



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
T Stephens and N Blomfield for New Zealand Oil and Gas

**TRANSCRIPT OF PHASE THREE HEARING
HELD ON 8 DECEMBER 2011 AT GREYMOUTH**

Level 14, Prime Property Tower, 86-90 Lambton Quay, Wellington
P O Box 5846, Lambton Quay, Wellington 6145
Email: pikeriver@royalcommission.govt.nz
Freephone (NZ only) 0800 080 092

COMMISSION RESUMES ON THURSDAY 8 DECEMBER 2011 AT 9.30 AM**MR RAPLEY CALLS****NEVILLE JOHN ROCKHOUSE (SWORN)**

5 Q. Mr Rockhouse do you have a copy of your Phase Three brief of evidence dated 13 November 2011, in front of you?

A. I do.

Q. And it's ROCK0002/1 and then goes through to 75 or so pages, 73 pages?

10 A. That's correct.

Q. And you confirm the contents of this brief of evidence as true and correct to the best of your knowledge?

A. I do.

15 Q. What I'd like to do Mr Rockhouse is just take you through some key points of your brief because it's there and everyone can read it and so I don't want to take up unnecessary time.

A. Okay.

20 Q. Or get you to read such a comprehensive brief. Can I just ask you therefore, and I'll move through the document and then we might pause and look at some exhibits or attachments as we go.

A. Mhm.

Q. So I want to look at page 6 of the brief first, paragraph 4, which will be ROCK0002/6.

A. Yes.

25 Q. And paragraph 4 in particular, do you have that in front of you?

A. I do.

30 Q. And although we don't need this brought up on the screen occasionally I'll get some key paragraphs up on the screen. So that paragraph, part of your introduction, sets out that you're a safety manager and have constant interaction with all departments and mentions perhaps a caveat on your role to comment on all aspects of the company. Can you just tell us what you're meaning there?

0934

5 A. Yeah, well the mining, mining's several different disciplines combined and whilst I was in a lot of meetings with managers, undermanagers and miners' training sessions et cetera, by no means am I an expert in all of those disciplines. I'm very comfortable answering health and safety related questions but geological, gas, ventilation I usually had subject matter experts helping me.

Q. You've got experience in the mining industry for many years?

A. Yep, about 25 but mostly in open cut mines from Australia.

10 Q. So with your interaction with your managers on a daily basis and miners and things, did you acquire a knowledge what was happening in engineering to a certain extent and with the machines and what was happening for production and things like that?

A. Most certainly did, yes.

Q. And of course, you talk about that in the context of your brief?

15 A. Mmm, but I didn't, that's through the meeting process. I didn't work shoulder to shoulder with these guys every day in that context.

Q. So turning to page 7 of your brief, ROCK002/7, and there's a heading there, "Congruence of Goals, Production versus Safety Goals"?

A. That's correct.

20 Q. So just to introduce that topic and then we'll work our way through it. Paragraph 5, the first line, what are you saying there?

A. Well I believe that over a period of time especially probably the 14 months leading up to the time, the 19th of November, the pressures that came to bear on all departments and all employees and contractors at Pike, well Pike River Coal, became quite overwhelming.

25 Q. Now, moving through to next page and paragraph 9 that summarises what you're saying. Just tell us again just the key points you're trying to make?

30 A. Well I believe that the pressure that came on greatly was due to the incorrect selection of plant and equipment and then that was compounded on an ongoing basis by the constant machinery breakdowns of that equipment.

0937

Q. So again, were you involved in sort of fixing the equipment and things like that?

5 A. No but I sat in on meetings where the frustrations of these things that were occurring was quite evident and at times quite heated in terms of the various departments.

Q. And then the next page still dealing with this congruence of goals, paragraph 14 of your brief, just summarise for us again what are you saying there?

10 A. Well both production and manager's meeting there was a real focus on achieving the production levels that had been set some time ago and due to the pressures and inadequate machine selection and constant breakdowns plus the goals that had been set for production targets, the whole project was slipping further and further behind time frame.

15 Q. And then just that third line on that paragraph there, you make a point about safety and there's a change?

A. Sorry could you say that again?

Q. The third line of paragraph 14 you make a point about safety which begins, "I believe," and then perhaps a change so paragraph 14?

20 A. Okay. Oh yes there's no two ways about it. I believe sincerely that when the project first started you know, everyone had the right intent but then over a period of time with the pressures and the challenges and obstacles, it changed.

25 Q. Now just to orient yourself, page 10 of your brief there's a heading, "Balance between safety requirements and budget constraints," do you see that?

A. On page 10 yes.

30 Q. And I just want to draw out some key points on the next page, page 11 dealing with perhaps paragraph 21 and 22, so just pause there for a minute and let's deal with those. So paragraph 21 you mention the chairman of board Mr Dow, just tell us what you're saying there?

A. Yes when I first met Mr Dow he came over as being a very knowledgeable person, a lot of experience and he spoke to me of how he wanted me to produce world class systems and you talk about world

class systems and best practice, they're just words, but to actually do that in reality you've got to have an incredible paper trail. You've got to have everything procedurised and unfortunately those were just words. It didn't translate into the commitment for the appropriate resources to design and build those systems to be run at that level that is required under best practice.

0940

5 Q. And paragraph 22, you mention that there were approximately 180 employees, this is towards the end of the project around about the explosion time.

10 A. Yep.

Q. And 60 to 70 contractors?

A. Yep, probably a few more including McConnell Dowell.

15 Q. And then you talk about the number of employees in your department, how many have you got doing actual health and safety?

A. Well there's just me and probably 40% of the time with Adrian Couchman.

Q. And again just very briefly, later we've got Michelle Gillman coming on to help you?

20 A. Yes she was a Godsend, fantastic.

Q. So she did help you design the documents and the PowerPoint presentations and things like that?

25 A. It was more than that. We'd gotta greenfields site, new environment, new conditions, we'd bounce things off each other and come up with plans and then make those plans into programmes and be guided by, OEM original manufacturers' directions and that sort of stuff.

Q. There's some talk about some administrative staff. I think Mr Couchman mentioned that?

A. Yes he did.

30 Q. And they were inputting data primarily were they?

A. Adrian had ongoing issues with the fact that we had a shared resource between HR and ourselves.

Q. Who was that person?

A. That was Kate Mitchell.

Q. And then did you have another person doing some admin?

5 A. Yes, there was a restructure. I'd tried to time and time again to get additional resources, then out of the blue almost it was announced to us without any consultation that safety and training was going to be split so Kate Mitchell went into do more HR orientated role and was replaced by Sandy Keown.

0943

Q. She is still doing administrative document typing and things, is she?

10 A. Yeah, pretty much and as it turned out there was a lot of stuff that Kate hadn't inputted into the Vault 'cos we'd gone from a paper-based system into an electronic system or transitioning into that.

Q. And just very briefly we'll come to that, but this vault system was it supposed to be able to allow you to prepare reports and sort of analyse
15 the investigation reports and all sorts of things that were being fed into it?

A. My understanding of the Vault system was it's an entire safety management system, but I wanted to only phase it in over a period of time and get each section of it working correctly or as it should before
20 initiating the next bit. Otherwise you end up with a mess.

Q. So did you have enough staff at health and safety?

A. No.

Q. Did you ask for more staff?

A. Yes, constantly.

25 Q. And who did you ask?

A. Peter Whittall and later Doug White.

Q. Let's look at paragraph 25 of that same page, and it sort of flows from what you've said above, I'll just leave it. Just tell us, you're setting up these systems and we're going to look at some of them in a minute, but
30 safe operating procedures is something that's talked about there and risk assessments and management plans and things like that. Were you able to write, for example, a management plan for the engineering department just totally on your own?

A. No. I had to, as I mentioned earlier, subject matter experts.

Q. And that's because you're not an engineer and you don't –

A. Exactly.

Q. – know the real nuts and bolts of what's happening. Is that right?

5 A. Yeah, that's correct and I'd bring raw material together and research and then had to work with someone who was a subject matter expert in that area to tweak it up.

Q. So would you set out the framework and say, "Look this is how a safety management plan should look?"

10 A. Yes.

Q. And things you need to cover?

A. Templates, yep.

Q. And topics?

A. Yes.

15 Q. But, you know, I need you to really put the heart into it?

A. Fill it up. Yeah, that's right.

Q. Is that fair?

A. That's fair and I did that to an extent with information that I was able to put in to get them started.

20 Q. So building on that, and this is where paragraph 25 comes into it and we're going to touch on this again, these documents and you mention SOPs at page – paragraph 25, were they being completed?

25 A. No I had to reach out to and chase up after these documents almost on a constant basis and I've got lots of emails to verify that and interactions because training packages had to be developed and I couldn't go ahead with developing training packages without the information contained in those SOPs being complete.

30 Q. And just turning the page there, you mention the safe operating procedures and JSEAs which we're going to come to. Did a lot of the people charged with writing these or being involved in creating them, did they always have the skill sets to do that?

