumes I make mention of the fact that I don't have statutory tickets.

Q. But he wouldn't have access, the men under you wouldn't have access to your resume, would they?

A. I don't believe they would.

Q. The fact that you were signing off their deputies, their statutory reports, would that give them the idea that you had your necessary certificates?

A. I don't think so.

Q. Were you ever aware at all that the men underground thought you had the necessary tickets?

A. No.

Q. Did you tell any of the men underground that you didn't have the tickets?

A. I don't, I couldn't say specifically that I talked with the underground men but I did talk about not having tickets.

Q. To who?

A. Just in general conversation, I could not identify particular people, sir.

Q. Paragraph 107 of your statement please MAS0001/21 please Ms Basher?

WITNESS REFERRED TO DOCUMENT MAS0001/21

1200

Q. You altered the number of times you went underground each week and you say, "On occasions I went to other areas of the mine."

A. That's correct.

Q. "I would consider stone dusting in other areas of the mine to be of a fair standard."

A. Yes.

Q. Does that indicate the use of the word, “Fair,” but it wasn’t, the stone dusting generally wasn’t up to scratch in your view?

A. No it means what it says sir.

Q. It was fair?

A. Yes.

Q. It was improved in the weeks preceding the explosion?

A. That’s also correct.

Q. You go to say, “I'd rather not comment on aspects of the mine outside the hydro-panels.” What were you being asked about and what was your reluctance, what were the topics you were reluctant to talk about given that you were underground from time to time and went into other areas of the mine?

A. I wasn’t being asked about any other – that was a statement I made after I was questioned about the stone dusting and I just said, “I would rather not talk about other areas of the mine, they weren't my responsibility.”

Q. Did you have any concerns yourself as to the standards of say of maintenance and housekeeping within the mine?

A. I was not overly concerned. There was standards seemed to be on average with other operations that I have observed.

Q. Were you concerned about the absence of smoke lines and directional indicators?

A. There were some within the mine sir.

Q. Were you concerned about those matters, the absence in certain places of indicators and smoke lines?

A. I was not concerned with the absence of them in the monitor panel because there is only one means available for ingress and egress unless you have deputy’s key.

Q. Were you concerned about the absence of any other second egress?

A. To the whole mine?

Q. Yes.

A. I was not completely comfortable with that situation sir, not used to that.

Q. Did you hear Mr Nishioka give evidence yesterday about some of his concerns in relation to this mine?

A. I did.

Q. And in particular and it's at pages 3558 and 9 of the transcript. He related as to talking to you and giving you his views as to concerns about the high methane concentrations underground, the lack of reliability about ventilation, his concerns of a possible explosion? Did he talk to you about those matters Mr Mason?

A. I don't recall that being as specific as that. I recall the concern about the methane content due to the lack of sufficient ventilation quantity.

Q. So he did express that concern.

A. He did.

Q. High methane content and the lack of proper ventilation, yes?

A. Well what I understood him to be saying because Oki's difficult to comprehend, his speech at times, but I understood him, his concern was with the quantity of ventilation that was available not when there was only the – before the Commission of the underground fan, the main fan.

1205

Q. Did he express that concern to you just before he left the mine itself?

A. I cannot recall him expressing that concern at that point in time.

Q. But whenever it was, and whatever it was, you didn't communicate those concerns on up the chain to anyone else, is that how I understand your evidence yesterday?

A. That's correct, sir.

Q. Why not? Why didn't you pass it on?

A. Because I understood that the situation was being addressed. In my mind whether you're operating a continuous miner in development or hydro-panel, you need a quantity of air to ventilate the panel where it's operating, either one of those, so whether it's hydro or continuous miner panel, or a longwall operation, each draws their required quantity of air.

Q. I've asked you several times about whether you communicated things on to people, arising out of Moura No 2 in August '94, wasn't that one of the criticisms and recommendations relating to communication, failure to communicate things to management?

A. I believe it is, was.

Q. And you were the undermanager in charge on 7th August '94 in relation to Moura No 2?

A. That's correct.

Q. And in July 1986 you were undermanager at the time of Moura 4?

A. I was.

CROSS-EXAMINATION: MR DAVIDSON

Q. Mr Mason, I'm just going to ask Ms Basher to bring up MAS0001/8 which is from your brief, it's your GM3. It's that figure that's in your brief, so you can look at the screen, or you can look at your hardcopy.

WITNESS REFERRED TO DOCUMENT MAS0001/8

Q. Now there's a notation there marked "Wing deflect airflow towards the bottom left. It's where the return air comes out into the main return." Do you see that?

A. I do, sir.

Q. And were you there when that was installed?

A. That wing was installed at my instruction, sir, yes, I was there.

Q. And was that something put in by, I think, Dean Jamieson and Matt Birchfield?

A. Say again please sir.

Q. That was installed by Dean Jamieson and Matt Birchfield, is that right?

A. I don't believe so.

Q. Who did install it?

A. There are a number of people who worked on that. I don't recall either of those people being there.

Q. I'm only putting it to you because I'm going to refer to the Commission a brief which refers to Mr Birchfield assisting Mr Jamieson construct that stopping?

A. They may have done some work on it when I wasn't there, sir, on a different shift but.

1210

Q. Just for completeness, who do you think built it?

A. I cannot recall the exact people but I do know that those people weren't there when I was there.

Q. You instructed that be built. Is that right?

A. Yes.

Q. And the reason?

A. It was, the reason is that that panel's design is not a good means of influencing air to run around the panel. It is in obtuse angle to the return and the natural course for the ventilation to try and take is the reverse direction of the return airflow in the sea heading. So there's a lot of turbulence caused at that intersection and interferes with the natural flow of air. But that wing was established to try and direct the air coming out of the monitor panel as the same direction as the air flowing down the main return.

Q. Was that done after the new main fan was commissioned or before?

A. No sir, prior.

Q. Any idea when?

A. No but would be able to identify the date through some –

Q. And would did you draw up the deflection door, I'll call it, did you draw that up, the design?

A. I was down there and assisted with instructions on how to construct it.

Q. So to be quite sure of this point, this was done before the new fan was operational, you're saying, you're sure of that?

A. I'm fairly confident but no I couldn't be exactly sure.

Q. Now it's an open question Mr Mason –

A. Yeah.

Q. – and I don't know the answer but –

A. I don't either.

Q. – I'm putting to you that is it possible that this was done after the new fan was commissioned in much more velocity was achieved in the ventilation circuit?

A. I'm sorry, I can't be more specific than…

Q. Now the second issue is the sensor or sensors that we know are in the return?

A. Yes.

Q. In this panel and we have the two sensors. One which read to the guzzler and one which read to the control room?

A. There was two that read to the control room, one was methane, one was CO.

Q. Now in the period leading up to the 19th of November, in the, we'll take November, just from the 1st to the 19th of November. The record shows from

time to time there was a main fan trip, the fan was down for periods of time. Do you recall that?

A. Yes.

Q. Do you recall gassings out or a gassing out in the return in the hydro panel during that period?

A. No I don't recall the gassing out in the return.

Q. If the sensor which read to 5%, we agree on that, do we?

A. Yes, yes.

Q. If that reached that 5%, so the sensor gassed out at that level, who would reset it?

A. The deputy.

Q. Would the electrician be involved?

A. No.

Q. Would you necessarily know about it?

A. Not necessarily unless it was reported.

1215

Q. So do you know as at the 19th of November whether the sensor, re methane in the return in the hydro-panel was being recorded in the control room, do you know?

A. My apologies I – when you were talking about being reset, I thought you were referring to the one that was read at the guzzler but no, no I do not know.

Q. As far as you're concerned, whose responsibility is it to ensure that the sensor is reading correctly or reading at the control room?

A. Those sensors were largely under the control of the maintenance department as I understand, they were responsible for the weekly calibrations on them and conduct of any maintenance on them. Other than that it would be the statutory official in charge of the area that would be responsible for those units.

Q. And that would be different officials at different times, is that right?

A. That's correct.

Q. Now I'll come back just before we finish and I'm hoping we'll get this done in half an hour Mr Mason, I just want to go back to when you came to Pike, your evidence is that when you were interviewed, first by phone and then here at Pike I think?

A. That's correct.

Q. No concern was expressed about your lack of hydro experience, that's your evidence?

A. Yes.

Q. Did the topic come up for discussion?

A. Yes when it was first indicated to me that it was the actual hydro-co-ordinator's role rather than a general mining co-ordinator's role.

Q. You pointed that out that you had no experience?

A. Yes.

Q. Was your own history in mining explored by the people who interviewed you?

A. That was all on my resume sir.

Q. And did you know any of the people who interviewed you from Australia?

A. I knew Doug White briefly.

Q. And whereabouts was that?

A. At the North Goonyella operation sir.

Q. Now your evidence is that lack of hydro experience was no impediment because you were told that there'd be other experts onsite who would help you, that's your evidence?

A. Yes sir.

Q. And that over time you'd become in charge but, and you'd learn all you could in the meantime though?

A. Yes.

Q. Now if your evidence – we try and put dates around these things happening, you began on the 23rd of August and your induction was delayed for three weeks while numbers were assembled for induction?

A. I believe so. I believe that was the time frame.

Q. Yes and then you had a week's induction, so it's by the 20th of September or thereabouts that you are inducted?

A. Yes.

Q. But there's nothing in hydro in that time and Mr Nishioka's evidence is that the first start-up if you like, the first time everything's turned on in the hydro is on the 19th of September that right?

A. Mmm.

Q. So that seems to indicate you were inducted about the time that the monitor starts it work?

A. Well I might've been wrong in that time frame, it might've only been two weeks but I felt it was prior to the start-up of the hydro-panel, I'm not actually sure.

Q. It's not a criticism Mr Mason.

A. No I understand that.

1220

Q. It just seems very clear that you in fact completed your induction about the time of the start-up or very shortly before?

A. Yes.

Q. And in that time you had no training on hydro as such at all?

A. Very little, yes.

Q. Now you talk about a team as were around you in the hydro-panel. I'm just going to give their surnames and to move as quickly as I can. There was Messrs van Rooyen, Borichevsky, Coll, Moynihan, Oki Nishioka and Mr Ellis when he turned up eventually. That's the team you describe?

A. Yeah, I don't think Mr Ellis was in the team to all that great an extent.

Q. No, he came in really a bit later on didn't he? You were reporting to him eventually?

A. Yes.

Q. Now, Mr Coll in that group, had been at Spring Creek, hadn't he?

A. Yes.

Q. Matt Coll, and his evidence and I just refer to the record in his paragraph 21, is about this time, about the time of the start-up, he begins to phase out at Pike River, reducing to three days per week and doing two days per week at Spring Creek. Do you remember that being the case? It's his evidence.

A. I thought it was a little later than that.

Q. Well, the point is, in this team the man with experience is actually not full-time at Pike River, he is about this time or shortly afterward, starting to phase away. You do remember that though, don't you?

A. Yes.

Q. And his evidence is that, paragraphs 23 and 23, is that Doug White said to him to teach you everything that he knew, that's what he tells the Commission, but

his evidence also is that extraction mining process was not his expertise. Now, were you aware of that?

A. To some extent I was, yes.

Q. So, who is it in that team of experts that are going to back you up, who really had the hydro knowledge of the panel extraction process? Who was it?

A. I'll just take you back one step if I can, please. Mr van Rooyen didn't – it was his department that was involved rather than Pieter so much, more Greg Borichevsky. I'd just like to identify that point.

Q. Yes, thank you.

A. But, no that only leaves Oki.

Q. Who left a month after the first start-up on the 19th?

A. That's correct.

Q. The truth is, apart from what assistance you could get from people who had done a bit of hydromining, who were in junior positions to you, there was no experienced expert team around you at all, was there?

A. Well, not once Oki left, that's correct.

Q. He was really your main man?

A. He's – yes.

Q. So when he spoke to you about his concerns as to safety, you'd really be listening?

A. I took heed of what he said, yes.

Q. Now the other – before we just move off this list of people, in your evidence and I'll just refer to the paragraph 34, I don't need it up. You said, "At commencement of the hydromining I took charge." That's your brief. So you mean by that, you became the boss at the moment the hydromining actually began?

A. I was still being guided largely by the people that were there at the time and if that's the way I put it, I didn't, or wouldn't have meant that. I guess in an official sense, yes, but I was still being guided largely by other people.

1225

Q. And there can't be criticism of you for this Mr Mason, it's not my point?

A. I understand that.

Q. Just that you say and it seems to be you were the boss of the hydromining operation and the panel as of start up and you'd been here about four weeks and you've just been inducted and trained in hydromining, that seems to be the essence of it. Is that correct?

A. It's easy to draw that conclusion, yes, simple.

Q. And the other thing that seems to have fallen off the team or a person according to your same passage of evidence is that Mr Moynihan dropped out of that team when you took charge of the operation, that's what your paragraph 34 says?

A. Mmm, I, yes, I don't think that is entirely accurate because he was still involved. We were drawing up ideas of how to re-arrange the operation, so conduct trials at different angles of attack on the –

Q. Did he drop down at project manager about the time you took over?

A. I know that's what it says sir but I'm not sure that that is completely accurate. He may have a different point of view.

Q. Well we've just sort of tried to summarise the position that you were left in at that stage but you did say in your evidence yesterday this period was all a bit of a blur. Do you recall that evidence?

A. I do, yes.

Q. What was the blur at the time?

A. To some extent the blur is the, all the activities that were going on and the numbers of people and new people.

Q. And it was truly experimental, wasn't it, when it kicked in on the 19th of September?

A. It had never been tested or trialled before, that's correct, that machine.

Q. Now you've been asked several questions by Ms Beaton and Mr Hampton about the experience or otherwise in the team we've been through, and we looked at a team which Mr Wylie, Steve Wylie headed. Do you recall that?

A. I do.

Q. And that's a team that had some experience of hydromining. Do you know that, or did it?

A. Mr Wylie has previous experience of hydromining, yes.

Q. And what about the other two members of the team?

A. No, I don't believe they did.

Q. Well of those two members and we'll come to them shortly, there's Mr Baxter who had very limited experience and there was another young trainee miner?

A. Yes.

Q. Who had no experience at all?

A. That's correct.

Q. So how did the teams get assembled, first of all in the first week on your evidence there was a single working day shift assembled so three men, that's the first week of operations. This is your evidence?

A. Yes, yeah.

Q. How was that team assembled?

A. Largely with the advice of Lance MacKenzie. He was also part of that team.

Q. Now that's, so it's on or about I'm going to say 20th of September but ease of reference, we know that it actually started on the 19th, or started up two weeks later so treating that as a broad indicator, it's about the 10th of September or thereabouts on your evidence?