A. No you've got to understand that whilst – we had a lot of people from overseas, we used a significant number of local people, different

- jurisdictions that sort of stuff. Many of them came from large mining companies that had well-established embedded down systems. We're a greenfields site so we are starting from a white paper start up and whilst they might have many years of working under a system that is maintained they're not necessarily have ever done it themselves before.
- 5 Q. So they've come from other mines where the SOPs and JSEAs are just there?
- A. Already done.
- Q. And they just have to follow them?
- 10 A. Yep.
- Q. In other words?
- A. And maintain update of them.
- Q. But you're asking them to write new ones?
- A. I was instructed to do that, yep.
- 15 Q. That takes us – if we could move from that please to a couple of pages forward, paragraph 33, page 14 of your brief. Just again to orientate yourself there's a heading there, "Procedural shortcuts for production gains," you see that?
- A. Yes I do.
- 20 Q. And paragraph 33 you talk about the engineering department in particular?
- A. Yes.
- Q. What was the problem with engineering?
- A. Well engineering were fast becoming, and I was very concerned about
- 25 this, fast becoming its own little silo, its own little kingdom and I believe over a period of time other departments started doing the same, but engineering in particular from the very early days.
- Q. And who was head of engineering at that time?
- A. Mr Tony Goodwin at the time.
- 30 Q. And then you give some examples of problems you were encountering at paragraph 35 which is the next page.
- A. Yep.
- Q. With engineering?

A. Yes.

Q. He's head of engineering, Mr Goodwin, you've told us?

A. Yes, that's correct.

5 Q. What was his attitude to doing these management plans and SOPs that you're asking him to please do?

A. I started out being very, you know, sort of nice and work with you and all this sort of stuff, but then there was stuff and he'd say he'd get to it and it never got done. So I challenged him several times and then we had a sit down, the first sit down meeting I had with him he said he didn't care and to be honest I was sort of taken aback by that from an engineering manager. So I continued to challenge him for some time and then I believe he got to a stage where he got sick and tired of me on his rear end all the time and he said to me words to the effect if doing safety procedures and doing what you want me to do and my department to do is a greater priority than the engineering projects, "Go see Whittall and he'll change my priorities."

10

15

0950

Q. And did you?

A. Yes.

20 Q. And after you saw Mr Whittall did engineering's attitude and compliance change?

A. No.

Q. Just looking at page 16 the next page, paragraph 39 you talk about being underground, which is a change of focus, you were looking at production now really. Were you underground enough?

25

A. No in hindsight based on what I know now I would've camped underground, I would've stayed there, no, nowhere enough. Safety's at the front end of the business, it's at the coal face.

Q. Did you have the time to go underground?

30 A. Nah.

Q. And that's because you were writing these SOPs and management plans and JCAs?

- 5 A. Yeah a couple of times I put my hand up that creating all these you know, very, very complicated systems and stuff like that it's very time consuming. You know, we used Highbridge from Australia regulations especially and friends in Queensland sent us stuff to help out but it was a huge task.
- Q. And so you say you're not really able to comment on you know, what was procedural shortcuts if any for health and safety underground?
- A. I was aware of them.
- Q. Because you weren't there, okay.
- 10 A. You know, Adrian was going underground and on my behalf because we'd wanted to go at least every couple of weeks, do a bit of an audit and that went back to about a month but Adrian was pretty keen to do it so I drew up a little audit sheet of stuff I wanted him to have a look at and then you know, if he saw anything, fix it up or it was report to district
- 15 official before going into any working place and the rest of it yep, so he did a lot of it.
- Q. And again and we'll bring this document up, it's ROCK0017, but just looking what you said out there, you say Mr White wanted you underground a bit more and then wanted you to create a monthly
- 20 newsletter on health and safety?
- A. That's correct.
- Q. So in November 2010 was the first newsletter you created?
- A. That's correct.
- Q. But you had safety flashes and other information going out you –
- 25 A. Oh yeah we had newsflashes, safety alerts, I was hooked into Queensland, New South Wales mining industries, a couple of emails from DOL here in New Zealand that I'd communicate information out to the guys, Toolbox talks, yeah they got plenty of information and Doug wanted me to really start focusing on the safety side of the business
- 30 which is why he did the split.
- Q. And just again because it's there and conscious of getting through this, there seems to be quite a bit of information in there and you've got accident statistics and graphs and the I Am Safe reports and things, so

we'll just work our way through it. Page 2 of that document you're letting everyone know by graph format, there's health and safety issues is that right?

5 A. Yep, yep these are the same stats that would be done in the, or same format, in the operational reports so we'd just used them and these so sharing information with all the workforce so they could see what's going on.

0955

10 Q. And you say at the bottom there, "B crew are outstanding, leading the pit in terms of reporting potential workplace hazards through the I Am Safe."

A. Marty Palmer's crew, yeah, that's right.

Q. And so reinforcing a positive message and then you actually, on the next page, refer to some I Am Safe reports?

15 A. That's correct, yeah. What I was trying to do here is sometimes crews can be quite competitive, you know, they reckon their crew's the best crew, and I was trying to sort of develop that culture in terms of health and safety and when we did health and safety initiatives, you know, like "Movember" and that, I managed to get like 90 miners involved in growing a mo, so, you know, they were behind it and get that sort of, all that culture, yeah.

20 Q. And then again we can just move through it quite quickly. Page 4 just talks about some injuries and you've got a diagram to do that, and then page 5, you know, day and night time injuries, just some more statistics, and then a note from the boss?

25 A. Yep.

Q. Who's the boss?

A. Doug White, yeah this was a Doug White initiative.

Q. Yes, and then the next page just some safety share?

30 A. Yeah.

Q. So that's talking about meeting and –

A. Yeah, the following month we were going to bring that to the fore, you know, in front to have that first.

Q. And then paragraph 41, I mean you just confirm there. So you said you didn't come back to, "We weren't able to go underground" to do audits and inspections yourself, but did you do that at all, go underground?

5 A. Yeah. Under Doug White's watch yes I started to get underground more often at least once a month.

Q. And to be able to do that it came down to resources and freeing you up from your other tasks no doubt?

A. Yeah, and other priorities were shifted and shuffled. Adrian and I had lots of balls in the air at the same time, that'd be true to say.

10 Q. So just, see on the paragraph below and the heading, "Conflict between groups," and again we won't labour the point, it's all there, but just to orientate yourself, you see that heading?

A. Yes I do.

15 Q. And then the next page please, you're talking about some things that happened and some licences that had to be cancelled and we heard a little bit about that from Mr Couchman I think in the middle of that big paragraph on page 17. Just very briefly, you mentioned there's perhaps these silos and problems with the departments. What do you mean by conflict between groups?

20 A. Look, it was becoming clear that, and in a nutshell, at morning meetings there were a lot of conflict between especially engineering and production. Production had to produce metres but they needed machinery to do that. Engineering were having difficulty with the equipment. They were blaming each other. Engineering were saying, 25 "You're not driving the gear properly". Production were saying, "You're not supplying it to us," and it was ringing big alarm bells in my head. So we ended up, I was pretty proactive, so we just cancelled all the licences and hired in a couple of independent trainer assessors to do them all again.

30 Q. Once you cancelled the licences did that mean people could drive these vehicles?

A. No, we took them back and we took them through a retraining process because just talking about people not being trained adequately sent

shivers up my spine, so we did that as a step to make sure and confirm that they were adequately trained.

Q. So for a period there, what, production was actually halted until they were –

5 1000

A. No, production went on because technically speaking they'd had the OEM training when the Australia companies came over, because when the machines were brought it was brought with training packages, and those trainings were facilitated by Australian trainers as part of the purchase agreements, so on paper they were competent but at a practical level they weren't experienced if that makes sense, yeah.

10

Q. Just moving please to page 18, the next page and there's a heading there, "Impact of the above factors," so that's you bringing these things together. First line at paragraph 14 you summarise what the impact was and what was it?

15

A. Pressure. I should go on to say that a lot of good folk at Pike River Coal, a lot of them wanted that mine to work. We all wanted it to work and we all worked very very hard to try and make it work. But we found out the money was running out about 14 months before the explosion and that equalled pressure.

20

Q. So the workforce knew that the company was in financial difficulties?

A. Not sure of the whole workforce did, but I started becoming aware of it probably 12 to 14 months through management meetings.

Q. So before I move to a topic about things you've learnt since the explosion of unsafe, and you've learnt about unsafe acts, which is on the same page. I just want to move though to a topic just briefly because Mr Couchman dealt with it, and that's the induction and in particular the induction manual. So if I can bring up ROCK005, again we don't need to labour the point, but do you see there are general safety induction manual?

25

30

A. I do and there's one after that, 2010.

Q. And that's been loaded as well and it's got a DOA, or DOL number, which just for sake of completeness is DOL.7770030126. Now we don't

need that up but that's the 2010 induction manual. Is it the same as the 2009 one more or less?

A. Yeah, just a few minor alterations, that's all.

Q. Who created that manual?

5 A. It was a combined effort between myself and Michelle Gillman. We looked at a lot of Australian examples. We picked the eyes out of that, brought it together. I did all the legal jargon stuff and put a lot of words, a lot of work went into this, and she done absolutely brilliant job of bringing it all together and presenting it.

10 Q. And just again to speak to it, page 2 is the contents page, if I can have that please?

Q. You can see there's a section on legislation and duty of care and a section on safety reps in the committees and site safety policies, a section on site safe work practices and so it goes on. Were the
15 workforce given this document?

A. Yeah, yeah, we had 200, 250 of these produced and employees, contractors, gave them all away.

Q. When did they usually get one?

A. At the induction. And there's a big box of them in the training room and
20 in my office, and Adrian's office, they used to pick them up.