A. October sir.

Q. Pardon?

A. October.

Q. October I'm sorry, yes, thank you. Two crews are put on Monday to Friday so we've got new teams assembled. Were you involved in assembling those teams?

A. Also along with the guidance from Mr MacKenzie.

Q. And then two to three weeks later we end up with four crews working 24/7?

A. That's correct.

Q. So we've got at least 12 people working plus any backups?

A. Initially there was two members per team and then we increased it to three.

1230

Q. And there was contemplation of going to four I think, is that right?

A. Not at this stage.

Q. Don't worry, no.

A. Not at that stage sorry, not this stage.

Q. What this means is, that in the course of a bit over a month we've gone from a single team to four crews working 24/7?

A. Yes.

Q. And some of those crews and Steve Wylie's crews one, is made up of himself and two very inexperienced or no experienced, men.

A. That's correct.

Q. Did you have any understanding of the level of experience of all those crews?

A. I had some yes.

Q. Did you try and assemble them in a way to maximise or put it the other way, to minimise the lack of experience?

A. The initial work that was done was on advice more aligned with people and relationships, who got on with who, that sort of thing was more of a determining factor and then as the crews grew, that's where I tried to put less – spread the less experienced amongst the crews.

Q. Isn't it the case that in such a new operation where so much is experimental that a crew like Steve Wylie's with two untrained or virtually untrained men with him, inexperienced men and untrained men is a highly unsatisfactory position? Isn't that the case?

A. I see the logic in that, yes.

Q. But you weren't aware of this at the time?

A. I can't say that I was unaware of it.

Q. Well did people complain to you about it?

A. No, not that I recall.

Q. So if you can't say you were unaware of it, what does that mean?

A. Well I knew that a number of the people were inexperienced.

Q. You've never been trained in the hydro-monitor operations or the SOPs or TARPs had you when you started on about the 20th of September, you hadn't had that training?

A. That's correct.

Q. They hadn't had that training either had they, the men who worked there?

A. I believe that's correct.

Q. So we have essentially an untrained, apart from the men who have been there before in other places, we have an essentially untrained workforce?

A. Yes, as they came into the crew, that initial crew were all people who had experience in other places.

Q. Looking back Mr Mason, doesn't it strike you as the most unsatisfactory situation?

A. Sir I was trying to do the best I could with the resources that were available to me.

Q. That's understood, but to my question, it does look entirely unsatisfactory doesn't it, looking back?

A. I would rather it had not been that way.

Q. Now I want to turn to the goaf. You've been helpful in describing the width of the goaf which you've put at 45 metres and we like the depth or the length of the goaf as worked on the 19th of November as about 40 metres, is that right?

A. Somewhere between 41 and 43 I would estimate, the 45 metres, I don't – that wouldn't be beyond that and that was only in that one area.

Q. So Ms Basher can we bring up FAM00056/10

WITNESS REFERRED TO DOCUMENT FAM00056/10

1235

Q. Now this has been up before, this is in Mr Wylie's brief, it's his SW2, and we've been taken to it before, but this push out to the right, at least part of that was to get the coal on that side, wasn't it? That was the purpose?

A. Yes, sir.

Q. And we know that if we look at the top left of SW2, we can see the curve there which reflects where the monitor was not able to cut effectively?

A. That's correct.

Q. You were aware of a subsidence issue that there was a monitor on any subsidence above Pike Creek Mine? You were aware of that, weren't you?

A. Yes.

Q. And you clearly were conscious of the fact that one of the things you don't want is a massive roof cave-in. You were aware of that and the risks that go with it?

A. Yes.

Q. Now, as I understand your evidence, you received some reassurance that you could go to 45 metres in width and preserve the integrity of the goaf roof, is that right?

A. Yes.

Q. You're not able to judge that for yourself, of course.

A. I'm not a mining engineer, sir.

Q. Were you aware that the fault had been intersected on the right-hand side of the goaf?

A. There was a large stone intrusion on the right-hand side of the goaf, yes.

Q. And you were conscious of the risks that attended a roof fall that occurred in a large scale, apart from physical danger at the time, from the windblast and gas expulsion from the panel. You were aware of those things?

A. Could you just repeat that for me?

Q. In the event of a large roof fall, a massive fall, the risk was of windblast from the fall, expelling the air which would include or could include the gas which is concentrated in the cavity?

A. Yes, sir.

Q. So, keeping the roof up is a pretty fundamental part of the operation. Now, did you have anything to do with the people who drew the strata management plans for the goaf area or hydro-panel area?

A. No.

Q. Did you have anything to do with the way the pillars were left for the purpose of roof support?

A. You mean the design of the stumps?

Q. Yes.

A. No.

Q. Who told you, or who controlled that part of the operation, the size of the stumps?

A. Who designed them, you mean?

Q. Yes.

A. The technical services department.

Q. And who would then ensure the stump was left in that configuration and size?

A. The member sort of the team that were conducting the operation.

Q. How were you involved?

A. Through inspection.

Q. Now, the rockfall on the 29th of October referred to in your evidence, you believe you say that the roof collapsed at the stump, but you're not sure of this?

A. Yes.

Q. As at the 19th November, what other pillaring, using SW2 which is on the screen, what other pillaring was sustaining the roof?

A. I believed there was another stump inbye of that stump near point D.

1240

Q. So could you use the pointer please, which I think is there beside you?

A. That stump there I believe there was another one in this area here.

Q. And can you tell us anything about that, this doesn't appear on the plan? Can you tell us the size of that stump and configuration of it?

A. It would be in similar proportion to this here and why I say that because in viewing across this area here, I thought I might be able to see the bottom of the Rider seam exposed. It looked to me that in that area I could see the darkened area on the roof.

Q. So to be quite clear about this, that after the 29th of October when the roof, that stump came down, collapsed, the one we see here?

A. Yes.

Q. That came down?

A. Well it was collapsed around it at least. It was only immediate roof that had come, it wasn't a -

Q. Well let's just take that, secure that point. And then we've got this other stump you're talking about which is some distance and we're talking a few metres in further inbye, further into the cavity?

A. Yeah, there would be probably be six metres inbye.

Q. And is that it, is that the extent of the stubbing as we see it, the cavity on the 19th of November?

A. Yeah, that's fairly much in accord with my memory of the goaf.

Q. I take it you really would have no idea whether that would be a sufficient of strata support or support in the goaf at all, it's not your expertise?

A. It's not my expertise but the whole idea of that stump is not to be left there to support the goaf, it's to remain in place while men are working within the vicinity.

Q. Because rockfalls are expected and they're part of the process?

A. That's correct.

Q. Very quickly, the dilution doors were set up but not actually commissioned, weren't they?

A. They were in place in the stoppings but no, they had not been commissioned.

Q. Did you know enough about their affect to know whether they were essential or did you think they were essential?

A. I did not know enough about them, as I said in my earlier evidence I was, I had never heard of dilution doors before I came to New Zealand.

Q. You've been asked quite a few questions about Mr Wylie's evidence and I'm just going to take two minutes to back that up. As he will tell the Commission shortly he had no formal training before he became a deputy, he was simply told he was going to be deputy in the hydro-panel. Have you read his evidence?

A. I've had a brief look at his evidence, yes.

Q. So he hadn't seen, what he calls the very good training modules that had been prepared, the written training modules, he simply hadn't even seen them. Did you read that?

A. I may have.

Q. He thought the deputies should be put through a training programme for the TARPs but that didn't happen?

A. Correct.

Q. He wasn't shown risk assessments regarding spon coms, gas or ventilation. Correct? Not by you anyway?

A. I cannot deny that.

Q. Pardon?

A. I can't deny that.

Q. In his team, the third member or trainee had worked for some builders before he took up this position on the panel? He had no face experience at all, correct?

A. I believe that to be the case.

1245

Q. The other two members of team with Steve Wylie, didn't have personal gas detectors at all, did you know that?

A. You mean they didn't have a gas ticket?

Q. Gas detector, they didn't have a meter to read it on them, personal gas?

A. Yeah and I don't believe they had a gas ticket either.

Q. No they didn't. And in fact Steve Wylie approached you about Mr Baxter's name is I think Juan or Juan?

A. Yes.

Q. To get his gas ticket and your position was that was something you'd get to but it didn't happen before the 19th of November, that right?

A. That could well be right, yes.

Q. Now Mr Wylie says and this is apropos of production issues that he took up with the need for some training and this is his paragraph 133, acknowledging there was production pressure at the mine, that he says, "This manifested itself when he wanted to free staff to get some training and Mr Rayland, he wanted formal training about the hydro-monitoring machinery. George said he couldn't be spared from the crew. Do you recall that?

A. Yes.

Q. And when he, Steve Wylie wanted formal training about the ways of isolating the machines in the event of an accident as an example, he wanted to have the full package of isolation, he asked for the training, you said, "He couldn't be spared from the operation either." That true?

A. I don't remember the exact terms that, I don't recall those exact words being spoken to me. I know there was a request from Steve for training but I had – my priorities would be for other people besides Steve, because he already had a greater deal of experience than those other members.

Q. Mr Rayland didn't did he?

A. No he did not.

Q. And lastly on this point he says that, "One of the problems was there wasn't enough time at changeover." This is para 137. "It was always, hurry, hurry, get your gear and get down the hole." And so this caused him frustration.

That was the case wasn't it? There was pressure to get on down as the crews changed and get working?

A. Yes.

Q. And in fact you took that up didn't you because I think two days after or three days after the explosion you intended there be an all hydro-crew meeting at which these things would be dealt with didn't you? You've taken it up to do something about it?

A. Yes at the time of the explosion I was actually on the phone making arrangements with people for that to happen.

Q. Because it's going to crop up, I need to just take you back in a moment. You've referred to this other stub in the goaf which wasn't on the plan. I just want you to reflect on that for a moment because there's likely to be evidence that there was no other stub there. You won't see it looking there unfortunately because it's not there.

A. I noticed.

Q. But just will you reflect on this please?

A. Could I have that shown again please?

1250

Q. Yes, again Ms Basher please?

A. Yes, you may be right, it's just the non-symmetry of the drawing. There was a stub left on the end – a stump left on the end of the first lift that was taken off the pillar, then that was after the first six metre retraction, and then we were in that second one, so yes, you're right, there was only one stump, it's just the location is not as represented on that diagram.

Q. Now, finally Mr Mason, you've told the Commission about what – I'm going to call, "your main man" Mr Oki said to you about his concerns. Do you remember the discussion?

A. Yes.

Q. He's also given evidence of speaking with others to the same effect. You heard that yesterday, I think?

A. I did.

Q. Did you as a group, or amongst that group of people that he talks about, including Mr McKenzie, who was a friend of his, Mr Moynihan, van Rooyen – did you discuss things as a group as to the concerns that he was expressing?

A. No, I had no conversation with anybody else from Pike River or anybody else with regard to what Oki had said to me.

Q. Your evidence is that you, despite what he said to you, you didn't apprehend any real danger for you. You felt it was quite a safe mine, didn't you?

A. I thought things were under control with regard to the ventilation. Steps were being progressed towards the commissioning of the main fan and the taking into context what was happening within the operation, the requirements of the ventilation, they were adequate at the time. That's my firm and utter belief.

Q. So, the evidence you've heard, if the Commission accepts it, about for example what Mr van Rooyen thought and how scared he was of the conditions, none of this got to you at all?

A. That's correct, sir.

CROSS-EXAMINATION: MR RADICH

Q. Mr Mason there's been some conversation with you about the experience that you have in mining. It couldn't be said generally, could it, that you were an inexperienced miner. You wouldn't say that as a general notion, would you?

A. Could you just repeat the last bit, I don't know whether you said experienced or inexperienced?

Q. It couldn't be said that you're an inexperienced miner, could it? You've had 25 years?

A. That's correct, I believe myself to be an experienced underground miner.

1253

Q. And that mining experience has been underground mining primarily, hasn't it, in your previous roles?

A. Yes sir.

Q. You made a comment Mr Mason earlier to the effect and I won't have your words right that mining in mining, there are different techniques that are used but at the end of the day the processes are similar. Am I right in understanding that comment?

A. It's something I would agree with, yeah.

Q. There's been a bit of talk about the team and both Mr Davidson and others have taken you through that. Can I just be clear though, there have been a bunch of names mentioned and just be clear for finality that these are people who were indicate. So Terry Moynihan was in charge of hydro development initially, wasn't he?

A. Can we just be sure that we're all talking about the same team, what team are we talking about?

Q. The hydro team?

A. There was a group of people who were looking after the installation and commissioning and then later on there was a team that was like a review team looking at the difficulties that the hydro were experiencing.

Q. Yes indeed. Well let's deal with those things in mind because I think that hydromining improvement group, is that the review team that you were mentioning?

A. Yes.

Q. And on that team am I right in saying that there was Mr Moynihan?

A. Yes.

Q. Mr Borichevsky?

A. Yes.

Q. Mr Coll?

A. Yes.

Q. And Mr Nishioka?

A. Yes.

Q. Were you involved with –

A. And I believe Tjaart Heersink may have been involved.

Q. So Terry Moynihan's role, would you agree he was in charge of developing hydromining at Pike River?

A. Overall he was, he was the project manager.

Q. Was he organising and directing daily activities?

A. In hand with Mr Coll, yes.

Q. And Pieter van Rooyen was he responsible for designing the hydro panel?

A. I don't know that he was he personally but it would've been his department, I think Mr Borichevsky was mine planner.

Q. And was Mr Borichevsky working for or with Mr van Rooyen in relation to the panel?

A. Can you repeat that please?

Q. Was Greg Borichevsky he was working for Mr van Rooyen in relation to panel design?

A. Yes, that's correct.

1256

Q. And we've heard about Matt Coll, haven't we and you were aware that he had Spring Creek mining experience with the hydro team there?

A. Yes, that's correct.

Q. And Mr Nishioka, of course, you've talked about. Nick Gribble, was he also involved in commissioning the hydro-panel?

A. He would've been responsible or involved with some areas of it, yes.

Q. And Mr White was involved generally overseeing the panel and other work wasn't he?

A. Yes.

Q. And you say in your evidence that you were reporting to Steve Ellis, is that right?

A. Yes, I did not include Mr Lambley. I had my mind at the time when I used Steve's name, I had my mind at the end of the operation, or immediately at the time of the explosion I should say. Mr Lambley was there in the first instance when I arrived and I think he would've remained in that position of production manager for some four to five weeks.

Q. And Mr Ellis took over did he, from that at the time?

A. Yes.

Q. Now, your reporting to that position, the Lambley/Ellis position, that was because those people ran the daily production meetings at the mine, is that the case?