Q. Could they get it online too if they wanted to?

A. Yeah, yeah, in the P drive, yeah.

Q. Adrian Couchman's told us his inductions be run with PowerPoint presentations, is that right?

25 A. Yep.

Q. And did you go through sort of slavishly, you know, line by line through this or just hit the big points?

A. No the general ideal and the explanation is that these all have SOPs and associated with them, Safe Operational Procedures, and so, and
30 rules, so instead of swamping people with paper often none of which they read, you give them this, make it look flash so they thumb through it and they start getting a general idea of the rules and regulations for underground coalmining. That was the intent.

1005

Q. And you took them though with your PowerPoint presentations to the key ones?

A. Yep.

5 Q. And you did inductions yourself?

A. Yes I did the first two years at Pike it was just me.

Q. And how long would those inductions last?

A. Morning or an afternoon session, you know, three/four hours. I was quite surprised when I read Mr Couchman knocked over an induction in an hour.

10

Q. And for a new person, again just with the brief points, I'm a new miner, never been mining before, what do I have to do? Medical?

A. Yep you have to do a medical. Underground if you've got any respiratory, you can't use a self-rescuer, asthma or anything that makes you spit it out. You've got to be fit for the medical.

15

Q. What else?

A. Then you had to go to New Zealand Mines Rescue and do a full two days underground mining including self-rescue unit standard 7146 or something.

20 Q. And you rated them highly, they were the best of the best?

A. New Zealand Mines Rescue I had very early on hooked in with them to do a lot of the practical training because in their brigadesmen I saw an opportunity to tap into experienced miners.

Q. What else do they do?

25 A. They did a range of training activity work for us, gas –

Q. Sorry, what else does a new miner do?

A. Okay, then they – so they'd have their medical certificate and they'd have the underground unit standard two day course before they've even come to site. Then they come to site, depending on where they're going to work we had five levels of induction.

30

Q. And did they get any training at the polytech or not?

A. Well it was through the polytech, through Mines Rescue.

Q. My mistake. The mines manager's rules, we've heard a wee bit about those. Were they given a copy of them?

A. No, but if you go to 22, 23, page 22, 23, okay so here we start talking about the – and it goes over on to the next page, we start talking about the specific mine manager's rules and some of the stuff that come out of that. There's a copy of the mine manager's rules that was available to them in training, but they're also given – I found these in a box at home, I don't know if you've got them, but everyone going underground, the standards, mining standards book as well as the I Am Safe book. So they had all of this material to go underground. Then there was additional training on mine manager's rules, a presentation I did on Fridays. As well as talking about SOP training on – during the week when we had the backshift for an hour. So they had the right knowledge.

15 Q. So you held up two things, an I Am Safe book and we might actually get you to physically produce a hard copy, because it's nice to see hard copies some times?

A. Yes, they're a bit dirty unfortunately but.

Q. And what's the other one, I haven't seen that?

20 A. This is the underground standards and it goes through brattice panel layout, basic panel layout, ventilation brattice leads, stone dusting, transport rules, wheeling and travelling road, crib rooms, general temporary permanent stoppings, stopping equipment required, first response trailer, service pipe layouts and so and so forth. It gives you wee pictures and stuff of what to do and how to do it.

25 Q. We've probably got those things loaded on, I'm sure?

A. Probably have.

1010

30 Q. Well so that's, you know, that's getting people trained up, and I've just diverted you from page 18 of your brief. I want to take you back to paragraph 48 and then basically it goes over to paragraph 51 and 52. So you are telling us that since 19 November 2010 you've become aware of factors which are unsafe?

- 5 A. Yeah look on the 19th of November I'd been to hell and back three times over this last year, but the 19th of November was a dreadful day and it was a tragic accident at that time. My father later died later that evening so it wasn't too good, but at that time and I publicly pronounced that everything was fine at Pike River Coal in terms of the systems and processes we had in place and in my heart of hearts I believed that but then I started hearing things and not good things.
- 10 Q. So there's always unsafe things that happens and there are problems and issues with any company but at that point in time did you believe there was any really horror stories of horrific things happening underground?
- 15 A. Nah, I had a discussion with Marty Palmer one of the undermanagers and we were both scratching our heads. We couldn't, we thought that whatever had happened was right out of the box, we couldn't understand and because we were saying, "We did things good," we thought we did.
- Q. So looking at the next page, you've set some of things out but you've learnt –
- A. Page 19?
- 20 Q. Yes page 19, but since the explosion what are these major things that you've learnt about?
- A. Oh I had a well publicised argument with my son Daniel who rescued Russell Smith and he sat down and started telling me what was really going on so my own son gave me a lot of information.
- 25 Q. And is that where he told you that people were putting plastic bags over gas sensors?
- A. Yes that's correct.
- Q. And that is an extremely unsafe act?
- A. That's down the road, your feet don't touch the ground, you're gone,
- 30 yeah.
- Q. And once your own son told you that what was your reaction?
- A. I was gobsmacked, I was absolutely gutted. I you know, I couldn't believe it. We'd put so much work into that place.

Q. And what else have you since learnt? You know, just hitting these major things that –

5 A. Oh using explosives to apply stone dust you know, getting bags of stone dust and blowing that up to put stone dust up on the walls and you know, it's beyond comprehension that anyone, anyone that's ever had anything to do with mining you know, the rules of mining are written in blood, you know yeah.

Q. And what about other things that you've since learnt?

A. Oh look the list is long, yeah.

10 Q. So you've learned about apparently people being un-inducted when going underground?

15 A. Yeah, I heard that and I contacted Adrian Couchman and he told me, "No," and again it was up to the – if we didn't manage the contractors in the last bit, that was taken away from us and if departments sent guys underground that were un-inducted, then the safety and training department didn't know about it. We could only do the training that they brought the guys to us.

Q. And contractors apparently not getting sort of safety documents or names –

20 A. Yeah I heard that afterwards as well and in the early days when I managed the contractors I got site specific safety plans, did a lot of work in that area, a lot of small contractors didn't have the resources for it, so I created a little book called, "Subby pack," gave it to them, a generic thing and the bigger companies didn't have stuff so you know, help them out, Fergusson Brothers was one of them.

25 1015

Q. So this information you've acquired from people like Daniel or reading the evidence I'm assuming and listening to?

30 A. And other family members and the stories they have to tell about their loved ones has been gut-wrenching and horrifying.

Q. I want to take you now to the safety management systems. Just bring up please this page of your brief, which is ROCK002/20 which should

bring up a diagram, and again it's there so perhaps just speak to it nice and briefly?

WITNESS REFERRED TO DOCUMENT ROCK002/20

5 A. Yep, keep it short, yep. Risk assessment starts any process in mining and change triggers a risk assessment. There'd been an operational broad-brush risk assessment to the best of my knowledge done back in 2005 and it may be part of the pre-feasibility risk assessment of a whole site going up to tunnelling operations and up to first coal. Underpinning that I created a, what became a corporate safety management system, 10 SMS, based on international standards, ASNZS4801 and –

Q. Just pause there. So the corporate one, and Mr Dow was questioned about that, there's a corporate one and then there's a management one and so forth?

15 A. No. The corporate one was to do the site base as well because there was talk that Pike would eventually own a couple of mines. So they wanted something that could be put into another meet so, and meet local standards, so build it to the ACC requirements. You know, that led into your lead and lag indicators and KPIs and employee participation because it's of critical importance to get employees involved in a 20 process.

Q. Yes.

25 A. Your basic idea of the hazard register. Critical risks being identified, assessed and then managed or controlled, and that, on that same line we had a set of lifesaving rules and applied to the whole site. These are the cardinal rules or the rules that you never break. These are the rules that you negotiate with the union to get their support so that if there's a process that you go through but you, you know, you can – a consequence of serious misconduct if you're proven.

Q. Everybody accepts that you breach it you're down the road?

30 A. Yes.

Q. That's so golden you can't breach it?

A. Yep. So yeah just don't do it. You don't go there. And they're all underpinned by departmental management plans and dropping out of

those are your safe operational procedures, your working ethic statements, your JSEAs and trigger action response plans and –

5 Q. Pause there. So the department management plans are these, an overarching plan that you were like trying to get from Mr Goodwin from Engineering?

A. Mmm, when you do your broad-brush you're being pretty subjective, you know, subjective. You're not there, you're going forward, and now you're starting to get there so your broad-brush risks are starting to change, they're starting to become reality, so you've got to get more realistic with what you're doing.

10

Q. So each department has to do a management plan?

A. Yes, yes. They, there was quite a number of management plans and, yep.

Q. And each department coming from those management plans, have to create safe operating procedures?

15

A. Yes.

Q. We'll come to them. And work method statements which are part of this job safety and environmental analysis which you call JSEAs?

A. That's correct.

20

Q. We'll come to them. And then trigger action response plans or TARPs?

A. Yep.

Q. And then under that sorry, we've got, and we'll come to those things in a minute. Safety contacts?

25

A. Yep. This is where the wheel started falling off for me because you're now going over from that creation into the monitoring and the auditing and the checking that the standards are being maintained, and this is where I just didn't have enough people on the ground to go and do that, so safety contacts is observation, observing people actually following a TARP or following an SOP.

30 1020

Q. So you developed the I Am Safe fairly late in the piece in 2010 and hadn't got really to that level of your overall management system, is that fair?

A. Yeah, that's where we were 'cos we, yep, started out being Checkmate but then it got changed to I Am Safe but yeah that's where I was up to pretty much.