A. Yes, that's correct.

Q. And did you attend those meetings along with the heads of other departments, you know, tech services and environmental and so on?

A. Yes, I did.

Q. Was the Steve Ellis role more focussed on mine development work at that time, rather than the hydro-panel?

A. Steve was looking after the whole mine, but yes, his focus was primarily with the development activities.

Q. And the people who were operating the monitor, there was a degree of experience there with people like Peter O'Neill?

A. Yes.

Q. Did he have prior experience with hydro-monitor operation?

A. He did.

Q. And Steve Wylie, we've spoken about, yes?

A. Yes.

Q. And Russell Smith?

A. Yes.

Q. And Lance McKenzie?

A. Yes.

Q. Now, there's been a little bit of talk with you Mr Mason about risk assessments and documents?

A. There has.

1259

Q. Mr Nishioka when he gave evidence yesterday was talking about his participation in about 10 events that would describe as risk assessments, would that sound right to you?

A. No I can't comment on it.

Q. Can't comment. The one thing that Mr Nishioka said yesterday and this is in the transcript at page 3511 and I'll just read it out to you and just have a think about whether you agree with this or have anything to add. He said this, "Risk assessments should be done after getting some sort of experience or knowledge or some established system, then we get into a risk assessment and whether this process or procedure is safe enough or not and how to prevent any risk associated with this particular area, that is how a risk assessment should go before establishing you should know other procedure." Do you have any comment about those views?

A. I do. I concur that one should always visit or go to before commencing a risk assessment without having a knowledge of the location and the vehicles that could be of hazard, be a hazard to you, that's impossible to conduct a fair and equitable assessment.

Q. And just generally in terms of SOPs you were referred to one in evidence, you might remember this morning about operating the hydro-monitor and the guzzler, do you remember that one?

A. Yes.

Q. And you've mentioned one yourself in your evidence about a section of boreholes. Do you remember mentioning that?

A. Not clearly at the moment but...

Q. Well let's have a look just to be fair. I wonder Ms Basher if we could put paragraph 112 of Mr Mason's evidence on.

WITNESS REFERRED TO DOCUMENT PARAGRAPH 112 OF EVIDENCE

Q. It's on page 21. So you say there second sentence, "An SOP for the intersection of in-seam boreholes." See that one there?

A. Sorry, where?

1302

Q. Paragraph 112 and you see the second sentence there, you say there was for example, a safe operating procedure for the intersection of in-seam boreholes?

A. Yeah, I see it now, thank you.

Q. And am I right in understanding your evidence as being that training materials prepared for hydromining set out the safety procedures for hydromining?

A. That's correct.

Q. And you've referred to those training materials as being in your view to a good standard?

A. I believe that to be the case.

Q. And I think you've mentioned you were involved in preparing them to some degree, weren't you?

A. That is correct.

Q. There's been some discussion with Mr Davidson about the delivery of those materials and courses to new operators. Were they to be delivered on an ongoing rolling basis?

A. They would've been yes.

Q. And was the idea that everybody, every new operator was destined to go through the course?

A. Yes.

Q. You say in paragraph 109 of your evidence and you've mentioned it generally to my learned friend Mr Davidson that you felt safe at the mine. Are you able just to expand on that? What was it about the Pike River Mine that enabled you to make that comment?

A. I can't say it was about the mine, there was nothing untoward that made me feel otherwise.

Q. That there were no alarm bells going off in your mind about anything that you saw or heard?

A. I guess the only unease I had was about the second egress but I knew plans were in place to develop another egress to the west of the current workings.

Q. In relation to your daily operation with the hydro monitor and the hydro panel there were no alarm bells going off on the basis of anything you saw or heard?

A. The, not on a daily basis, no. I was quite, yeah, I didn't like what had happened when that, we had the roof fall and the stopping and one cut-through was dislodged, yeah.

1305

Q. As a result of that, were there some systems put in place in relation to the stopping system?

A. Well, I had the stopping reconstructed to a higher standard, yes.

QUESTIONS FROM COMMISSIONER HENRY:

Q. Mr Mason, I just wanted to ask you about the roof fall on the 29th of October.

A. Yes sir.

Q. Now that roof fall was unplanned, wasn't it? It wasn't a planned roof fall?

A. Rest assured, it was unplanned.

Q. And when you came to work that morning, I understood you to say that you went down and inspected and I assumed tried to determine what had happened?

A. That's correct. Yes, that's why I was at looking what needed to happen to put the place right, yes.

Q. And did you do any kind of report about that roof fall?

A. I don't have any recollection of making a written report, no.

Q. Was there an investigation done of the roof fall?

A. Not that I'm aware of.

Q. Was there any report to the Department of Labour about the roof fall in terms of the regulations?

A. I never made any report to Department of Labour. I don't know whether anybody else did or not.

Q. If there was an investigation about it, would you not have been involved in that investigation, in contributing to any investigation report?

A. Yes, I'd agree with that.

Q. So, does that suggest that there wasn't an investigation, or does it suggest that there was? Which way around is it?

A. I don't know whether the technical services department made any other investigation of it.

Q. Were you asked for your comments in regard to an investigation of some kind by those people?

A. The roof fall is not a, in the workings is not, in the goaf is not an unexpected event. It's not planned, but it's not unexpected.

1308

Q. Now you're still working for Pike River (in receivership) I understand?

A. I am at the moment.

Q. Who do you report to now?

A. Steve Ellis as a registered manager and we all report to him.

QUESTIONS FROM COMMISSIONER BELL:

Q. Mr Mason I've only just got a couple of quick questions, did Mr Oki Nishioka ever say to you that he was too frightened to go underground?

A. I don't recall him having said that to me.

Q. And so he didn't give you any intimation that he was concerned about the matters that have been raised by the - around this Commission?

A. No, what I – as I have said before is I understood his concern to be around the ventilation arrangements that were in place at the time before we had the main fan installed.

Q. And just finally, towards the end of your statement you say, "It was pointed out to me that the hydromining operation was recording negative production." What did you actually mean by that?

A. It's difficult to explain but there's no system for measuring the amount of coal that's mined at Pike River until it goes through the wash plant, so the amount of coal that's mined by development is worked out by cubic metres and at some point in time we do a hypsometer survey of the goaf, but we look at the amount of coal that's mined from development areas, take that away from the amount of coal recorded at the wash plant and the difference on that occasion was negative.

Q. So does that add any pressure to you, I mean production pressures been talked about as well, would that be another factor in the fact that there was concerns about production as well?

A. Well no, it was absurd so it didn't put pressure on me. There was production pressure initially for people trying to make the bonus then there was, obviously there's pressure for the amount of coal to be mined to meet targets but I couldn't do anything about those pressures. I couldn't make the hydro-monitor – the fact that it wasn't working well and also the amount of down time that was suffered by the whole mine because of the interruption to services such as fluming water, things like that, high pressure water to the monitor, they need to worked through and resolved before you can become, sorry, I've lost a word, yeah, before you come more effective or efficient.

1311

QUESTIONS FROM THE COMMISSION – NIL

QUESTIONS ARISING - NIL

WITNESS EXCUSED

COMMISSION ADJOURNS: 1.12 PM

COMMISSION RESUMES: 14.03 PM

MR HAIGH ADDRESSES THE COMMISSION - EMAILS

1406

MR RAYMOND CALLS

STEPHEN JAMES WYLIE (SWORN)

Q. Mr Wylie your full name is Stephen James Wylie?

A. That's correct.

Q. You live here in Greymouth and you are previously employed as a deputy at Pike River Coal Limited and continue in that role for Pike River Coal Limited (in receivership). Is that correct?

A. Correct.

Q. And you provided a brief dated 31 October to the Commission and you've updated that brief with an amended brief which has been filed.

A. That's correct.

Q. Just touching on your qualifications briefly, prior to joining the coalmining industry in 2000 you spent some time working in gold and nickel mines in Australia and then on tunnel construction also in Australia?

A. That's correct.

Q. And you worked in coal mines in New South Wales from 2000 to 2005 and began working for Solid Energy at Spring Creek until 2009?

A. That's correct.

Q. And in 2009 you applied for an advertised position as deputy at Pike River Coal?

A. That's correct.

Q. Now at hydromining at Spring Creek, just touching on that, you qualified with a deputy certificate of competence and a gas ticket while at Spring Creek?

A. That's correct.

1409

Q. And you also obtained your shotfiring ticket after commencing work at Pike River?

A. Yes, that's right.

Q. You were able to get some hydromining experience at Spring Creek?

A. Yeah, roughly around 12 months.
Q. And you operated the hydro-monitor there?
A. That's correct.
Q. And you relieved as the dedicated deputy in the hydromining operation at Spring Creek?
A. That's correct.
Q. And did you supervise there for any period?
A. As in relieving deputy?
Q. Was that for about three months?
A. Yeah.
Q. And you were an operator I think you said, for about 12 months?
A. That's correct.
Q. And was it Mr Ian O'Neill who was the deputy who instructed you at Spring Creek?
A. That's correct.
Q. And what was your understanding as to his experience in hydromining?
A. He was very experienced in hydromining.
Q. Do you understand that hydro-monitors create their own sort of special set of operational considerations?
A. Yes.
Q. And what are they?
A. Goaf collapse, gas spikes at the return roads.
Q. And also to keep gas levels low on start-up, there's an issue about the way the water is directed, is that right?
A. Yes, that's right.
Q. And what is that issue?
A. Just to ensure that no volume of gases expelled out the return roadway, so you'd start at low pressure and work your way to high pressure, then raise your nozzle.
Q. And the main difference between Pike and Spring Creek is that you had a power source at the guzzler?
A. That's right.

Q. That was at Spring Creek you had the power source at the guzzler, or Pike River?

A. No, Pike River.

Q. Pike, that's right. You commenced employment at Pike on 2 February 2009?

A. That's correct.

Q. And you'd applied for the position of deputy and began in that position?

A. That's correct.

Q. And at that time of commencement, Pike was already in coal?

A. That's correct.

Q. In terms of the deputies at Pike, is it correct that on each shift there were generally two development deputies and one outbye deputy?

A. Yes, that's right.

Q. And when the operations began on the hydro-monitor, the outbye deputy covered the outbye and the monitor operations?

A. Yes, that's correct.

Q. Outbye work in the return included checks down to pit bottom south, as far as the south pumps?

A. Yes, that's correct.

Q. And how long would it take you if you were to do a check of those pumps?

A. If I zipped around all the places, probably take me roughly around an hour.

Q. Now, you've got your brief of evidence in front of you, is that right Mr Wylie?

A. Yes, I have.

Q. Could you just read for us please, starting from paragraph 14?

A. "I was alerted to the methane levels around the monitor pumps and VSD. There was an incident where I found 0.3% in this area where a panel was taken off the VSD enclosure to allow more ventilation. As this was a non-restricted area, it had to be less than 0.25%. An incident report will record that."

Q. Just keep on reading, thank you.

A. "When I worked as a monitor deputy and outbye deputy, George Mason told me to check the south, once per shift."

Q. Mr Wylie, I think your voice is missing the microphone, if you just pull that back a bit so you speak into it there? That's better, thank you.

1413

A. "I was not given any specific areas to check. The development deputies were sent by the undermanagers to check the south. I don't know what areas they checked. Hydromining began on a single 12 hour a day shift. To begin there was a deputy covering the shift with one crew. As far as I remember this would have been about late August early September 2010. That was Peter O'Neill's crew and they were on permanent day shift working five days a week doing all the commissioning work for the monitor. Then they put Russell Smith's crew as well. I wasn't working there at that stage and I don't know what the shift pattern was. In about early October 2010 I was transferred from outbye deputy to monitor deputy. I didn't apply for the position and I was told."

Q. Just pause a minute there Mr Wylie. You said you didn't apply for that position. Who were you told by or who told you that you were going to take up that new position?

A. Probably prior to two weeks of starting there Lance McKenzie sort of rumoured to me that I could possibly be going into the monitor panel and then towards the end of my actual roster and then before I started the monitor panel George Mason instructed me that I was going to monitor the panel.

Q. And when you first heard about it from Lance McKenzie as a possibility, how did you feel about it?

A. I just mentioned to Lance that you're going to have to sort some training out for me, yeah.

Q. And what was his response to that?

A. He said he'd try to but he was sort of going back on to development and George is in charge of the monitor place.

Q. So did either Lance or George arrange training for you?

A. No not at this stage.

Q. Sorry?

A. No.

Q. And how did you feel about that lack of training?

A. Well it made it difficult, like especially since I was a supervisor on the panel, yeah.

Q. And so did you just feel like you had to fall back on the training that you'd had on a different monitor at Spring Creek?

A. I just felt – went back to previous experience and just managed the situations as best I could.

Q. So you started as a monitor deputy shortly before the October rockfall which we've heard about, is that right?

A. That's correct.

Q. And you worked right up on the monitor right up to the nightshift before the explosion?

A. That's correct.

Q. And was it about that time that hydro-operations went into the 24 hours seven days a week mode?

A. That's correct.

Q. And it was manned by four deputies and four crews?

A. That's correct.

Q. So I just want to touch on your crew for a moment, the monitor operation was Juan Baxton?

A. Yes that's right.

Q. What was your knowledge of his experience?

A. I know he'd been at Pike for oh approximately 12 months, it might be a little bit more and he had yeah – so that's about all the experience I knew he had underground.

Q. Did you know how much general mining experience he had? Just that 12 months?

A. Yes, what I'd known him from Pike.

Q. And his hydro-monitor experience?

A. He had been part of the original setup hydro crew, so that's about the hydro experience he had.

Q. And the other member of your crew was a trainee miner, Craig Rayland, we've heard his name?

A. That's correct.

Q. And obviously as a trainee what did you think of his hydro-monitor experience, anything?

A. He'd no previous hydro-monitor experience.

Q. Now since the explosion I think you've been shown a new crew list by someone, is that right?

A. That's correct.

Q. Who showed you that?

A. I think I come across it hanging on the wall in the undermanager's office to tell you the truth.

Q. But had you seen that before?

A. No.

Q. Had going to the crew of four been discussed with you?

A. Not at all.

Q. What was the function of the monitor deputy?

A. I mean our function was to ensure the gas levels were acceptable in the panel, ventilation readings and checking strata control devices and panel.

Q. As a monitor deputy, who did you report directly to?

A. I reported directly to George Mason.

Q. What did you understand his job title to be?

A. He was the hydro-co-ordinator or undermanager of our panel.

Q. Undermanager or hydro-co-ordinator?

A. Well the other undermanagers are called co-ordinators as well so I just took co-ordinator as undermanager, just a different name for it.

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Q. So we know that the mine undermanager's in charge of the mine?

A. That's right.

Q. And he wasn't taking that role?

A. Well he's in charge of our hydro-panel and I just took it he was the undermanager of that hydro area.

Q. Did you ask him whether he had any statutory responsibility?

A. No I didn't think to ask.

Q. It was just an assumption you make?

A. Assumption I made with the position he was in.

Q. It wasn't as a result of anything he said to you or anybody else?

A. No.

Q. The undermanager for the mine, did he have any say in the hydro operation?

A. Not in our planning, I did see the undermanagers up there but they just come and had a look and went again. They didn't have any say in our planning or how we were to cut or anything like that.

Q. So the day to day activities of the hydro-panel were directed by George Mason?

A. That's correct.

Q. And if there was a problem at the hydro-monitor face you would ring George Mason?

A. That's right.

Q. And did the undermanager for the mine visit you at the hydro-monitor face?

A. Yes they did.

Q. And who was that at the time?

A. Well because we were working a 12-hour shift we'd usually see two undermanager from the two 8-hour shifts so what I remember up in the monitor place I saw I think it was Lance MacKenzie first and Marty Palmer at that stage in our shifts prior to the explosion.

Q. And did they offer any advice or guidance when they visited or were they just in an observation role?

A. No, they just basically said they can't really make any changes up there. They can't, yes, it's up to George Mason to approve any changes to our cutting sequence or anything like that.

Q. So you're saying that they deferred to George Mason notwithstanding his lack of any statutory responsibility?

A. Well I don't think anyone knew that he did not have any statutory qualifications at that time.

Q. And who did you give your reports to at the end of shift?

A. Um, usually if George was on shift, we'd give it to George or leave it on his desk.

Q. And who signed them?

A. George Mason as far as I know.

Q. Did you ever discuss your shift with George Mason as you handed the reports to him or was he not there?

A. Sometimes he was there when like we finished night shift during the week but if he wasn't there we just left it on his desk.

Q. Now you were working the night shift in early October when the roof fall buried the monitor and blew down the stopping in the cross-cut. Is that right?

A. That's correct.

Q. Can you remember much about the fall itself?

A. Not a great deal. I know I was up at the guzzler area and yeah, just basically the goaf fell in, closed off the heading into the goaf.

Q. Can you describe the atmosphere, what it felt like, what you heard, just give us a bit of flavour?

A. I'm not very good at sound effects but basically just heard the roof collapse, noticed there was no ventilating pressure up there. I basically walked down to the cross-cut to see if the stopping was all right and that had blown over.

Q. We'll come back to that and the short-circuiting when we look at the plan later in your evidence. What's your experience with roof collapses? Is that something that you'd experienced at Spring Creek?

A. Yes.

Q. It's expected, we've heard that?

A. It's expected, of course.

Q. Did you discuss with the undermanager the roof collapse?

A. Not specifically but I had, I think I'd heard somewhere down the track that they reckoned the panel wasn't supposed to collapse but I always did, yeah, just my personal opinion that that roof was not going to hold up there.

Q. Well again we'll come back to that. So you must've reported this to someone, did you?

A. Reported that?

Q. Roof collapse?

A. Yeah, of course I reported it, I think when it collapsed I got, found out the stopping was down, there was no ventilation, I sent the boys to get some gear to reinstall the ventilation and I phoned George Mason.

Q. And did you prepare a report after the incident?

A. I can't recall preparing a report, but yeah. I don't know.

Q. Ms Basher, I'm sorry I don't have the number Ms Beaton will help you with the document number and we'll come back to it in a moment Mr Wylie. After the roof fall I understand you had an issue with some instructions you received to tram back six metres?

A. Yeah, it wasn't to tram back six metres, on our cross shift they'd said they'd just started breaking away cutting six metres back from the fall edge and I was just looked at the way we were cutting, it just seemed to me was a waste of time 'cos we're going to go straight back into the fall dirt and that was going to come through and stop our progress with the monitor.

Q. So when you had a concern like that about the way things were being done?

A. Yeah.

Q. Did you discuss it with anyone above you?

A. I did ask the undermanager to come up and I said, you know, basically "Come and have a look at this, what do you reckon?" And they said basically said that they could not make a decision on that, I'd have to phone George so I just took it as George's agreed to that sequence so I just carried on.

Q. So did you ring George after you had that concern?

A. No, no. I didn't.

Q. So the undermanager said they couldn't really help?

A. No.

Q. Speak to George but you didn't bother because you thought that George must've sanctioned it?

A. That's right, George had planned that cut so I just took it as that and carried on.

Q. Now we've just got up on the screen there an incident/accident form?

A. That's right.

Q. Which I understand relates to the goaf collapse. Did you complete that?

A. Yes, it looks like my writing I just can't remember doing that at all.

Q. And is accompany that report on the third page I think Ms Basher is a typed written note where Mr Mason said that he couldn't recall who prepared that and thought it might've been you and that's just coming up. If you could just read that to yourself? Does that ring any bells?

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A. I don't know if I wrote that because I don't know if the stab jack was damaged or not, I didn't recall any damage on the machine at that stage, so – but that looks like my drawing. I don't know if this other one had been added in later or not, but the drawing on the right here is my drawing.

Q. If you had prepared a wee note like that, what would've been your practice as to whether you signed it or not?

A. I would've just signed it, but I can't recall noticing that the stab jack was damaged at that stage.

Q. But you confirm that the diagram which is on the right of the screen is yours?

A. Yes, that's correct.

Q. In terms of the training for deputies for the hydro-monitor, did you have any formal training at Pike River Coal on hydro-monitor operations?

A. No. No formal training at Pike River.

Q. Did you raise that issue of lack of training prior to entering the hydro area?

A. Yes, that's correct. I raised it with Lance McKenzie and George Mason.

Q. And you've been shown some training modules more recently, had you seen those before?

A. No, I hadn't.

Q. What was your expectation in relation to training? What did you think should've happened?

A. I expected we'd be run through the various training for entering that panel, TARPs and SOPs and going through the machinery, getting ticket on the machinery.

Q. Was that your experience in previous jobs in other mines?

A. Yeah.

Q. Having raised it with George and Lance and no progress having been made, did you push the matter further?

A. I did raise it with George probably halfway through my stint up the monitor place again.

Q. So in relation to the timing of the explosion on 19 November, when do you think you raised it again?

A. It was probably, I think it was on a set of day shifts, prior to me being on night shift, prior to the explosion.

Q. Whose responsibility do you think it was to ensure that you did have, or the deputies had hydro-monitor training?

A. I think it was George Mason's, being in charge of hydro-panel.

Q. In response to a question from Mr Radich just before lunch, Mr Mason said that it was a rolling out of training that was to take place over some period. Had that been explained to you?

A. No.

Q. You weren't given any sort of time, date or timetable in the future as to when you might be into this supposed timetable?

A. No, I hadn't.

Q. During your interviews over the past year with the police and the Department of Labour, you were showed a document entitled, "Operation of the hydro-monitor and guzzler" and also another document, "The hydro-monitor extraction guidelines." Had they been shown to you before whilst you were at Pike River?

A. No, they hadn't.

Q. What about on the guzzler itself? Was there any documentation which could assist you?

A. Yeah, I did find some draft – I don't know whether it was a management plan, or extraction management plan, I found that on the guzzler probably the shift before November the 19th, I started reading it. Yeah, I think it was prepared by George Mason.

Q. Did you say it was a draft plan?

A. Yeah, it had "draft" on it, that's what I remember.

Q. Anything in there about operational matters or safety issues?

A. I didn't really start getting into it, reading, I was going to read through it towards the end of our shift so I could bring up any issues I had at the hydro-meeting that was planned.

Q. What about risk assessments in relation to the hydro-monitor, were you involved with that?

A. Only one risk assessment that was to do with the movement of the guzzler and hydro-monitor in regards to pull back.

Q. That was the one that was done on the surface?

A. That's correct.

Q. In a timing of about 12 hours was determined for pulling back the guzzler and the monitor?

A. That's correct.

Q. Were you involved with risk assessments in relation to other obvious hazards like spontaneous combustion, gas management, ventilation, those sorts of things?

A. No.

Q. Were you aware that those sorts of risk assessments had been done?

A. Yep.

Q. Were they brought to your attention, did you consider them?

A. No, I hadn't seen any, but…

1430

Q. Now we've already talked about Juan and Craig, and their backgrounds, so we don't need to touch on that, but what was your understanding about the training operators of the monitor received?

A. I know Juan had to receive some training on the original crew, that's about all I know.

Q. Do you know what they did in that training?

A. No.

Q. Did Craig have that training?

A. No he didn't.

Q. So was he learning on the job as it were?

A. No I wouldn't show him on the job until he went through a formal package.

Q. You wouldn't allow him to?

A. No.

Q. So just generally again with a bit of background for the Commissioners, when you started your shift you'd go to the office of Mr Mason and discuss the previous shift would you or what was the process?

A. No basically I'd just go in there and grab whatever notes you had on the table in there. If he'd had anything specific to say he'd say it and then I went to get my gas detector and various other bits and bobs ready for the shift.

Q. So if he had anything specific to say he'd say it but other than that what was the nature of the free-flowing dialogue between his deputies or – you can't speak for the other deputies but yourself and him?

A. Oh there wasn't much, it was just what I said, if he had any specific points he wanted to bring up then he would, yeah but –

Q. What was your understanding of Mr Mason's knowledge of hydro-monitor mining?

A. Oh I understood he hadn't been in a hydro-monitor situation before. That was obvious.

Q. Because of your background, with experience what did you feel about consulting him about hydro-monitor issues? Did you feel it was valuable to do so or did you not?

A. Oh yeah that's, yeah I do think it's valuable to get some – within those monitor crews there's some very experience hydro-monitor operators.

Q. So you might've misunderstood me, talking to Mr Mason did you feel it was worthwhile consulting him about things given his experience?

A. It didn't seem like our communication was real taken you know, he never asked or even had a basic chat about it. It was basically giving us directions and we just took it at that. I didn't try to push the matter on him that I'd been in hydro-panel before. I wouldn't really class myself as a real experience hydro-monitor operator but I have had experience of it.

Q. You mentioned a moment ago about the other deputies and the experience they have.

A. That's correct.

Q. Do I take it from your comments that you would've seen value in having a meeting or some sort of regular forum to discuss hydro-monitor issues with those other deputies?

A. Yes I do.

Q. And that I take it didn't happen?

A. No.

Q. Just if you could pick up at your brief again from paragraph 35 please and read from there?

A. “As a deputy I tried to be present at all times while the monitor was operating. This was because of my own crew’s experience. They were good workers but they had not much time accrued. They would've been inexperienced if a ventilation issue arose. When the monitor was cutting the deputy was constantly checking, the training I was carrying out any task that I allotted to him. We all assisted in the retreat of the monitor and the setting up for the next cutting sequence. The operator Juan Baxter appeared to have sufficient skills and knowledge to operate the hydromining machinery safely and effectively. The fact that he did not have a gas ticket meant it limited the time that I could spend away from the hydro-area checking the outbye areas. Neither Juan or Craig carried a personal methane detector so they only really had to sniff ahead on the guzzler. When I had to leave the hydro-area to do my outbye checks I told the operator that if the sensors went above 1.25% on the guzzler the monitor and the guzzler would trip out. I've told them that if the power trip and the machine lights went out that they were to go to the main intake airway. That was down around the start of the hydro-panel. I raised this with George Mason, the problems related to Juan not having a gas ticket. Juan had some training but he had to complete it. I wanted this to be arranged because the regulations state that in a gassy coal mine has to be continuously monitored for gas levels. In view of that I was not happy about having to leave the hydro-area. When I was going to do my gas checks and gas readings around the outside areas, I would go quickly and zip back up there to the monitor. George said he would get to it.”

1435

Q. And just before we move on from that, the shifts that you were on were 12 hour shifts, is that right?

A. That's correct.

Q. And the operator was Juan?

A. That's correct.

A. Would you relieve him from time to time?

Q. Yes, I would.

A. Just the tedious nature of it, especially we weren’t producing much. It was cold. There wasn’t much physically involved, so just – I relieved him every

hour and a half or so, just based on experience at Spring Creek, we used to have hour-about, so we'd have two hydro-monitor operators who operated the monitor on an hourly basis.

Q. Hour on/hour off?

A. That's right.

Q. And literally when you're sitting there operating the monitor, you're sitting down, got the gun pointing towards the coal panel, and there's a lever on your right for your right hand and you're moving it back and forth, moving the nozzle up and down. Is that right?

A. That's correct.

Q. So, as you say, "tedious".

A. Very.

Q. And potential to get pretty cold?

A. Cold and complacent, you know, your mind sort of just wonders off, so that was the reason, you know, you just swap over, give him a bit of break, you know.

Q. Did you see any risk in that complacency which could creep in?

A. There's always a, you know, if you, for example fell asleep and knocked a lever, you could possibly knock the monitor nozzle around into a stump or whatever anywhere, you know, so, yeah. I did see a need for it.

Q. So if Juan was operating the nozzle, you were relieving him, what was Craig doing?

A. You know, Craig was just doing various tidy-up jobs around the panel. Probably, I think, prior to the 19th we were pulling back setting up for the next sequence, so he was just tidying up the hoses, pulling gear. That was up at the face back and things like that.

Q. Do you know whether – you talked about a lack of forum with the other deputies, so you may not be able to answer this, but do you know whether the other deputies relieved their monitor operators in the manner that you did?

A. I'm unsure, but I take it that some of them would've.

Q. Did you discuss with Lance or particularly with George, the desirability of having hour on/hour off as at Spring Creek and elsewhere to relieve that tedious nature of the work?

A. No, I didn't, but I think I got the impression from George, because I told him that I was relieving, that he expected the operator to stay on there for continual long periods of time, but, yeah, I just –

Q. Just expand on what you mean by that. You think that he understood that it was fine for the operator?

A. That's the impression I got, so I didn't agree with it, so I relieved.

Q. Now we can move over paragraphs 39 to 43, sir in my view we've had evidence on that operation and methodology and also from Mr Nishioka the indicative cutting sequence we've heard from. Just paragraph 45, picking up on that, I'm not sure we've had evidence directly about the distance between the two roadways, the intake roadway and the return roadway. What was your understanding of the distance between them?

A. My understanding the block of coal we were mining between intake and return roadways was 25 metres wide.

Q. And the intake roadway is in the lower part of the coal seam and the return roadway is driven in the upper level of the coal seam.