Q. So just talking about audits.

5 A. I was on track for our ACC audit to occur in steady state coal which would have been February/March of 2011, that was the third-party external audit.

Q. We'll just bring up ROCK0013, which is again just really briefly?

WITNESS REFERRED TO DOCUMENT ROCK0013

10 Q. That is an audit document you started to do and we can just see it's there and was it the level of detail you wanted to obtain for your auditing?

A. No, but it was a start process. If you flick through the pages, I don't know if you can do that, these are the – each year I'd sit down with
15 Adrian or my crew and would start looking at the audits that we could do and what we could farm out to give others to do.

Q. And so it lists some audits and we can see on the next page there that you're attempting to do?

A. Yep.

20 Q. And then on page 4 this lists sort of, I guess a calendar of tasks where you're hoping to, and it goes through different pages, hoping to achieve various audits, is that right?

A. That's right, yes.

Q. It's got your handwritten notes.

25 A. If you go to the next page you'll see that we – we were doing about, I think there's about 19 or 20 audits as well as everything else in there.

Q. So we'll leave that document and again I just want to bring these up so we can have a quick look at them, SOP, your brief page 25, paragraph 75, you talk about SOPs.

30 A. Yep.

Q. I'm just moving to the key points really. You've touched on department management plans and other things, and there's an example of one at

ROCK0018, again it's just to highlight the point that is an SOP, a Safe Operating Procedure for safe cutting and welding?

WITNESS REFERRED TO DOCUMENT ROCK0018

A. Yes it is.

5 Q. And again signed off by you and Mr Louw and we can see that on the second page?

A. Yes.

10 Q. And then on the third page again, we don't want to go any further than that really, it just sets out in the contents the safe operating procedure, the topics what's discussed in relation to that activity, is that right?

A. Yes that's correct.

Q. So anyone who wants to engage in that activity of cutting and welding, they get this document and that tells you how to do it?

A. Yep, in a safe manner and very important for supervisors.

15 Q. And the department's are supposed to create these?

A. Yes.

Q. Again so that's, what would that be, engineering and welding department?

20 A. All departments. I was instructed that line management were responsible, that I was accountable to create the systems and the tools and departments were responsible to implement them very early in the days.

Q. And then we have this thing called JSEA?

A. Job Safety and Environmental Analysis.

25 Q. Thank you, and page 26 you set that out and again I don't need to get you to read that, but you set that out nice and clearly, but let's just look at one? ROCK16 please?

A. Yes.

WITNESS REFERRED TO DOCUMENT ROCK0016

30 1025

Q. So that's a job safety and environmental analysis for shotfiring Cyclone Bay?

A. Yep.

Q. And Mr White's signed it and then there are people who've been involved in what discussing this activity?

5 A. If you cycle through to the last page, because it's the way it's formatted, to the "Work method statement." The work method statement comes first. You see the work method statement gives you a general overview of the job to be done and equipment to be used. Then the group gets together and they work out sort of a planning tool and a bit of a risk assessment tool, the steps of the task and then they go ahead and do that activity. And if they're doing this over and over you make it into an SOP.

10 Q. So if it becomes so frequent that JSEA becomes an SOP?

A. Yeah. And then that would be trained out to those people that are doing that job, so...

15 Q. And then we have another thing called a "Trigger action response plan," or a TARP?

A. TARP that's correct.

Q. And that was again seen on your overall diagram?

A. Yep.

20 Q. Page 27, you talk about that, but we aren't going to read that, but just briefly what is a TARP?

A. A trigger action response plan is where something is getting out of control you can bring it into control. It's a great little tool for a wide range of activities including engineering or emergency situations. It's something that sets three basic normal operations. They're not designed to be followed religiously, they are prompts so especially in emergency management that you don't forget stuff, okay.

25 Q. So we can see one at ROCK0019?

A. Yep.

Q. For an unplanned strata collapse.

30 A. Yep.

Q. Mr Haddow's involved in this?

A. Gary, yep.

Q. And Mr Kobus Louw?

A. Yep.

Q. And then looking at that document, the next page, it sort of sets out the different levels, we've been talking about, normal and level 1 and level 2 and level 3?

5 A. And they're escalating levels so as you notice different things and some prompts there, if you start seeing this going on then you need to consider that. Early in all the TARPs because of our location, especially the health and safety and emergency ones, getting to level 2, we put in there, "Put Mines Rescue on standby."

10 Q. Page 28 you talk about key performance indicators and paragraph 85 you set out your evidence about KPIs. So the KPIs did they include lost time injuries and then – which later became MTIs or medical treatment injuries?

A. KPIs?

15 Q. Yes, so just page 28 of your brief.

A. No they're designed around your performance indicators for annual performance reviews and that sort of stuff. They should be lead indicators as opposed to being lag indicators. I am aware that at a higher level there are some lag indicators for executive management, but not at our level.

20

Q. And ROCK – so you wanted to move to lead indicators?

A. Yeah, if you measure lag indicators, especially LTIs and MTIs and that sort of stuff, you're measuring and celebrating every time you hurt people whereas you want some indicators that are proactive, you know, preventing harm. How many safety audits or safety committee meetings you go to. Put them around there. I did a discussion paper on it for –

25

Q. So ROCK0024 is that discussion paper.

A. Is it?

Q. There's an email and it talks about the discussion paper. So ROCK0024 is an email of 22 June 2008, do you see that?

30

A. Yes I do.

Q. And there's a bit to it but you are enclosing a discussion paper on KPIs?

A. Yes.

Q. And you copied it to Kobus because he's got a lot of knowledge in the area and can add value you think?

A. Yes definitely, he was my subject matter expert for a lot of stuff.

5 Q. And following it through working through that page we can see that Mr Whittall's asking you where you got through with the KPIs and then you, in the bottom of the email are actually talking to Gordon Ward, it's 28 January, you're setting out your thoughts about KPIs and development of a strategy and things like that?

A. Mmm.

10 Q. And then you did a discussion paper on KPIs?

A. I did.

Q. Which was attached we can see.

A. It took several days yeah.

Q. And what was the point of the paper? What did you suggest?

15 A. Well the point of the paper was to drop lag indicators and go across to positive lead indicators and I went through and gave them examples and you know, just that health and safety is about being proactive and that the board's KPIs would sort of drop of out lead indicators as well, so if they wanted to measure and compare our injury frequency rate with 20 Australian mines then they should do it all frequencies, so all first aid treatments, everything combined.

Q. And was that adopted?

A. No, I did a lot of work on this and got emailed back from Mr Whittall sometime later that said, "Thanks."

25 Q. So not taken any further?

A. Nah.

Q. Just moving to another topic now, risk assessments, page 29 of your brief please and we're going to bring up a risk assessment and there's two of them, ROCK0022 and ROCK0023 but we only need to see one.

30 **WITNESS REFERRED TO ROCK0022**

Q. When that comes up I just want you to tell us you know, very briefly, what's a risk assessment?

- 5 A. Well there's a step before the risk assessment and that is that you have a meeting prior to the risk assessment and you provide additional information so the people that you're going to bring together are adequately knowledgeable so that they can be more effective when you do a risk assessment and then you go through the risk assessment and identify, assess and develop controls for specific risks or hazards that you identify, in a nutshell.
- Q. And so for the one we've got up there which is a risk assessment for ROCK0022, use of portable pod underground.
- 10 A. Yes.
- Q. That's carrying out a risk assessment of that activity?
- A. That's correct.
- Q. And you bring in experts who are going to be involved in that and have knowledge of that?
- 15 A. Every time I did anything to do with underground I'd also bring in a miner or a miner's representative. Allan Dixon for example he attended a few of these because he's – yeah.
- Q. So it describes the job, talks about the risk and then identifies how to deal with that risk does it?
- 20 A. That's correct.
- Q. And page 31 paragraph 100 you say under your safety management system, "There's a requirement for risk assessments to be completed for all critical activities," is that right?
- A. That was company policy, yes.
- 25 Q. Were risk assessments created for all critical activities?
- A. It would appear not, not what we know now.
- 1035
- Q. And you set that out at paragraph 103, which you've just mentioned orally to me now?
- 30 A. Yeah.
- Q. So again you tell us that you found out that some weren't being done and people were saying they're too busy to do them and things like that, is that right?

A. That's correct.

Q. You mentioned there too that SOPs weren't being done, and if I can bring you to the document control spreadsheet which is ROCK0026, which is the document I took to Mr Dow to yesterday.

5 A. Yep.

Q. And again we don't need to go through all of that, but this spreadsheet lists all the documents?

WITNESS REFERRED TO DOCUMENT ROCK0026

10 A. No, there's a lot of documents. This is the document control system. For example, in my travels around the mine sometimes I saw toolbox talks in different formats. So I communicated with everyone that if, it would be very beneficial for people to come to us to get a number and channel it through the document control system so documents could be managed.

15 Q. And we can see there that a lot of the documents are, if we scroll through it, you know, we don't need to, but are in draft, in fact, you know, the majority of them are.

A. Yes, and the board got copies of these through the committee meetings.

20 Q. Okay, so Mr Dow mentioned I think that he thought he might've got something like that. So was this raised in these health and safety and environment committee meetings that involved Mr Dow and Professor Meyer?

A. Yeah, yeah, all the systems were, taken through these documents and the fact that we had a lot in draft.

25 Q. And did all Pike employees, you know, get this through the email system?

30 A. Oh look this thing was sent out to the company group email list at least three times. No it would be more than that because I got Michelle to send it out at least three times. Probably I sent it out a couple of times as well, yeah. Everyone had access to it.

Q. And the document control system itself we can see that, you know, there seems to be a hyperlink there with the blue underline. So if they

clicked on that document on the right-hand column, would that actually take them to the document?

5 A. Yeah, that's the whole intent of it. So we, the computers were not reliable in the early days and they had a few meltdowns and we lost a lot of documentation, but eventually they got up and going later in 2010 and you click on that and it'd take you out to the document, a hyperlink.

Q. And the manager who is in charge of doing that task could click on it and?

10 A. You could do this in the control room so miners had access to this as well, yeah.

Q. But in the main, will it be senior sort of people doing it?

A. Well, deputies they all had email, undermanagers and control room, yeah.

Q. Sorry, just so in the main who would be completing these documents?

15 A. Well the managers. I did a lot of version ones okay, and the idea is that they'd go to get them started and then they'd put more information in it.

Q. And is that why health and safety appear on the left-hand side so often as the sort of creator or originator?

A. The original originator, yes.

20 Q. You did a version 1 but it might not actually be anything to do with the (inaudible 10:39:29)?

A. No. The idea was that when they did a version 2 it changed.

1040

25 Q. Now page 33 of your brief, paragraph 107, and then page 35 actually of your brief, paragraph 116 flipping between the two, but 107 and 116 you're talking about raising compliance, the issue of these things not being done with managers. So 107 you're talking about that.

WITNESS REFERRED TO DOCUMENT PARAGRAPHS 107 AND 116

A. Yeah.

30 Q. You took it up with Peter Whittall at management meetings that these things weren't getting done?

A. That's correct, yeah. And he told me, "It wasn't my responsibility that it's the responsibility of line management to do these things." I said words

to the effect that, "Well they're not, and I need the stuff because we need to develop training packages," and so on and so forth, and I got myself into a lot of strife over that over a long period of time. On one occasion he caught me helping one of the managers do some stuff and he sort of turned around and said, "Keep your bloody nose out of it."

5

Q. And you talk about that at page 35, paragraph 116.

A. Yep.

Q. And just being told it's, you do version 1, they're up to, it's their responsibility to do the final versions and get them done, is that right?

10

A. That's right.

Q. How were things getting at this point then when you'd been told to, you're realising they're building up, they're not getting done, we've got lots and lots now not being done, how's that affecting you and your relationship with Mr Whittall?

15

A. In the end I resigned, sort of just got, we started falling out big time. Couldn't handle it anymore, so I wanted to resign.

Q. Did you feel you could stand up to Mr Whittall or do anything about what was happening?

20

A. He would be – look some days was fine and some weeks it was fine, and we got on good as gold and then other times not so good, and he'd give me a hard time but he'd also give a lot of the other managers hard time, he could be a very intimidating man and a lot of people on site were intimidated by him, I think that's fair to say.

25

Q. So you went off and developed these I Am Safe booklets in the later half and again just very briefly we'll bring one up and we've heard about it, it's ROCK0015?

WITNESS REFERRED TO DOCUMENT ROCK0015

A. Yes.

Q. Miners were to have this with them were they?

30

A. Yes, yes they were trained in it, they took them, contractors, they took them with them, they're pocket size, the idea is to get them used to do a JCEA inspection before starting each activity and getting that

information back. That then went to the morning meetings and eventually the information populated the hazard register.

Q. And it sets out, in a very nice clear simple bullet point way.

A. Got to try and keep safety simple otherwise it doesn't work.

5 Q. Now to do those things, and how to do hazard reports, and things like that does it?

A. Yes it does.

Q. And you did a PowerPoint presentation to the staff, which is ROCK0020, again we don't need to perhaps bring that up, bit u-turn's ROCK0020.

10 A. Yep.

Q. Telling them now to use the I Am Safe booklet?

A. That's correct.

Q. That brings us to corporate safety.

A. What page is that?

15 Q. That is page 37 of your brief.

A. Yep.

1045

20 Q. And again just briefly, you set out, you know, this safety and environment committee at paragraph 124 and we've heard quite a bit about that from yesterday so I'm just going to expand a little bit on it. Paragraph 143, just flicking through to that, you talk about the board commitment to safety. So those two paragraphs relate to each other. You would prepare a monthly health and safety report for Mr Whittall who would then send that to the board, is that right?

25 A. I would, yep.

Q. Did you see what went to the board report, to the actual board?

30 A. No I'd only do my little bit and as would the other managers and that would be sent to Catrina or Catriona Bayliss and she would put it all together and then present it to Mr Whittall for editing and then it'd be presented to the board. You know, I might've seen one or two over the four and a half years I was there, but not all the time.

Q. Hopefully it's on the system, I think it's ROCK0028, it's an email from Mr Whittall to you saying, "Don't send," is that the one. Yeah, so do you

see there on 31 October 2007, Mr Whittall saying, "Thanks for the notes Neville..." talks about various things, "Please take John Dow off your distribution list."

A. That's correct.

5 Q. "If there's any matter that needs to be advised to the chairman please let me know."

A. That's right.

Q. So if anything had to go to Mr Dow it had to go through Mr Whittall?

A. That's correct.

10 Q. And up until that point were you sending newsflashes and safety information out to Mr Dow and others?

A. I actually continued to send them after that until probably for another three of four months until he noticed it again, I guess, but then one day he came down and told me to stop. He said, "Why didn't you stop?" I
15 said, "Because it's on the group email," so he went away and had the group email changed. I was clicking on a button that said, "Pike River Company," and it went out to everyone in the Pike River Company.

Q. Now again it was brought up yesterday, there's a document called ROCK0025 which is the safety statistics has a pie graph information and
20 things.

A. Yes, yeah that went to the board as well.

Q. Was presented to the board and Mr Dow said he thinks things like that were presented to him at this health and safety and environment committee meetings.

25 A. Yeah. They would've got handouts with it as well.

Q. There, you know, it became an issue as to whether you were at a health and safety in employment - health and safety and environment meeting on the 5th of October 2009 which was the last one they actually held, they held another one but it was a full sort of board meeting on Pike,
30 Mr Dow says these meetings were very collegial and you were definitely present at that meeting. Were you?

A. To be honest I don't recall, but if you look at the minutes it's Peter Whittall giving the reports. If I was there it would've been me

giving the report, so the minutes answer that question for you. I think I was sick, I can't remember.

1050

5 Q. Mr Dow says he was surprised, you know, you didn't chat, tell him things you've sort of set out here in the brief and to the Commission, did you feel able to talk to Mr Dow about you know, problems with Mr Whittall and things like that?

10 A. Look, Mr Dow, I probably only met him 12, 15 times. I didn't see him every time he come to site so he never came down to my office and knocked on the door and said, "Neville do you want to have a one on one chat," or anything like that so I didn't really know him, I've met more people in this room than I have on, probably and I didn't go to all the social dos, my fiancée's a signer and I'd go and do stuff with her on those nights, went to a few.

15 Q. The health and safety and environment committee meetings, Mr Whittall seems to be there most of the time. Did you feel able to sort of raise it in that environment?

A. No.

20 Q. Again just for completeness you talk about the workplace safety committee and that's set out page 37 and you set this up?

A. Sorry where are we?

Q. So we're in your brief.

A. Yeah.

Q. Page 37, "Workplace safety committee."

25 A. Yeah workplace safety committee, yeah I wanted that to be an employee only committee with only one manager attending. When we first set it up we didn't have much in union involvement.

Q. And did you want union involvement?

A. Yes, you need union involvement.

30 Q. Have you been in a union yourself?

A. I spent 20 years in the Australian miner's union.

Q. Moving now to page 41, "Systems based approach," page 41 of your brief please.

- A. Page 41.
- Q. "Systems based approach," and again very briefly you set out a systems based approach, tell us at paragraph 138 your thoughts on that which you've told us orally. Dr Callaghan's given evidence, do you know her?
- 5 A. Yes a very good friend Frank McCutcheon introduced me to her.
- Q. And she gave evidence at this Commission and I believe you introduced her to Mr Davidson?
- A. I did yeah, yeah.
- Q. And she talks about the differences between process safety?
- 10 A. Yes.
- Q. And personal safety?
- A. Correct.
- Q. What system was Pike River Coal Limited using for health and safety?
- A. Personal.
- 15 Q. Was there anyone in the industry in New Zealand using personal safety as far as you're aware?
- A. I acknowledge the 508 people that they studied in Queensland but that has not permeated out into the wider industry, no.
- Q. In New Zealand?
- 20 A. Or in New Zealand, no that I'm aware of.
- Q. Prior to Pike River Coal Limited in your area of employment you were a consultant to a range of companies?
- A. Yes.
- Q. On health and safety?
- 25 A. That's correct.
- Q. How many roughly?
- A. Oh about 400.
- Q. And from a range of different industries and operations?
- A. Yeah, yeah.
- 30 Q. Were any of them using process safety?
- A. No, they're moving into behavioural based safety which is just starting to get into the human factors stuff and I think with Dr Callaghan's evidence

there's a big future in human factors for the mining industry, even the way we look at risk assessments that not – they're too narrow.