A. Yes, that's correct.

Q. And so the floor of the return roadway is about three or four metres higher than the intake roadway?

A. That'd be about right.

Q. And that allows all the coal water to wash back down into the guzzler?

A. Yes, that's correct.

Q. And again, we've covered the cutting sequence, if you could just pick up please from your brief at paragraph 50, and read from there?

A. "It is the turbulence in the air caused by the cutting which is moving the methane. When the cutting stops, the methane layers in any high points in the goaf that are not affected by the ventilation circuit. Viewed from a horizontal perspective we have what we term the tops and bottoms. The tops are any part of the seam above the height of the roof of the intake roadway.

1440

A. Basically the coal was cut out from bottom to top as the cutting sequence is worked through. This describes the planned sequence following a retreat but at times we were required to vary that sequence. The sequence may vary but

the ventilation split will always be cut before the new section is mined. I understand the first lift of coal is approximately 18 metres was taken with the monitor position and the intake roadway at cross-cut 2 at the top of the panel. From that position coal was extracted from an area for approximately 18 to 20 metres beyond the end of the panel. I understand two further retreats were made, one of six metres and one of 12 metres. I think there were four lifts altogether perhaps 40 metres in length plus or minus. I was in charge of the team that operated the monitor from 7.00 pm on the 18th of November to 7.00 am on the 19th of November 2010."

Q. If you just pause there, you've paused naturally anyway, helpfully Ms Basher if you could put up please SW2?

WITNESS REFERRED TO DOCUMENT SW2

Q. And you recognise that diagram from your brief Mr Wylie?

A. Yes I do.

Q. Does that show the structure of the goaf at the time of 19 November 2010?

A. Yes, that shows the structure of the goaf.

Q. And I just want to take you through a few features of this quickly 'cos we've had this up already. The last ventilation split is shown as A on that plan. Is that right?

A. Yes, that's right.

Q. And is there a standing section of unmined coal, which we can see?

A. Yeah, I'd say that's B on the plan.

Q. And was that called a fender?

A. Yes.

Q. Why was that left unmined?

A. Basically I think the plan was to try and mine as much coal in G on that map and slowly work our way around in an arc to mine some of the coal in the F area possibly but just this stage our extraction around in a clock-wise direction.

Q. And what's indicated by the area marked C?

A. It was the extraction that we'd done on our previous set of day shifts which that's what we extracted on probably altogether about possibly about 10 shifts with me and the opposite crew.

Q. So it took 10 shifts to extract the area marked C?

A. That's correct.

Q. What do you say about that as a rate of production from your experience?

A. It's very, it was very slow, you know, like a CM would knock that out in probably a shift or less you know.

Q. A CM, that's a continuous miner?

A. Yeah, that's correct.

Q. How long would it take a continuous miner to knock out, as you put it, the area marked G?

A. I wouldn't expect it'd take much more than an hour, if that.

Q. An hour. And how long did you hammer away with the monitor and try and mine G?

A. We basically the start of our roster which would've been three days before the explosion. So it took us three days and we were still working in the same area, it was very slow, very hard.

Q. So when you're pounding a solid piece of coal like that, is there just water running down into the guzzler?

A. Yes, basically black water, it's just real fine, there's no lumps, didn't hear any lumps go through the guzzler it was just, yeah, black water basically.

Q. So it would appear to a layperson that that seems rather pointless to have shift after shift with just water going down the guzzler. What steps did you take if any to report that to the management, that this really wasn't making progress?

A. It's obviously reported in our production reports, I think there was something on there what we thought the production was. It was well known that we weren't producing anything.

Q. It just went on anyway?

A. Just we just carried on as we were told.

Q. And what's D represent please?

A. D is the stump that was standing when I think I first started in the monitor panel.

Q. And what was D left there for?

A. I'm totally unsure but I think D was basically used to leave the stumps to protect the face area and you monitor machinery and extract D last.

Q. And E as we've heard already is the debris or the rubble from the rockfall I think on the morning of the 30th of October?

A. Yes, that's correct.

1445

Q. And you say that that rubble extended right up to the top of the goaf?

A. Yes it did.

Q. And effectively blocked the ventilation from going around the face?

A. Yeah, no it completely blocked off that for example the intake roadway where say the monitor's position now, it was completely sealed off with fall debris.

Q. If you could just pick up reading again please from paragraph 57 of your brief?

A. At 57?

Q. From paragraph 57 on page 9.

A. "Leaving pillars of sufficient size was very important as the pillars held the roof up while you were on a cutting sequence. Then the pillar would be the last thing you cut out before pulling back and starting a new cutting sequence. The distance between the roadway should be what the monitor is capable of taking out and in this case it was clear to me that the monitor wasn't capable of dealing with the width between the roadways. The production design and the cutting sequences were poorly planned. The pillar or stump left was too small which I think led to the uncontrolled roof fall at the beginning of October. When I first saw the stump it seemed to me too small for the area of the roof it was holding. The cut had been to the left of it. I remarked to Juan Baxter as I recalled that it was like a 44 gallon drum holding up the AIM Stadium roof. A bench of uncut coal approximately three to four metres high was located in the position indicated as, "F," on the plan. The location of another bench of coal about three to four metres high is indicated as, "G."

Q. Now you've described the steps you took in terms of trying to mine, "G," was the same work applied to, "F," or was that being held back for another day?

A. It was very hard. Yeah there was very little production when I started.

Q. Could you actually get to, "F," from where the hydro-monitor's indicated on the diagram as, "H," or was directing the water to, "F," obstructed by the fender?

A. No the monitor wasn't situated by the fender then. The fender was probably solid coal then but no, we had no problems of getting to, "F," whether we were making any progress in cutting it or not but...

Q. And we can see at the top of the goaf an ark from left to right and previous witnesses have indicated that's because that was the extent of the cutting distance?

A. That would be correct.

Q. Were you aware Mr Wylie of the Valley Longwall boreholes intersecting the goaf?

A. I wasn't personally aware I had not seen any on the – but there were boreholes marked on the permits to mine.

Q. Did you know when you were working in that goaf that there was a Valley Longwall borehole at the top of it?

A. No.

Q. You didn't?

A. No I wasn't aware of them, I hadn't been told or known – indicated to me that there was any things in there.

Q. In your written evidence at paragraph 115 you say, "I understand there were in-seam drill holes passing through the hydro-panel. I knew they were there."

A. It's from what I've seen on the permit to mine but I had not seen any myself visually.

Q. Were you given any instruction as to how to deal with the in-seam drill holes?

A. None at all.

Q. Was their location ever brought to your attention by someone in particular other than your observation of them on the mine permit?

A. No.

Q. So how do you feel about that now?

A. Yeah if they were a hazard I think they should've been brought to our attention.

Q. Well do you think they are a hazard from your experience?

A. They produce methane they do. As long as the ventilation was coping with the amount of methane they produced it wouldn't be a hazard, but they would a hazard if they possibly led to a source of oxygen.

1450

Q. So the risk is that you cut through the drill hole and methane pours into the goaf?

A. That's right.

Q. Do you know from previous experience how you would've dealt with that had you come across it?

A. No, I hadn't had any dealings with boreholes prior to at Spring Creek in regards to monitor goes.

Q. And you never actually saw a drill hole in the hydromining area?

A. Not in the goaf area, no.

Q. Is it correct that any drill holes would've already been intersected by the development roadways or the developing of the roadways?

A. Yes there would've been, I say they would've intersected drill holes above the (inaudible 14:50:50) in that panel.

Q. Is that the sort of thing that you would expect the undermanagers to advise you of, not the co-ordinator but those responsible for the wider issues in the mine and the development of the roads and therefore the in-seam boreholes, would you look to them for that information?

A. Well the other, the undermanagers were sort of basically development undermanagers, you know, they sort of had their crews and their teams on the development of the mine. We had George Mason as our hydro co-ordinator so I'd, if there was any hazards or any concerns in regards to the hydro-panel I'd say George Mason should have been point them out or dealing with them.

Q. Now you were in Court this morning when you heard Mr Mason give evidence about the goaf dimensions. Is that correct?

A. That's correct.

Q. Do you agree with his assessment of that?

A. It could possibly be, you know, I'm only taking a general guess of the goaf dimensions were.

Q. So broadly similar view?

A. Yeah.

Q. Was your original intention though or understanding rather that the width of the goaf would be no wider than the outside walls and the intake and return roadways?

A. Well I'd seen previous to starting the monitor panel when I was outbye I think it was generally a straight edged goaf falls, there was no extraction past basically the roadways.

Q. So why is it when we look at the plan that we see C, the area marked C, it's gone now but you'll recall the area on the right marked C and I further up, is clearly not in line with the roadways?

A. No.

Q. Do you know how that came about?

A. I wasn't involved in the place when "I" was cut but C was basically I'd say was easy coal. It could cut.

Q. And what were the consequences for the so called 44 gallon drum, the stump D when you mined into the area marked I?

A. Well it's gonna put more pressure on it, like you're opening up more roof area so definitely is going to put more weight or stress or onto that stump or pillar.

Q. And that area was mined before the roof collapse. Is that right?

A. Yes, that's correct.

Q. Just in terms of the rockfalls, if you could pick up reading your brief again please from paragraph 63?

A. "Rockfalls are part of operating a production panel and are not always controlled. That is okay as long as there are systems in place to control their hazards created by the roof fall. The stump D in the rockfall E collapsed between 3.00 am and 4.00 am on the 30th of October 2010. Just prior to the rockfall we had been cutting to the left of the stump. It is not possible to see how close to the stump we were cutting. While cutting because we are situated at the guzzler, 80 metres away from the monitor. Prior to cutting we walked forward and ensured that the nozzle was pointing to the left of the stump. I had noticed earlier in the night that the stump was fretting. By that I mean slabs of coal were falling off the side of it. In hindsight this would be caused by downward pressure on the stump. The rockfall partially covered the front of the monitor so it was very apparent. I can't recall a significant windblast down the intake road. I did not get a higher reading on my personal gas detector. I noticed the ventilation pressure had dropped. I shut the

monitor down and went to check the stopping in one cut-through. The location of this stopping is shown in figure SW3."

1455

Q. Ms Basher, if you could put up SW3 please?

WITNESS REFERRED TO DOCUMENT SW3

Q. So the stopping you refer to, if you could indicate that please with your little light which should be there?

A. That's the stopping there.

Q. And we've already heard evidence and it's in your written brief about where the gas monitors are situated?

A. That's right.

Q. That's just as indicated in the red writing?

A. No, I don't think that's right.

Q. No?

A. There was a sensor here that went to the guzzler and I think there was some sensors about here.

Q. Okay, we just need to get that into the record, so you've indicated that the sensor –

A. This is different to what I've got.

Q. Yes, so the sensor which you fed – it is actually, in the written brief it's slightly different, but the sensor which led to the guzzler you've indicated was at the –

A. It was at the inbye corner of return roadway and cross-cut 1, about there, roughly.

Q. Ms Basher, is there a way to get the one that's in the written brief as SW3, which seems to be materially different from the one on screen. Are you able to pull that one up and then we might avoid having to go through this? If you can just enlarge that please Ms Basher? Is that more indicative of what you wanted to explain?

A. Yes, that's correct.

Q. Otherwise you, without reading it, you confirmed previously that paragraphs 102 to 105 of your brief about the gas sensors and monitors is correct?

A. That's correct.

Q. If you could just please pick up and read again from paragraph 66?

A. "I saw that the stopping which I think was board and brattice had fallen over completely towards the intake roadway. The fact that I hadn't felt a windblast in the intake road and the direction the stopping had fallen, indicated to me that the windblast had travelled down the return roadway. The collapse of the stopping had caused the ventilation to cease, travelling further up the intake roadway towards the guzzler. It simply short-circuited. Rockfall had sealed the ventilation from travelling through the front edge of the goaf. As the fall had closed off the heading, I knew that this would lead to a build up of gas in the intake roadway."

Q. Just so we're absolutely clear Mr Wylie, if you could just indicate with your light then where the air was going and short-circuiting?

A. Originally the air would've been going up here, through the goaf edge there and down the return roadway. When the stopping fell over the air travelled up here, short-circuiting through this cross-cut and down the return roadway.

Q. Continue please reading at paragraph 69.

A. "My team ran a brattice lead floor to ceiling up the middle of the intake roadway from one cut through to about the rear of the guzzler. This is designed to push ventilation up the intake roadway and stop the intake gassing out. It did that successfully and the readings at the guzzler returned to under the legal requirements. The brattice lead was a temporary measure only. Construction of the lead took us to the end of our shift. Gas readings in the area of the guzzler were still under 2% when our shift finished at 6.15 am. Immediately after the rockfall, I checked for gas in the return roadway at intersection with 1 cut-through. The gas reading there was over 5% but because there was a limit to which the sensor would provide a reading, I didn't know how high it went. The intake air was diluting that in the return. I took that reading before the brattice was put up in the intake roadway. Our shift returned to work at 7.00 pm the night after the rockfall. The dayshift had de-gassed the return roadway. George Mason was in control of things. I went up and viewed the rockfall.

1500

A. It was sitting like a cone up to the roof of the goaf. It was about 10 metres wide at the base of it. I couldn't see any coal in it. It was all that white hard

sandstone. I couldn't see whether it had gone up into the Rider seam. If it had I would've expected to see more coal in the heap. There were no significant incidents between then and our shift on the night prior to the explosion. I can't recall any other rock falls in the goaf at that time I was working there. I was familiar with these dilution doors, I was familiar with these doors from Spring Creek, they are air operated and automatic. In my opinion dilution doors are very important to dilute any methane spikes or plugs coming from the production area before they get into the main return. Normally you have sensors in the return roadway which automatically operates the dilution doors, so if a plug or spike of methane is detected in the return roadway the dilution doors automatically open dumping intake air into the return to dilute down the methane in the return roadway. Once the methane is diluted down to an okay level the doors automatically close again. I know that two sets of dilution doors had been set up in the main return but I do not know if they had been made operational."

Q. Just pause there. How did you know about the dilution doors being installed? Was it just obvious from your point?

A. Yeah, actually I helped some of the contractors carry them in there so yeah and just walked past them all at times.

Q. So once installed, what was your expectation?

A. That they'd be going.

Q. So when you were working at the face with the monitor operating, what was your understanding about the dilution doors?

A. Well I hadn't been told anything about them specifically at all so my understanding was, I don't know really, I understood they were there but I hadn't been formally told of anything regarding them.

Q. So you hadn't been told they weren't working?

A. No.

Q. And you hadn't been told that they were?

A. No.

Q. If you could just continue reading please from the second sentence of paragraph 75.

A. "There were no dilution doors in the monitor panel and I had spoken to the mining engineer Terry Moynihan and the undermanager Lance McKenzie about the need for dilution doors in the cross-cut but they were not installed. I wanted to know the controls for explosive mixes coming out of the goaf."