Q. So you endorse her evidence?

A. Totally, absolutely endorse it.

5 Q. And thoughts on process safety that it's a good concept?

A. I've contacted her, I want to do a couple of papers.

Q. Moving through to page 64 of your brief.

A. Sixty-four?

10 Q. Yes, we're jumping through because a lot of it we've dealt with, the training and that brings us to contractors?

A. Yeah.

Q. And not wanting to skip over your brief, but I just want to have some key things and it's there for everyone to read.

A. Yeah fair enough.

15 Q. "Contractor management," is the topic you deal with at page 64 isn't it?

A. It is, yes.

Q. And large companies like McConnell Dowell would do their own site specific safety management plan would they?

20 A. Yes they would and they had their own safety manager and procedures and I did audits on them, yeah.

1055

25 Q. If we can have a look at ROCK21 please, and the first part's been sent to me so perhaps ignore that. But there's some attachments which are conditions of entry, which is actually an exhibit for you, authority to work, also an exhibit for you, subby pack, document hierarchy chart. So those attachments were sent by you on 11 March 2009 to a list of people there. We can see Mr Whittall and Mr Bevan and a whole lot of others that are listed?

A. That's correct.

30 Q. And concerns contractor management?

A. It does, yes. The departments' got to manage their own contractors.

Q. And you are asking by the looks of it, these people to ensure that contractors comply with health and safety?

A. Yeah, we had legal obligations so I was setting those out and I was assisting them with the documents that I appended to an email.

Q. And these documents include the subby pack which is ROCK0011. If we can have that, and again no need to go through it in too great a detail, but looking at page 3, which gives us the contents.

WITNESS REFERRED TO DOCUMENT ROCK0011

Q. Is that a document you developed for smaller contractors?

A. It is, yeah.

Q. And was it to assist them in preparing their own health and safety site plan and systems?

A. It's supposed for the small one and two-man bands and if stuff was not appropriate to them then they (inaudible 10:57:19) but yeah, just get them into the systems-based approach, general idea.

Q. And does it introduce them into JSEAs?

A. Yeah.

Q. And other hazard ID and things like that?

A. Yeah, it was all free, it was all there. They had an open door policy if they wanted and some of them did. Lawsons Engineering did, came and saw us and went through stuff with them, yeah.

Q. And again page 65 of your brief, you talk all about that, providing them with this information.

A. Sixty-five.

Q. And as far as you were concerned these contractors were supposed to be getting at the bare minimum these subby packs, is that right?

A. The smaller ones. The larger ones had to have a site specific safety management plan and identifying what hazards are introduced to our site and we'd have to identify and how we manage the risks that they'd be exposed to.

Q. Now you set up an incident investigation process?

A. Yes I did.

Q. And there are two charts which have got DOL numbers, DOL.777.00300/31, setting out the steps for an incident investigation process underground?

A. Yes.

Q. Is that something you prepared?

A. Yes.

Q. And that tells people how to carry out an investigation?

5 A. That's correct.

Q. And then there's another chart, DOL.000.00300/32 so it's the one after that document?

A. Yeah.

10 Q. And that sets out the process for an injury event, telling people what to do?

A. That's correct. Those two are the correct standards as per company policy and what should have happened.

Q. And you would carry out your own investigations of incidents or injuries or whatever?

15 A. Ones that got escalated to me and usually another manager. Investigative reports, yes I do comprehensive investigations. I gave some of them to Dr Callaghan to have a look at.

Q. And she's commented on those I think.

A. Okay.

20 1100

Q. So did you have the time to do all the investigations yourself?

A. Not allowed to. The whole idea was that department's responsibility for them to investigate and learn from their own events, but the more serious ones then I would get involved with that.

25 Q. And you're now aware it seems clear that a lot of these things weren't investigated properly?

A. I never saw a lot of these things that have come out.

Q. So that is something you've learned after the event?

A. Yeah, didn't know.

30 Q. Now again just to touch on these things, you've sent out news flashes to the staff?

A. Yes, usually within 24-hours of an event occurring.

Q. An example is DOL.777.0030041 just telling people about rescue equipment in the FAB?

WITNESS REFERRED TO DOCUMENT DOL.777.0030041

5 A. Yes, and may I add that bottom right photograph, I hear people were drinking water out of hoses and this stuff, but if you see down that, I don't know if you can zoom in.

Q. The blue and red containers on the bottom?

10 A. Containers on the bottom shelf there, bought a whole heap of those deputies are supposed to fill up fresh water and take them underground on each shift. Those two are spare fresh water containers, yeah supposed to be on the crib room tables.

Q. You brought a whole lot of them?

A. Yep.

Q. And told the deputies they were there to be used?

15 A. Yep.

Q. And no one used them you found out?

A. Well, no, those were two spare ones so to the best of my knowledge they all had fresh water. They didn't have to drink water out of fire hoses.

20 Q. And there were toolbox talks also going out to people for example DAO.001.12552/2, which is a toolbox talk on actually the 19th of the 11th on ventilation issues?

WITNESS REFERRED TO DOCUMENT DAO.001.12552/2

Q. So these things were going out to the staff?

25 A. Yes.

Q. To educate them about safety issues?

A. Yes.

Q. And that toolbox talk in particular was about disconnection of air hoses from typhoon fans?

30 A. That's correct.

Q. It's been found about and been reported on and saying that was totally unacceptable?

A. Yes.

Q. So you had the safety management system, the induction, the induction manual, toolbox talks, the I Am Safe booklet, news flashes, subby pack, safety reps, and safety committee meetings, is that right?

A. Yep, that's correct.

5 Q. All designed to encourage open and honest reporting?

A. Open and honest two-way reporting and recording, yeah.

Q. And you're now aware of course and Mr Houlden sort of graphically illustrated that to us that things aren't being reported to under managers, deputies or whatever?

10 A. Yeah, but during inductions any experienced miners I'd always pick on them specifically and say, "Hey guys step up to the plate, need you to lead the way on this stuff."

Q. So to finish page 70 of your brief, you include about safety culture?

A. Yes I do.

15 Q. And paragraph 276, is the key and then perhaps move through to – we see a lot of documents that others have described as first rate. Is health and safety just about documents?

A. No, look in hundreds of inductions that I did personally health and safety is not about paper, it's about attitudes and each and every incident or
20 accident that there is in mining or any high-hazard area it's about preventing recurrence from learning from those events and yes, I used to verbally say that to everyone. But I just believe that with production pressures and inexperienced workforce and limited levels of
25 commitment in terms properly and adequately resourcing, the safety function in Pike River Coal can all be seen as contributory factors to this tragic event. You know, we had the safety management systems in place. We had the tools in place we communicated to people. They had access to it. Obviously they didn't adhere to it or adopt it and hopefully we can find out why.

30

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

4193

COMMISSION ADJOURNS: 11.08 AM

COMMISSION RESUMES: 11.28 AM

THE COMMISSION ADDRESSES COUNSEL – CROSS-EXAMINATION ORDER

5 CROSS-EXAMINATION: MR WILDING

Q. Mr Rockhouse could I just turn first to your background. What was the first coal mine that you worked at?

A. Wambo colliery, no actually sorry in Queensland Utah Development Coal Mine in Blackwater.

10 Q. Was that underground?

A. No.

Q. About how old were you then?

A. I'd just finished my apprenticeship so I was probably about 19 or 20.

Q. And what was your role there?

15 A. I started out as a cook, I'd done a five year apprenticeship as a chef and yep and I ended up driving a truck.

Q. How long were you there for?

A. Only about 15, 18 months.

Q. Where did you go to after that?

20 A. Down to Singleton in New South Wales, where I got a job with a contractor at a coal mine at Wambo colliery just out of Singleton. That contractor went broke as I recall and I got a job underground.

Q. What were you doing underground?

25 A. I was a production miner, well I started out working in the outbye, on supplies and stuff like that but then we went into a crew after about six or seven months and I was a production miner and stayed probably two, two and a half years.

Q. And then were to?

30 A. To Leamington open-cut which was later sold to Hunter Valley No 1 became Rio Tinto, it's big mega mine there I think.

Q. Coal mine?

A. Yeah.

Q. Underground?

A. No.

Q. What was your role there?

A. An operator.

5 Q. Operator of what?

A. Of trucks and equipment, heavy earthmoving machinery.

Q. And from where did you go?

A. I had an accident, an industrial accident. I think it's around 1990, broke my back.

10 Q. How long were you off work for?

A. Probably five or six years. Went through eight spinal operations. Yeah, so cumulative stay in hospital of about 16 months.

1131

Q. So when did you get back into the workforce?

15 A. Well I started to study whilst from a hospital bed and I'd become a sort of a trainer/assessor in the mines so I came back to New Zealand probably 1996-97.

Q. A trainer/assessor of what in the mines?

A. Truck driving, trucks mainly, yeah, or freight trucks.

20 Q. So when did you do your health and safety studies?

A. As I said, started from hospital bed and gradually worked up through my qualifications. Ended up at the University of Newcastle doing a part-time degree. Went on to do, did my Postgraduate Diploma and my Master's Degree through the University of Newcastle.

25 Q. Your Bachelor was in occupational health and safety presumably?

A. Yes.

Q. When did you receive that?

A. I didn't complete it. When I came, I'd done about 20 papers, 20-21 papers, then I came back to New Zealand. I did another couple of papers through Massey University and then I wanted to complete it so I contacted the University of Newcastle in regard to seeing if I could do that extramurally, my Bachelor's Degree, and it went to the academic committee and I was approved with everything that I'd done in the past

30

that had already got the equivalent of it and I did my Postgraduate Diploma extramurally.