Q. Just continue at 76 please.

A. "During our shift on the 18th/19th November the monitor was positioned at H in figure SW2. We were cutting the coal bench G. We had also been cutting at the bench for the previous two shifts. On the last shift we had been cutting at G for about 10 hours. The going was very hard, there was little progress. The going had been hard in our previous shift rotation. Periodically through the night we stopped the machines and I would look into the goaf from the end of the intake road and the end of the return road to see how the cutting was progressing. This is normal practice. As part of these checks I didn't specifically examine the section of standing coal B but would have noticed if there had been anything untoward in relation to it. I didn't notice any fretting of coal B for example. The coal in the pillar was extremely hard and difficult to shift. The jet from the monitor is unlikely to have touched the coal B, but even if it did, it would not have any effect because of the hardness of the coal. I noticed nothing in the goaf that was any different to normal but in having said that, I can only see in as far as the section of coal B.

1505

Q. If you could just please Ms Basher have up SW – actually no, that one. Thank you. When you were inspecting the goaf as you've just described, was there any other pillar in the goaf other than this stump which we know at this time was collapsed anyway, but you heard the evidence previously from Mr Mason?

A. Well from the position at the edge of the goaf there, you couldn't see into the rest of the goaf area but on memory I don't recall there being another stump in the goaf or pillar.

Q. Now at the end of your shift did you take your team up to the end of the roadway and look into the goaf?

A. Yeah, I can't recall if I took all of them but I used to take the operator up there and we used to look into where we were cutting.

Q. And examine progress?

A. Yeah, and I'd do my last check for CO up at that time.

Q. So how far did you get when you peered in there for the last time?

A. We just stand back just beyond the inbye corner of the return roadway, just probably round here.

Q. So as you stood there and looked in, can you describe to the Commissioners please what if anything you heard and what it is if anything you saw recognising as I'm sure you do, that you were the last person to see into there that we had access to?

A. The, all I heard, I never heard anything. Basically all I saw was up to this roadway up here and this pillar of coal here. There was nothing that raised any concerns of me, it was very hard and very slow progress. There's –

Q. Any noise?

A. No, not that I noticed and there was plenty of air going round the ventilation circuit.

Q. Have you ever been in a goaf shortly before a collapse and heard what sort of noise the goaf might create which is an indication of a collapse?

A. Well sometimes you don't hear anything, you know, you usually hear it as it's coming down but yeah, you know, leading up to goaf fall you can hear the rock moving or taking weight but I wouldn't say that's a general rule. Sometimes it will just basically give way.

Q. Was there any carbon monoxide in the return roadway?

A. No there's no carbon monoxide in the return roadway.

Q. Did you take any methane readings?

A. Yes.

Q. And?

A. I can't generally remember but they were very low. I put 0.5 in my brief but that was general, they were very low.

Q. Now just before we move onto you leaving that area, with the Commissioner's leave I would just like to ask a question or two in relation to what this deputy would've done in the event of an emergency in that position?

LEAVE GRANTED

Q. Mr Wylie if you could imagine for a moment the horrendous circumstances you might've otherwise found yourself in, if things had been a little different for you

and you'd been standing with your crew in the proximity of G. Do you understand what I'm asking you?

A. Yeah, yeah.

Q. If there had been an explosion somewhere in the mine and it doesn't matter where, let's not speculate but let's assume that there is an explosion somewhere in the mine, you are knocked down but regain consciousness or don't lose consciousness and are able to put your self-rescuer on, what would you do then? What, the training that you'd had at Pike in particular tell you to do?

A. I don't think I had any particular training but I would lead my team down to the Slimline shaft where the self-rescuer cache was, grab a self-rescuer each and head out the mine via the intake.

Q. And how would know how to get to the Slimline shaft, were there smoke lines available to you?

A. No there weren't any smoke lines that were readily available. But, I have a rough idea how to get there. There's pipes, there's, the roadways I've walked many times so.

Q. So just relying on your memory and hopefully not being too disoriented or whatever?

A. Yes, that is correct.

Q. And if there was smoke in the returns and you're unable to see, what would you have done?

A. I probably wouldn't even, I would've, my main focus would be to head down the intake roadways and the returns had monitor pipes, flumes in them so I wouldn't want to trip everything so I'd head down to intake roadways.

Q. And you'd get to the Slimline, you were aware that there was self-rescue cache there?

A. That's correct.

Q. And would you stay in the Slimline or?

A. No. no, I'd be getting out of the mine.

1510

Q. Up the main – which way would you leave the mine?

A. I'd leave the mine down the main drift.

Q. We've heard evidence about there being a ladder up the ventilation shaft, were you aware of that?

A. Yeah, I was aware there was a ladderway up there.

Q. In an emergency, what would your reaction be to heading to that egress?

A. No, I'd want to walk down the main drift.

Q. Had you ever been involved in a drill which took you to the ventilation shaft?

A. No.

Q. Had you ever been involved in a drill which evacuated you from the mine?

A. We had been in one, I think, mock evacuation with Mines Rescue involved, where we evacuated the mine using drift runners and drove out the main drift.

Q. As the deputy for this crew, did you ever talk to your crew about what to do in the event of an emergency?

A. I don't actually recall, but I definitely had in mind what I'd do.

Q. Had you received any training at Pike to the effect that you should find a stub and brattice yourself in and suck on a compressed airline?

A. No. No that was some technique used in a hard rock mine, like for example there's no – it doesn't produce methane, you know. Cases of fire in a hard rock mine, but in a coal mine, I've only been taught to escape.

Q. Had you ever expressed any concerns to anyone in management about the second means of egress?

A. I think I mentioned it at a toolbox talk one day when Doug White first started, about the second egress. He basically said, yeah, that was one of his main concerns.

Q. And what did he say he was going to do about that?

A. He just said it was one of his main concerns he was going to seriously look into the second egress.

Q. Now, paragraph 81, you talk about you having your own transport at the hydro-monitor and you, no doubt, got into that and drove out of the mine, is that right?

A. That's correct.

Q. And at the surface you spoke to the incoming shift and you spoke to Peter O'Neill?

A. That is correct.

Q. Was he the deputy on that next crew?

A. That's right. Me and Peter O'Neill we used to contingency changeover, that was our cycle.

Q. And can you remember what you discussed on that occasion?

A. I think I basically just told him that where we were in our cutting sequence it was very hard as usual and that's about it.

Q. So he obviously understood what you meant, because he'd been on the earlier shift and had no luck either?

A. Yeah, yeah.

Q. Now on that crew, there was Peter O'Neill was the deputy, Allan Dixon and Keith Valli?

A. That's correct.

Q. And Allan Dixon was a senior and experienced miner?

A. That's right.

Q. And Keith Valli likewise?

A. Yes.

Q. Had you formed any view at about that time about the experience of that crew as opposed to your own?

A. I was envious because he had a great deal of experience on his crew, you know, like it would leave him more time to do a bit more checking outbye, because of the experience of the blokes.

Q. So, who of that crew is the actual monitor operator?

A. I'm unsure of what the monitor operator, or the configuration of the other crews were. I assume that Peter O'Neill obviously operator at time. You could probably put all of them on there.

Q. They all had experience?

A. That's right.

Q. Given that you had no experience on your crew and there was three senior miners on that crew with hydro-monitor experience, did it occur to you to raise with George Mason or any other one in management that it might be a good idea to swap some of the crew personnel around?

A. No, I didn't, not myself, no, I didn't mention it.

Q. Ever involved in a discussion where that sort of discussion took place?

A. In swapping crews around?

Q. Yes.

A. No.

Q. Was there any sort of forum for having that amongst – you've said the deputy level there was no forum, but was there in a wider sense, toolbox talks, or?

A. No, not in the hydro-panel is very – toolbox talk would basically focus on a safety aspect, but no, not in any, like for example, me and Peter O'Neill never sort of changed over with George Mason or anything like that prior to me going underground or Peter O'Neill going underground.

Q. Mr Wylie if you could just track down to the fourth line in paragraph 81, the end of that line, new sentence beginning, "In the…" If you could just read from there please?

1515

A. "In the normal course of events they would've carried on with the sequence we had been working. They would normally do their checks on ventilation quantity, gas levels and machine pre-starts, they would have started cutting about half an hour after they got to the guzzler. This would have been about 8.00 am in the normal course of events. If our team had been in there and not able to operate the machines we would have carried out maintenance checks, carried out maintenance and attended any planned duties set by George Mason. They would not necessarily have remained in the hydro-panel. They could for example have a need to go down to the pump station in the south area beyond Spaghetti Junction. There is nothing that they could have done that would have disturbed the goaf."

Q. Well we've already had evidence on the differences between Pike River and Spring Creek hydromining but for completeness there was nothing in the Pike River cutting sequence that concerned you, is that right?

A. No.

Q. If you could just continue please from paragraph 88.

A. "I believe that they hydromining equipment at Pike River was reliable. There were three factors affecting our productivity, namely water supply, the hardness of the coal and the direction of the cleat of the coal. The supply of water from the CPP about seven kilometres from the mine was dirty and

caused the monitor pump filters to block, resulting in the need to stop the machines and clear the filters by washing out. That would take about 15 to 20 minutes to clear each filter. Generally the volume and pressure of the water was adequate. The coal was extremely hard and didn't seem to have much ground stress. Ground stress would have assisted in causing the coal to break away more easily with the water pressure from the monitor. Spring Creek by comparison had greater ground stress and was fractured, so that it broke away much easier with water pressure. The coal at Pike would come away but you had to work much harder on it. I thought there was less weight on the coal and no obvious signs of stress fracturing. Production was very poor compared to Spring Creek. At Pike River the coal was coming off in very small particles as if we were sandpapering it off. We didn't really need a crusher. The direction of the cleat in the coal ran parallel to the intake roadway so we were cutting across the direction of the cleat. The result was similar to cutting timber against the grain. This was easy to see in the roof of the goaf. If the cleat was running at right angles to the intake roadway, the coal would have peeled off a lot easier. As it was it compounded the hard coal problem and reduced productivity accordingly. I think the future extraction panels may have been changed to reflect this cleat direction."

Q. If you could jump please to paragraph 96.

A. "It was my understanding that Pike management were intending to take more of the coal out of the hydro-panel and then allow the goaf to collapse. Obviously for example the goaf was not going to stand up until we got back to one cut through. At some stage it was going to collapse. I would've thought that it was likely when we removed the section of coal B that there would have been enough to collapse the goaf, particularly as the stump D had collapsed on the 29th of October causing the rock fall. I believe that when the eventual collapse of the goaf occurred there would be a significant displacement of air down the return roadway. It would come down to the intake roadway also but it hadn't on the 30th of October. To come down the intake roadway it would be working against the airflow of the ventilation but if large enough would have overcome that. Beyond this I did not know what this would mean. I had not seen any risk assessment. I naturally assumed the company would have

addressed this. Spring Creek has in a place fresh air cab. I thought that an enclosed cab and forcing auxiliary ventilation should be in place in the Pike's monitor panel. I recall discussing this with Lance McKenzie. I understood he favoured that and he told me that he had pushed for it. At the time I had given no thought to whether the collapse would extend up into the Rider seam. There was always methane gas in the goaf and a collapse was going to displace a volume of methane."

1520

Q. If you could just move please to paragraph 106?

A. "The volume of CH4 in the goaf was never known because no one went in there to test. It is understood that there was always methane there in high quantities. Water pressure from the monitor displayed some gas from the goaf but certainly did not displace all of it. I believe it only displaced gas from the front area of the goaf. It would not have displaced gas from the further back in the goaf where water from the monitor was not reaching. Further back in the goaf there would probably have been 100% methane. The water pressure from the monitor was 170 bar pressure and the volume of water was about 4000 litres per minute. When the monitor was first started for a shift or when it had been idle for a period during a shift some methane would be displaced out into the return roadway. Consequently when we first started up the machine we would keep the waterjet low and gradually rise it. This would avoid sending the methane out in the plug. Apart from that we relied on ventilation to manage the gas make in the area. I am not aware of any TARP in relation to the management of gas levels or gas events. We had those at Spring Creek and I know they were employed. I have never seen any TARP in relation to rockfalls either. We had those at Spring Creek as I recall." Shall I carry on?

Q. Yes please.

A. "Ventilation in the monitor panel is generally good. It was generally running at about 26 to 30 cubic metres per second. I measured this on a personal anemometer always carried by the deputies. Some difficulties were experienced earlier on before the main fan ventilation was fully commissioned. When I was working in the hydro-panel the main fan was operating effectively. I can recall only one stoppage that was for about 10 minutes when the main

fan tripped. I don't know what caused the trip. I had no incidents which gas levels went above 2% in a working area causing my team to be withdrawn."

Q. Just pause there, we've already dealt with the stoppings issue and also in-seam drill holes, if you could just pick up at 117 please?

A. "My personal gas detector was designed to record CO, H2S, CH4 and O2. I never recorded any CO make in the return airways of the hydro panel. CO make is regarded as a primary indicator of a potential spontaneous combustion.

1523

A. As a deputy I was required to submit two reports each shift. One was a production report and the other was a statutory report. The production report outlined the extent to which we had extracted coal in accordance with the cutting sequence that we would have been given at the start of each shift. It reported down time through maintenance cutting times and other productivity issues. The statutory report reported gas levels recorded progressively through the day using my personal gas detector, ventilation quantities recorded once per shift and hazards and potential hazards noted. I checked a checkbox ticked off other statutory obligation. These reports were submitted to George Mason, who was in effect our undermanager. I don't believe the development undermanagers would have viewed my reports. George would on average have come underground to the hydro-panel about once, maybe twice during the five-day sequence of Monday to Friday dayshifts. During my time in the hydro-panel I can't recall submitting any incident reports. George came underground for the rockfall on the 30th October, and I understood he was submitting an incident form in relation to that." And obviously I've put in an incident form, which I can't recall." Do I keep going?

Q. Yes, please.

A. "I understand Pike River had well documented health and safety policies. I was not taken through these but recall seeing a ventilation management plan by chance one day. I believe it was the responsibility of managers, undermanagers and deputies to ensure they were enforced and controlled. I didn't ever view the health and safety policy manual while working as a general deputy or dedicated monitor deputy. The manual wasn't show to me."

Q. Just pause there. In relation to the manual, was there an intranet or something of that nature at Pike River where you could go onto and look at and upload documents if necessary?