Q. You received your Master's in 2004?

A. That's correct.

5 Q. Did you study for that in New Zealand?

A. Yes.

Q. By correspondence?

A. Yes. I had a supervisor, Ross Coulton, who from the university is senior lecturer in health and safety.

10 Q. And then after that you started your own health and safety company?

A. Yeah, when we arrived back here, yeah.

Q. And that was providing advice, is that right?

A. Yep. Started out as, doing a lot of incident and accident investigations but soon developed into consultancy advice, systems development and training.

15

Q. So how long did you run that for before you started at Pike River?

A. Probably about 10 years I guess.

Q. And you started at Pike River I think on the 6th of December 2006?

A. Oh yeah I believe it was around that, late November, early December.

20 1134

Q. I take it but at that stage you hadn't ever worked in a gassy mine before?

A. No.

Q. And of course you wouldn't have been exposed to hydromining?

25

A. No.

Q. Had you been exposed to a health and safety system for a gassy mine?

A. No.

Q. Had you been involved in developing a health and safety system for an underground coal mine from scratch?

30

A. No.

Q. So when you started, how did you develop your knowledge of the Health and Safety in Employment Act in so far as it relates to underground coalmining?

A. Well during the interview process I acknowledged to Peter Whittall in one of the discussions that we had and acknowledged the fact that I'd been out of the industry for a significant period of time and he offered to mentor me in the bits that I'd missed out on.

5 Q. Mentoring in an understanding of the Health and Safety in Employment Act?

A. Oh I already had a, yeah the regulations you're referring to?

Q. Well my question is, how did you gain an understanding of the Health and Safety in Employment Act in so far as it applies to
10 underground coalmining?

A. By reviewing the mining regulations, the Act over pins the mining regulations.

Q. And when you say, "The mining regulations," you mean the Health and Safety Underground Mining Regulations 1999?

15 A. And 1996 administration regulations. I also did a search in terms of appropriate codes of practice, but there was none.

Q. Was the lack of a New Zealand code of practice an impediment for you in developing the health and safety system at Pike?

A. Definitely.

20 Q. Why?

A. Well usually you have your Acts or which allocates you know, duties and responsibilities, regulations, defines what those responsibilities and codes of practice are means of demonstrating all practicable steps so it's a three – you need to look at the legislation with those full three parts
25 otherwise you won't get it.

Q. I wonder Ms Basher if we could have up CLO0010012967/23?

WITNESS REFERRED TO DOCUMENT CLO0010012967/23

1137

30 Q. See this is part of the Health and Safety in Employment (Mining-Underground) Regulations 1999, and if I could just take you to regular 35, which deals with sparks or naked flames. "Every employer must take all practicable steps to ensure that no device or material

including smoking materials likely to cause a spark or naked flame is taken into, or used in a coalmine or a gassy mine.”

A. Contraband.

Q. That would potentially include vehicles which emit sparks for example?

5 A. Yes, why you have scrubbing systems yeah.

Q. How at Pike River would there be an assessment of what practicable steps were required to achieve compliance with a regulation, in this case regulation 35?

10 A. Well the first part of that answer is that the drift was in stone, so there was no gas issues until later on, but it eventually went over flameproof equipment.

Q. Just looking at the phrase, “All practicable steps,” how would Pike River assess what steps might be practicable in a given set of circumstances?

15 A. Well your definition of all practicable steps is based on the current state of knowledge in that industry and we had access to, and I made early contact with New Zealand Mines Rescue Service. We also had access to highly educated people such as Harry Bell in terms of their knowledge around mining, Dave Stewart to work for us. So I tapped into Mines Rescue as I was developing materials, got them to review things like the
20 emergency management plans, sought feedback from our own people. Some with 30, 40 years in the mining industry, so I believe that we were heading in the right direction with that.

25 Q. Did Pike River have a process of looking at an individual regulation, for example regulation 35, and trying to work out what was practicable for it?

A. Yes, in terms of a management plan being developed for that, so again from the sparks and naked flames the ventilation, the contraband SOP came to of that.

1140

30 Q. Well we might return to this topic later. When you first started, what did you understand your role to be at Pike River?

- A. Well most certainly the way it was explained to me to start off with, is more of a corporate role, but it didn't turn out that way. I was actually doing all the work.
- Q. What was the role that was explained to you?
- 5 A. Sort of being responsible for a department that would develop a lot of the tools and processes that would be required as the mine grew and we were – the first few of us were brought on that – my role I understand or I was led to believe was vacant for 14 or 15 months before I came.
- 10 Q. Well I don't want to go into that, I'm just asking you what your understanding of your role was when you first started?
- A. To develop systems.
- Q. And who had explained that to you?
- A. Mr Whittall.
- 15 Q. And am I right in understanding that in particular that one of your roles was to develop a health and safety system that would be fully and externally auditable by the time steady-state production was reached?
- A. Yeah that was a KPI I believe.
- Q. So who had set that as a goal?
- 20 A. Mr Whittall.
- Q. What's meant by, "steady-state production?"
- A. Virtually when all of your infrastructure is in place, all of your plant and equipment has been commission, fully commissioned and you are a coal mine producing coal.
- 25 Q. When we talk about developing the system, you were responsible for developing the system as opposed to being responsible for ensuring health and safety across the whole of the Pike River workplace?
- A. Yes.
- Q. Who did you understand would have responsibility for ensuring health and safety across the Pike River workplace?
- 30 A. Various department managers through their direct reports.
- Q. Was that goal of having a health and safety system that would be auditable by the time steady-state production was reached, something

that you discussed with any of the members of the board, for example, Mr Dow or Professor Meyer?

A. I didn't know them in those days.

5 Q. Had anyone suggested to you that there should've been a completed and auditable health and safety system prior to production beginning?

A. No it was working, it was being created, so – we had basic systems in place yes.

Q. Are you aware of literature suggesting that the time of development of a project is one of the times of high health and safety risk?

10 A. Yeah – not specifically, no.

Q. While you were at Pike River was there any discussion of whether the development stage was a time of high health and safety risk?

A. There – my understanding that there'd been a feasibility, pre-feasibility risk assessment, there'd been a feasibility paperwork done including risk assessments. You are - already done risk assessments, so that sort of set the framework if you like, the context of what was coming. Making roads, access roads and building infrastructure, that sort of stuff.

15 Q. Right, but my question is whether there'd been any discussion within Pike that the time of development was a time of high health and safety risk?

20 A. Going back a few years now, so not to my recollection.

Q. Had there ever been a review of the efficacy of the health and safety system at Pike?

A. No.

25 1145

Q. Had anyone raised with you whether it would be appropriate to conduct a review prior to, for example, hydromining commencing?

A. No.

30 Q. Just turning back to what you understood Pike would be when you first started. How many employees and contractors did you understand it would develop to?

A. When I arrived there was about five other employees and I believe back in those days they are going to use highly, the best technology is going to be around 100 employees and maybe 20 or so contractors.

5 Q. At that stage were you aware of the difficulties we have heard about getting experienced miners?

A. Yeah, there's been a boom on in Australia for many years, a resource boom, and I think it's common industry knowledge so yes.

Q. And was that something that was discussed at Pike River as far back as 2006-2007?

10 A. Well Denise Weir was the HR manager back in those days and we most certainly discussed it informally that we'd have to pay more money to compete with Australian mines otherwise you're going to have difficulty getting adequately credentialed people to work for us.

Q. Pay more money than miners would be paid in Australia?

15 A. No, no. Make the gap less, you know. So it's a wonderful lifestyle on the West Coast so make it less severe than what it was. You know, some miners can earn 30, 40, 50% more in Aussie than what they can here.

20 Q. Do you know whether that was done, i.e. whether people were paid more to make that gap less?

A. I wasn't privy to who was hired and fired and sort of in terms of their salary packages, but I believe a range of employees got a range of different salaries, yeah.

25 Q. You referred to there being about five or six employees when you started. Was the intended structure of Pike described to you when you started?

30 A. Yes because I asked the question why we'd been hired so early. You know, the tunnel had only just commenced about 30-40 metres in when I arrived, and it was explained to me by Peter Whittall that he wanted to get a management team that had an opportunity to gel together and start to work as a team, which at the time seemed fair and reasonable.

Q. You said in paragraph 194 of your witness statement that the total workforce moved quickly from 22 full-time employees in 2007 to around 180 in 2010?

A. Yep.

5 Q. Twenty-two full-time employees in 2007, would that be the beginning or the end of the year?

A. What page was it?

Q. Page 55.

A. Fifty-five?

10 Q. ROCK0002/55.

A. Yeah.

Q. It may be that you can't recall?

A. Yeah, I couldn't answer that accurately to be quite honest. But we had 22 for quite a while, I do remember that and I was Father Christmas at the things and kids' presents and so I knew we had 22 employees.

15

Q. By 2007 were there the various departments, environmental, technical services, engineering?

A. Yes.

1150

20 Q. If we could just have a look at PW23 please?

WITNESS REFERRED TO DOCUMENT PW23

Q. Now this is Pike River Coal Limited organisation chart as of 19 November 2010 and you'll see that your position is off to the right most place?

25 A. Correct.

Q. And by then instead of safety and training manger you were the safety manager, is that correct?

A. That's correct.

Q. Mr Couchman had taken over that training responsibility, correct?

30 A. Correct.

Q. And I'm right in understanding from Phase Two evidence that you didn't have any authority over the various departmental managers?