A. Yeah, there was a P drive where I take it those would've been on.

Q. And did you do that?

A. Really didn't have any time or chance to access them.

Q. Well, as a deputy did you feel, was it – were you trained that it was your responsibility as you've just said that for deputies and undermanagers and managers to ensure that they were enforced and controlled, one wonders how you could do that if you didn't access the manual yourself, make yourselves familiar with them and then educate your crew?

A. Yeah, yes. A good point, and I probably, myself, I would've thought my induction process would've involved me going through management plans and such.

Q. And did it?

A. No.

1526

Q. Did you raise that with management yourself as something that you'd like to advance?

A. I'm not too sure if I brought it up but I expected it had been my position.

Q. You mentioned your induction period. You had a period of about two day's induction?

A. That's correct.

Q. And was that because one of the deputies was absent and you were required to step straight into his position?

A. That's right yes.

Q. So your induction was shorter than I think, it's a week-long induction normally?

A. Yeah I think I was supposed to do a week maybe.

Q. And you were told by an undermanger Dean Jamieson that you were just required to start immediately?

A. That's correct.

Q. Do you know whether Mr Rockhouse knew about that?

A. I'm unsure yeah Dean Jamieson organised it and as I said I was just basically told I was to start on shift.

Q. And in terms of you carrying out your own health and safety supervision responsibilities, what were you relying on?

A. I was relying on the regs, mining regs, health and safety regs and experience.

Q. And you were familiar with those regulations in the mining regulations because of your deputy's certificate of competence?

A. That's correct.

Q. The bonus system in production levels at Pike, you were there in July 2010?

A. That's right yes.

Q. And Pike introduced a bonus system, we've heard about that?

A. Yep.

Q. And there was the development of specific areas of the mine and production of a 1000 tonnes of coal from the hydro-panel by the 24th of September?

A. That's correct yeah.

Q. And we know that the hydro-panel got underway on about the 19th of September, is that right?

A. Yeah I don't know the exact date but I'll take that is.

Q. How did you feel about the introduction of that bonus in terms of pressure to extract from the panel?

A. I think yeah it would've obviously brought pressure on to extract that first 1000 tonne of coal but not being involved in that process I can't really speak on it too much.

Q. Having described how hard the coal was in the panel and the 10 shifts just to move the area marked, C and then the days or shifts it took to make little progress of I think it was, B was it?

A. Yeah something like that, yeah.

Q. What was the feeling amongst the crew and mining staff about the achievability of the target?

A. Well this is like I'm talking about the hardness back then, that was after they hydro bonus so I don't know what the blokes thought when they started cutting the original cut out for the hydro-panel, the first lifts they take it, which the

bonus probably involved and then I think the bonus was achieved in that lift and yeah.

Q. Were the continuous miners out-performing the hydro-panel at that time?

A. Oh easily I'd say, especially the ABM.

Q. And what did you see the outcome of achieving the bonus, what did that mean for you and the other miners?

A. Well we were going to get a bonus.

Q. But in align with that, was it something about being part of a successful operation?

A. Oh yeah there was a course probably proved that the hydro-monitor was actually going to cut and the water flow and everything was sorted.

Q. What was your understanding of that panel? Was it – we've heard that it was described as a bridging panel and that was a term known to some, did you know it as that?

A. No I thought it was actually a trial panel.

Q. I think it was a trial panel but given the name bridging panel by management?

A. Oh I haven't heard bridging panel before.

Q. When do you think it ceased being a trial panel and became something else?

A. When we went on 24/7 production I'd say, take it.

Q. You thought it lost it's status simply as a trial and clearly you were full on in extraction mode?

A. Well we're full on extraction, there's sort of no stopping to you know, try this or try all that or you know, try all different things. It was just basically yeah 24/7.

Q. We've heard from previous witnesses that there's always some level of pressure for production, would you agree with that?

A. There's always production pressure in the mining. It's one of those things.

Q. Did you personally ever feel any pressure put on you directly or inappropriate pressure?

A. Not really, no.

Q. Not really, does that indicate...?

A. Oh I'd had no one saying do this to get coal out, no I didn't happen, no direct pressure on top of me. I knew there's pressure to produce coal obviously there's an extraction panel.

1531

Q. What was Mr Mason's view on the rate of production and what you should be doing or achieving?

A. I wouldn't know what his personal view was…

Q. But what did he say to you about it?

A. Nothing specifically you know like, everyone knew it was slow, it wasn't producing a hell of a lot.

Q. When you raised training with Mr Mason?

A. Yeah.

Q. Was there any discussion with him vis-a vis or in relation to training to do with production?

A. Well I did mention to George, was probably when Matt Coll was up there as well and we were discussing how we were going to fix the nozzle so it could just point to one direction and wouldn't move. I asked George about training up there then and he said that we've got to get coal out as well.

Q. And you've indicated just finally, you've discussed your conversations which are brief with Peter O'Neill at the changeover?

A. That's correct.

Q. Were there any other changeover meetings or opportunities to discuss shift issues?

A. No only the planned meeting that was going to happen between all the hydro deputies and crews.

Q. A planning meeting that was going to happen?

A. Yeah well I think originally it was going to happen not long after the roof fall but I think it got put back to the, I think it was going to be after my last night shift which was a Sunday night so it would've been Monday morning, I take it.

Q. So what did you feel about whether there was sufficient time to deal with planning or brainstorming?

A. No there was no, nothing, no time to do that at all really, we just basically got our kit together, grabbed our instructions and our reports and basically went underground.

Q. Did you express concerns to anybody about that sort of haste?

A. Not specifically no.

Q. You've said in your evidence at 138, “Before I did express these concerns to Doug White a meeting was arranged by George Mason for all the hydro crews.” Is that the one you're referring?

A. That's correct.

Q. That didn't take place?

A. No.

THE COMMISSION ADDRESSES COUNSEL – APPLICATIONS FOR CROSS-EXAMINATION OF WITNESS – ALL GRANTED

COMMISSION ADJOURNS: 3.35 PM

COMMISSION RESUMES: 3.51 PM

MR RAYMOND ADDRESSES THE COMMISSION

THE COMMISSION ADDRESSES MR HAIGH – EMAILS AS EXHIBIT

EXHIBIT 41 PRODUCED – EMAILS

CROSS-EXAMINATION: MR HAMPTON

Q. Mr Wylie, when you were talking with Mr Raymond about the in-seam drill holes, I wasn't quite clear whether you were aware of the permit to mine as at the time you were working in Pike pre the explosion or whether you became aware of that permit to mine subsequent to the explosion. Can you clarify for me please?

A. No, I can't really.

Q. Just pause a moment, can we just put it up Ms Basher, DAO.001.13932

WITNESS REFERRED TO DOCUMENT DAO.001.13932

Q. That's the permit to mine with 22nd October dated at the bottom there. I just wanted to ask whether you'd seen that before the explosion, or was this the sort of document you've seen subsequent?

A. Well, these documents are brought out quite often during the timeframe of the mine, I can't really, can't confirm or deny that I, I could've seen one, but it just doesn't ring the memory banks at all, but I could possibly have seen one, or couldn't have, you know, it's been a long time ago, but I knew there was drill holes going through various places of the mine.

1555

Q. Ms Basher can we bring up the plan on the left-hand side please, a bit further. What we're told Mr Wylie is that the red lines running around and through the panel and alongside the panel and so on are the in-seam boreholes. So all those red lines you can see?

A. Yeah, that'd be correct.

Q. As deputy in charge of the monitor were you given a plan like this that showed the location particularly of the in-seam boreholes that ran through the panel?

A. Well this the permit, the mine, like I just said, I can't recall if I had one for that period of time or not, you know, it's something that hasn't stuck into the memory banks but I knew there's boreholes running through the area.

Q. But what I want to try and get clear, if I can, do you ever remember seeing a plan that had the in-seam boreholes on it, prior to the explosion?

A. Prior to the explosion, well I don't recall.

Q. You don't recall seeing it?

A. No.

Q. The second, handovers, you've talked a little bit about the handover, I think it's at paragraph 81 of your supplementary brief about the handover that occurred on the, when you came off shift on the 19th of November and you spoke to Peter O'Neill as usual. Have you got that, have you?

A. Yes.

Q. Do I take it there was no specific discussion between you and Peter O'Neill about matters such as the gas readings on your shift, ventilation strata, any of that sort of particular matter?

A. No we had no conversations on that as I had no concerns of the place and it was just yeah, just talked, we were still cutting the same as we were, as you were when you were last on and that was basically it. Had no concerns in those matters at that time.

Q. Was that the usual routine, the routine that you describe at paragraph 81, was it just as brief a handover has occurred on that particular day?

A. Yeah, that was basically it, like by the time he got out we only sort of had enough time basically till the drift runner that he had come out on had filled up with water and then were required to go underground so he hopped out, I had all my gear ready by then and I'd have a quick conversation with him, basically filled the drift runner with water, one of their boys did, crew members and away we'd go.

Q. Had you been trained at all as to procedures that should be followed at change of shift handovers between one deputy and another?

A. No not really, we just, you know, passed over information between ourselves.

Q. On coming to that time in November did you know anything that coming weekend there was to be some shotfiring on the fender?

A. Was that after?

Q. After your shift, did you know?

A. No I did not know there was going to be any planned shotfiring.

Q. Had you been aware of any previous shotfiring?

A. I had been made aware of, but I think I don't know when it was but I think it was come on, on my first days back on shift, one of the deputy's, I think it was Russell basically said, they'd been shotfiring over that weekend. But that's about it and I saw the windyborer or drilling machine left in the return up there so I take it they had been. But that's all the information I got on it.

Q. How did you feel about that? Were you surprised that you hadn't been told in advance there was going to be shotfiring in some of the areas that you were working in?

A. Well if I was required to shotfire, don't know, like, I wouldn't, I'd be suspectable about shotfiring in the return for starters, especially breaking into an area where I could not check for gas. You know, like yeah, I'd be a bit, you know, I'd want, I'd be a bit, well be a bit concerned about shotfiring into an area where I could not check for the gas levels in the area behind where the shots were going to break into which was, would be the goaf.

1600

Q. Which was the goaf. And you couldn't check that, no matter what.

A. No.

Q. So, I just want to get a feel for it. Were you ever consulted at all about shotfiring?

A. No, no. Only what I just said, you know.

Q. Yes, per chance mentioned by another deputy?

A. Yeah, that's right.

Q. Did you know roughly enough when it was expected that extraction would finish in that panel you were working in?

A. No, I hadn't been given any timelines. Jeepers, the way we were going, Christ, don't know when we'll be finished.

Q. So you had no knowledge of any sort of planning sequence as to when the sealing might begin of the goaf or anything like that?

A. No, not in any timeline scale or anything like that.

Q. Had it been discussed at all?

A. No, not with me.

Q. Or how, if and when it was sealed, how it would be monitored behind the seal?

A. No, not with myself personally, no.

Q. You said to Mr Raymond that the second egress – I hope I've got your words right, was one of your main concerns, the lack of second egress?

A. Well I did bring it up at toolbox talk when Doug White first started.

Q. Did you have other concerns as well, as to underground conditions, safety underground?

A. Well, I thought that we could've done a bit more bulk stone dusting in the outbye areas, especially considering there was the restricted equipment down the south.

Q. Did you bring that up at all?

A. I reported it constantly.

Q. In what way did you report it please?

A. On my statutory report.

Q. Did you get any feedback from putting it on those statutory reports constantly?

A. No, I never got any specific feedback about it. I just kept reporting as I thought we could do with a bit more stone dust, until I was told otherwise, approved otherwise that we didn't need it, then I just kept reporting it.

Q. And do I take it the fact you were reporting it constantly that the condition of stone dusting or lack of stone dusting as you observed it continued without change?

A. Yeah, correct, yeah.

Q. Were there any areas in particular that you were concerned about lack of stone dusting please?

A. Well I thought the south needed more stone dusting like I just told you, there was restricted equipment in there, and there was a period, I suppose when the main fan motor got installed and hadn't been stone dusted for a period of time which I constantly reported, there'd been restricted equipment too as well.

Q. It's non-flameproof equipment?

A. That's right.

Q. That was your concern, wasn't it?

A. Yep.

Q. And your report about your concerns about the main fan, and the stone dusting, did anything happen about that so far as you were concerned?

A. No, I hadn't received any feedback.

Q. Different topic, Mr Raymond asked you about the monitor crew that you had. How would that monitor crew compare with the monitor crew that you were a part of at Spring Creek? First, in terms of numbers, how many on the Spring Creek monitor?

A. We had, okay, there was two operators and then we had probably two or three blokes setting up for the next sequence or doing other jobs required.

Q. So, four or five?

A. Yeah, basically, yeah.

Q. And how many would've had gas tickets?

A. Would've been, I take it two operators will have gas tickets, there's quite a few, could be possibly 75% of the crew could've had a gas ticket at that time.

1605

Q. And in that Spring Creek crew, what about health and safety amongst the Spring Creek crew and then I'll ask you to compare it with Pike. What the level of health and safety training and preparation in terms of the Spring Creek crew?

A. In what regards?

Q. Well did you have any health and safety instructions at Spring Creek that was different to Pike River?

A. For the monitor operation?

Q. Mmm.

A. Oh there was various TARPs as I recall regarding different situations or possibilities in the monitor area.

Q. Pike River?

A. We had no TARPs. Only the strata TARP which with our report.

Q. Yes, did each crew at Spring Creek have a health and safety representative that was a member of the health and safety committee?

A. As far as I recall yes, I think most crews or all crews has a health and safety representative.

Q. Compared with Pike River?

A. I do not know who was the health and safety representative on my monitor crew so I'm not too sure of the layout of the health and safety representatives at Pike.

Q. Had there been no education instruction, whatever you might call it about who or what the health and safety committee was at Pike River?

A. Not towards me itself no. I think the workers were involved in the health and safety committee meetings as far as I know.

Q. Were you a union member?

A. I was prior to starting at Pike.

Q. I don't know, was there any co-relation between you starting at Pike and stopping union membership?

A. Oh that was a decision I made, just a conflict of interest basically in the position I was at Pike. I just told myself if they had any sort of industrial action my role would be still to check the mine so I took that I wasn't going to be union member and still possibly have to work while they took industrial action or something like that.

Q. Do you know in your time at Pike of any elections being held to, any knowledge of any elections being held to elect members to a health and safety committee?

A. Not that I'm aware of.

CROSS-EXAMINATION: MR HAIGH

Q. Just one issue Mr Wylie, in working under Doug White, how did you find his attitude to safety?

A. Well I personally thought that Doug White had a commitment to safety and I found him very approachable and very willing to listen.

Q. Did you regard him as being dedicated to safety?

A. You could say that, yeah.

Q. Well was that your view or...?

A. Yeah, like I just said you know, I thought Doug had committed view of safety to the mine and yeah he was really easy to approach.

CROSS-EXAMINATION: MS BEATON

Q. Mr Wylie, I just want to show you the first of a series of documents which is DAO.001.02942

WITNESS REFERRED TO DOCUMENT DAO.001.02942

Q. See that there, that's a copy of I think your deputy's report for the 18th of November, the nightshift?

A. Yeah it looks like it.

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Q. And I just wanted to check a couple of things with you. I think you said in your evidence or your written statement that the ventilation at panel 1 face on your last shift was good and we can see the quantity recorded there under the heading ventilation measurement. Is that 27 cubic metres per second?

A. Yeah, roughly I didn't add in all the little points and dots of the night shift, and I didn't want to add it up.

Q. Can I also get you to check please in terms of the gas readings at panel 1, are those what we can see top right-hand corner under heading three hourly gas test results?

A. Yeah, that was in the intake roadway at the monitor.

Q. So that's the P1 monitor, that's the reference there?

A. That's right.

Q. Down a bit lower in the bottom right-hand corner, you've got a 0.5% reading of flammable gas but that refers to heading number A?

A. That's the A heading the stone drove. It was basically where McConnell Dowell was working and heading towards the roadheader place.

Q. So that's one of your outbye areas?

A. Yeah, that's right.

Q. That you're required to check. Is that right?

A. That's correct.

Q. Can we have a look just briefly at what's called the face checklist so on the left-hand side in the middle?

A. That's right.

Q. Those are a number of things that you're required to check during each of your shifts. Is that right?

A. That's correct.

Q. You'll see out in the outbye category there is a question, “Are explosion barriers in order?” And you’ve circled, “No.” Were there explosion barriers at Pike River?

A. Not that I was aware of.

Q. If you go up you'll see about fifth item down on the right-hand side under face check list, is a question, “Has gel report been completed?” what’s a gel report?

A. We basically had two types of strata monitoring. One was the, what we called GELS or electronically measured and we had the tell tales which were, we say mechanically measure devices. We used to only do the GELS on day shift but we still do the tail tails readings every shift.

Q. So the GELS is the report that you're required to do on a day shift relates to GELS within panel 1, the hydro-panel?

A. That's correct.

Q. So if I can show you this next document, it DAO02540067, just page 1 of it first of, sorry?

WITNESS REFERRED TO DOCUMENT DAO02540067

Q. And you recognise that? It’s in front of you too, it should be?

A. Yeah, that’s our, looks at our strata TARP.

Q. Strata Control TARP, is that right?

A. Yeah, that's right.

Q. That’s actually not one of yours, it looks like it’s one of Russell Smith’s?

A. Yeah.

Q. And attached to that will be the second page, which we’ll just bring up if we can Ms Basher. Can you explain to the Commissioners what that document is?

WITNESS REFERRED TO DOCUMENT

A. That’s where all our Strata monitoring devices were.

Q. So when you're required to do the GEL report, is it actually measuring these particular devices in these locations?

A. Not all of them. The GEL reports probably the one with five anchors or four anchors or whatever it was, yeah, there's five, so that’d be the GELS where as the total lower is the what they call tell tales, the mechanical strata measuring device.

Q. So you would've completed one of these forms for each day shift. Is that correct?

A. In regards to the GELS, yes.

Q. In terms of production reports as a deputy, can I get you to look at this document, DAO00103301 headed up monitor report card and that's a document, I think that this is dated 29 October so it's the night shift of the roof cave-in. As I understand it the format of this report changed prior to the explosion. Is that right?

WITNESS REFERRED TO DOCUMENT DAO00103301

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A. Yeah that's correct we got a larger report which had more space to write anything in and I think it also had the cutting sequence and various other questions, bits and bobs.

Q. That you as the deputy had to complete on the document?

A. That's right.

Q. And what was the purpose of these, was it to assess ongoing production?

A. Yeah, oh it's a production report so it's basically time in motion and delays and...

Q. And one more document please is DAO.001.03469

WITNESS REFERRED TO DOCUMENT DAO.001.03469

Q. It's entitled, "Shift operations report."

A. That's right.

Q. It has you there, it's one of your documents I think again dated 29 October nightshift. It has you in the portion it has, "Underviewer S Wylie acting."

A. That's right.

Q. So you were acting in that position as underviewer at that time were you?

A. Because there were no underviewers on in the weekends, we took that role in checking all the areas of the mine at that time, so I filled out that report.

Q. So this isn't a report that you would normally fill out as a deputy?

A. No its basically the only one – I'd only fill it out in say weekends or for example Friday night after the eight hour or development the undermanagers had left.

Q. And finally refer you please to DAO.001.02837.

WITNESS REFERRED TO DOCUMENT DAO.001.02837

Q. Which is your statutory report for the night of 29 October, so the roof fall night that you've referred to in evidence. You see that in front of you there?

A. Yep.

Q. Signed by you at the bottom I take it and by George Mason?

A. That's correct.

Q. Under the portion on the right-hand side where it says, “Flammable gas report if greater than 1.25% found,” the recording that you've written down there, does that say plus five?

A. Yeah, yeah that’s correct at the bleeder road.

Q. Sorry?

A. In the bleeder road.

Q. In the bleeder road. So this is in panel 1 and this is after the rock fall I take it?

A. Inbye of cross-cut one.

Q. And when you take – inbye of cross-cut one did you say?

A. That's correct.

Q. So when you take that reading what are you taking it with?

A. Just our personally handheld gas detector.

Q. Were there other occasions at Pike where you recorded greater than 5% methane on your personal handheld detector?

A. Oh it would've been in – you know, if a heading was gassed out.

Q. What do you normally do as a deputy when you have a reading that’s in that explosive range?

A. We try and degas it.

Q. In terms of documentation do you need to do anything other than record it in your statutory report do you know?

A. No we just record it in our statutory report.

Q. Just for completeness bottom left-hand column there's a reference there obviously to a concern on that day about a lack of stone dusting in the main fan motor heading?

A. That's correct.

Q. That’s an example I take it of one of the notifications that you've made to management about your concerns?

A. Yes.

CROSS-EXAMINATION: MS SHORTALL

Q. Just in response to questions from Mr Hampton, you described seeing various TARPs at Spring Creek but no TARPs except as to strata control at Pike, do you recall that?

A. Yes that's correct, yeah.

Q. And you worked at Spring Creek up until 2009, is that right?

A. That's right.

Q. And you had a year there operating the hydro-monitor, right?

A. Yes that's correct.

Q. And around three months supervising the hydro-monitoring work at Spring Creek, right?

A. Yes and relieving supervisor, that's correct.

Q. And in what year if you can recall or years did you see the TARPs at Spring Creek?

A. Well I was talking about the hydro-panel and while I was on the hydro-panel.

Q. Do you recall which year that was sir?

A. It would've been, oh it would have to be 2008 I suppose, that's when I started in the hydro-panel I think and I left in 2009.

Q. So you didn't work in the hydro-panel at Spring Creek at the time that company started its hydro-monitoring operations in 2005?

A. No in 2005 I started on development.

Q. Why did you leave Spring Creek to come to Pike River in 2009?

A. Well I had my own personal view of that which I don't think relates to this Commission.

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Q. It had nothing to do with any safety concerns, sir?

A. No.

QUESTIONS FROM COMMISSIONER HENRY:

Q. I have several questions Mr Wylie. The first one is about toolbox talks. How did you participate in toolbox talks with your 12 hour shifts?

A. We were given – or when we were given the toolbox, or anything of concern on the toolbox, we basically, I just ran through with the crew and they signed it.

Q. So was that common to have that before each shift?

A. Not before each shift, no.

Q. And with your changeover with your colleagues you said you had a very quick changeover, did you receive any kind of written report about the situation underground before you went down there?

A. Not on the situation underground. We just got a basically daily what, you know, we were going to do for the day.

Q. If you could just look at paragraph 108 of your written brief, you deal there with the situation when the monitor has been idle for a while and you say that when that happens some methane is displaced out into the roadway, how much methane is displaced?

A. It's hard to work out the volume, but for example if you didn't slowly start the monitor up and put it straight onto 100% pressure and started waving the nozzle around, you basically could – it's hard to work out you know, but you basically could displace volumes of methane that could go into explosive levels, I suppose.

Q. Well, we know from what we've been told earlier that the water had been off on the 19th?

A. Right.

Q. What would the procedure be for the crew when the water came back on?

A. Well, when – as far as I know, I hadn't seen any written procedure on how we were to do it, I just done it on previous experience, but, yeah, as far as I know, you know, you could probably start on prime, and then slowly increase the pressure, just to slowly build up your turbulence in the goaf, which would just slow release the methane in any layered areas. Basically it's, for example, it's like turning your fan on full force instead of slowly winding it up or regulating the force of the fan, basically.

Q. This might be a naïve question, but is it possible when the water is switched on for the monitor to start operating by itself?

A. What the –

Q. Yes.

A. Not that I've noticed. It's hydraulics which is solenoids. I'm not too sure on the circuitry of that machine, whether it had the – you might have to ask someone

who knows about the computer. Usually they have protection on where the solenoids are working compared to the inputs of the, what, say your remote control, what's been put in, but no, I've never noticed anything weird in the nozzle has moved by itself.

Q. Right. And final question, what I couldn't figure out is, I mean, were things improving in relation to hydro-monitor production, or the same or getting worse?

A. Improving in production? No, not that I've – not while I was involved in it, no.

Q. So did the future look fairly bleak in regard to production from your perspective?

A. Well, unless we could work out a way to get the coal coming out, yeah, it looked, wasn't looking real flash, no.

QUESTIONS FROM COMMISSIONER BELL:

Q. Mr Wylie, I've just got a few questions as well. In paragraph 86 of your statement, you talked about Spring Creek having forcing auxiliary ventilation?

A. Yeah, that's right.

Q. Was that ever discussed at Pike River?

A. I discussed it with Lance. He was, at that stage of the game, sort of assisting setting up the panel, and we had a few discussions on that. I think he was quite adamant he wanted forcing ventilation up there just for the fact that, you know, for example we did have a collapse in the goaf would seal of the ventilation, so you know, we'd always have air or oxygen heading into that face area, the dead end heading.

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Q. So that was proposed to management that –

A. I take it, I say he would've proposed it. I think, yeah, there's two main points around that stage. That was the forcing auxiliary ventilation and the enclosed operator cap that he was, I think he was trying to push for.

Q. Just a few questions about gas monitoring. What sort of portable gas monitor was in common use at Pike River?

A. There was probably two, I think there was three types, there was, there was a Drager I think XAM2000s were one lot and I think we had some higher ones.

They were, I can't remember the breed of them and then there was the new lot that they got the MXRs, don't ask me the names of them or what model but yeah, there was –

Q. I'm just interested, do you understand what happens, what did the monitor tell you when the level was in excess of 5%, was there a reading on this screen that you could see or was?

A. I think it was just had, come up, with over range I think. You know, like yeah, never actually, a good question, it's been a long time but, I think, just come up as you know continuously beeping and might have a over scale or O something on there, like it wasn't a big display so, yeah.

Q. And how long did it take the monitor to get back to normal operations after it had been exposed to a large concentration of methane?

A. The gas detector?

Q. Yes?

A. I think you had, they were poisoned by it, yeah, I'm not too sure. The one I was using at the time in the monitor place I think it was one of these quite large square ones but I think it didn't get poisoned, it just sort of just once the levels reduced it went, just started reading again, I think.

Q. Were you always able to get a gas monitor, a gas detector, when you needed one?

A. I was, yeah, at the time.

Q. You mention on the shift before the explosion on the 19th that you measured CO make?

A. Well we measured CO in the return if we had any CO.

Q. So you measured CO concentrations, is that what you're?

A. That's right, in parts per million and we had a chart which we could work out.

Q. Litre per minute?

A. Litres per minute or litre per second or whatever CO make and yeah.

Q. So the actual reading of CO was less than one or?

A. It was zero, well all I got was zero on my on the monitor face.

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QUESTIONS FROM THE COMMISSION:

Q. Mr Wylie, we've had some evidence a few days ago about a visit to Pike by a team from Spring Creek on the 3rd of November and that team went to specifically have a look at the monitor operation. Did you happen to be on that day?

A. No, I think I was on my days off.

Q. You've been shown a permit to mine on the screen by Ms Beaton and we've also been shown other examples of those and also another document, an authority to mine, I'm unclear as to what purpose those documents were put to. Were you shown those or given those as a matter of course as a deputy on the monitor?

A. Well, that's – I honestly can't remember. I could've received one, but like I'm saying, my memory's a bit, not all there in that department. Yeah, I just can't recall being shown one or seeing one. I could possibly have, but it's been a long time.

Q. Just as a matter of routine, how did you get instructions either in writing or orally concerning operational issues?

A. Basically would, say, for example if I'd start in the morning, I'd go in there and George got out specific notes that he'd want us to complete or do, or verbally.

Q. That's George Mason in his office that you referred to?

A. That's correct.

Q. So, beyond that, you don't recall documents that you got as a matter of course?

A. Not specifically, no. I never – it's basically just our production report. Our stat reports were in a book underground and any work plan notes. I could possibly have received a permit to mine, I just don't recall specifically remembering it.

Q. A work plan, did you say?

A. It was anything, for example, if we were to shut down at 2 o'clock and go down the south and clean the monitor header tank, or something like that, you know, it's just any variation to what we'd normally be doing. If we were just cutting, then he'd just say do cutting as normal, you know.

Q. So what, is this the same document that you're referring to from George Mason? Is that a work plan that he's –

A. Yeah, basically, yeah, written usually.

Q. While you were on the monitor, you're doing this 12 hour shift?

A. That's right.

Q. Is that the only crew that's doing a 12 hour shift?

A. Yeah, it's the hydro-monitor place.

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Q. Did you work 12 hour shifts in an underground situation before this?

A. Yes I have.

Q. Where?

A. I was on a 12 hour roster at Spring Creek. I think one part there I was on a 12 hour roster in a goldmine I think in Aussie.

Q. So they're quite common are they in mining?

A. Well they are quite common in mining, there's a lot of 12 hour shift mines out there. Well it's basically time you do for example five days on you get five days off after that stretch.

Q. And how do you find the 12 hour shift?

A. Oh it's great especially living so far away from town, you go there, do your hours five days and you get five days off, you can actually do something, time off but that's my personal opinion.

QUESTIONS ARISING - NIL

WITNESS EXCUSED

COMMISSION ADJOURNS: 4.33 PM

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