A. No, we're on the same line.

- Q. So your role was advisory essentially in relation to health and safety matters?
- A. Very much.
- Q. For their departments?
- 5 A. Very much so, yes.
- Q. And I presume you also didn't have authority over the workers listed below them in those departments?
- A. No, no but in saying that if I challenged them over safety issues they were pretty smart in doing things to get it fixed up.
- 10 Q. When Mr Couchman took over the training role did that mean that you took back certain tasks that he'd been doing for you?
- A. Yes.
- Q. What were those tasks?
- A. Going to the morning Toolbox talks, picking up the incident/accident materials from the control room from the undermanager's office, audits, 15 underground audits, doing the drug and alcohol stuff, the straws of the bathhouse. There was a list he made, he did send me an email around that time.
- Q. So had that change being the no longer doing the training role made 20 any appreciable difference to your total workload?
- A. It increased it significantly.
- Q. How many hours a week were you working by that stage?
- A. Way too many, I don't know. Some weeks 60, other weeks 80 hours a week, at night, on the weekends seven days a week, yeah the mine 25 consumed my life.
- Q. How long had you been doing those sorts of hours for?
- A. Several years.
- Q. Would it be fair to describe Pike River as a complex organisation for health and safety purposes?
- 30 A. Can you clarify that a bit more?
- Q. Well was it a complex organisation to manage the health and safety issues that would affect it?

A. Yes I'd agree with that because of the various disciplines involved and the broadness of those disciplines.

5 Q. Was there ever a time at which you considered it would be appropriate for you to receive further training or advice in health and safety systems?

A. Yes, I at one point had spat the dummy out when I put my hand up for help and the discussion with Peter Whittall he had actually offered one part to get a consultant in from Australia to help, he knew someone and also perhaps for me to go to a mining operation, one of the PHP mines
10 for two or three weeks and get an idea of what they did in Aussie at a practical hands on level.

Q. When was this?

A. Oh God, not really good with dates, my minds a mush. 2008, I'm guessing, not sure.

15 Q. I take it that you hadn't seen a health and safety system in operation at an underground coal mine?

A. That's correct.

Q. Mr Whittall was aware of that to your knowledge?

A. I said that to him at the interview and that's when he said, "It's all right,
20 he'll mentor me."

1155

Q. And what came of that discussion about you getting some assistance or you going overseas?

A. Nothing.

25 Q. Was it ever revisited?

A. It was talked about for a month or so, but then other things have greater priority I guess and it just fell by the wayside.

THE COMMISSION:

30 Q. Why did you take that initiative Mr Rockhouse and broach that subject with Mr Whittall in about 2008?

A. Your Honour I think things were ramping up and I was getting pretty busy with other things and I felt comfortable that I was surrounded by a

lot of very experienced mine managers and technical people and they were assisting me greatly as my subject matter experts, so you know did I really need to go and spend three weeks at a VHP mine? Well I believe I had a lot of talent around me and do I had a lot of work on, I
5 didn't see it as an imperative at that time. In hind sight yeah, it would have been great to do it.

Q. So was it your suggestion or Mr Whittall?

A. No it came out of a conversation because I'd put my hand up that I was sort of pretty swamped with workload and he knew a guy in
10 Queensland, or New South Wales, I can't recall but he was an ex BPB man and he'd safety professional and had his own company and this talk of getting him over to give us a hand for a while, and yeah.

CROSS-EXAMINATION CONTINUES: MR WILDING

Q. Just turning to the type of health and safety system Pike River had. I
15 think it's fair to say from the evidence we've received that was a system based on lag indicators?

A. It could be based on lead as well.

Q. Were there lead indicators that were measured by the system?

A. They were contemplated, but no they didn't materialise.

20 Q. So the system as it operated was based on lag indicators?

A. Yes.

Q. And the information that Pike River would have to report to Accident Compensation Corporation was based again on lag indicators?

A. No, that's not actually a requirement of ACC. The system was designed
25 art the ACC, WSMP, or Workplace Safety Management Practices programme and you could have lead or lag indicators in that.

Q. But in this case it was lag indicators?

A. Yes.

Q. And the information that was reported, for example to operations
30 meeting and the board also focused on lag indicators as a consequence?

A. Yes.

Q. Had there been discussion from anyone above you in the hierarchy including the health and safety and environment committee of the board about the use of lead indicators?

5 A. Yes there had. Earlier on there was an email, I don't recall the dates, but it was up where Gordon Ward sent me an email.

Q. That was with the paper you prepared, ROCK0024?

A. Yep.

Q. Was that the only occasion on which there was discussion of the possibility of lead indicators being used?

10 A. There were other, in the early days there were other, I was asked advice on them, and I said that lead indicators are far better to have because they're proactive. And that was around setting KPIs for managers and what I wanted was some basic things like doing safety contacts, you know, once or twice a year, attending a safety committee meeting, things like that, yeah.

15

1200

Q. And they weren't included?

A. No. The discussion didn't, as far as I know because I'm not privy to all managers' KPIs but they, yeah.

20 Q. And you've already acknowledged my learned friend Mr Rapley that the system focused on personal rather than process safety?

A. Yes. Based on what Dr Callaghan had to say, which, yeah definitely personal.

25 Q. When did you first understand the distinction between process safety and personal safety?

25

A. I'd seen different models around behavioural-based safety, I'd read some papers on human factors, we studied James Reason at university, but her statement was quite powerful and the evidence that she produced was quite beneficial. It hasn't permeated, to my knowledge, out in the mining industry, but it should.

30

Q. Was there any discussion within Pike River about process safety?

A. I don't think anyone really knew a lot about it to be honest. I think it will be one of the major learnings out of this process.

- Q. Had you received any feedback from those above you in the hierarchy including the health, safety and environment committee, about the nature of health and safety system?
- A. How do you mean "feedback"?
- 5 Q. Well, had they ever discussed with you whether the system was appropriate, whether it worked effectively, whether it measured the right matters?
- A. Yeah, the – I only ever attended three of those meetings. There was no negative feedback or I wasn't instructed to go and get a third party external audit or they appeared to be quite happy with what I presented to them on those occasions so, does that answer your question?
- 10 Q. Well was there any feedback by the people above you not including that committee, for example Mr Ward or Mr Whittall or Mr White, about the nature of the health and safety system?
- 15 A. Not that I can recall.
- Q. So what oversight did you have of your development of the health and safety system?
- A. Well you've got to understand that in the early days we were going to be up and running within a couple of years and that the project kept on slipping further and further behind schedule. So when that KPI to build and develop a health and safety management system, the timeframe was within two years. You know, we were expected to be coal and in production, so obviously it wasn't. But that KPI was to, once we got into steady state coal production, the project had been finished, we were a coal mine, then get the ACC in to do the accreditation.
- 20
- 25 Q. But what was the oversight that you had in your development of the health and safety system?
- A. I didn't have any oversight over other departments and what their activities...
- 30 Q. But what –
- A. I had no power.
- Q. - what oversight was exercised over you about how you went about developing that health and safety system?

A. Nothing, I was just given a pretty much a blank sheet of paper and said, "Go for it."

5 Q. In Phase Two at page 1411 of the transcript, Ms Shortall questioned you about the existence of something called an NZ compliance safety management system when you first started at Pike.

A. Sorry, a what?

Q. An NZ compliance safety management system, being in existence when you first started?

A. Oh, yeah, yeah, Rob Storey's one, yeah.

10 1205

Q. What was that?

A. It was a little booklet about that thick and it was one of those sort of generic manuals that you can buy off the shelf. But in saying that it had a fair few hazards and that sort of stuff in it and I reviewed that. It
15 looked all right but I don't think it would've fully met ASNZS4801, I can't say 'cos I never audited it. But, yeah, there was one of those when I arrived.

Q. In your view it wasn't sufficient for Pike River?

A. Not with my understanding of where the company was going and how it
20 was going to build and the technology it was going to us, no.

Q. And you essentially displaced that and started from scratch?

A. Yeah.

Q. Ms Basher could we please have DAO.001.08707/1?

WITNESS REFERRED TO DAO.001.08707

25 Q. You see this is a document entitled, "Corporate safety manual 2008?"

A. Yes.

Q. How was this document developed?

A. I developed this document.

Q. Did you have assistance in developing it?

30 A. Input from various people, yeah, in terms of where we're going to go with it. But I also used it to get the basic design and the format the ACC have a an audit tool and so I reverse engineered that to get the

headings and what it needed to cover and then falling out of that I went into mining stuff.

Q. And what's the purpose of this document?

5 A. It's an overall business systems documentation to promote and manage safety in the business, allocate objectives and goals of the company and generally in a nutshell to keep people safe. It's a systems-based approach.

Q. Having been developed was it subject to any review?

10 A. Yes there was a requirement to review it on a two-yearly basis. During my tenure, falling out of that, there was a health and safety policy and a rehabilitation policy. I did take both of those documents for their two-yearly review and got them re-signed by CEO and general manager mines, but yes – we did that.

Q. Who was involved in the review?

15 A. I think those two documents were taken through the management meeting and then went for signature for the appropriate person and that review is really pretty much here's our safety objectives, is the company still heading in this direction, is there anything changed or are we going to add anything on. That was done.

20 Q. I presume there was no external review of this document?

A. No that wasn't due, well in saying that, the insurance people, they had a look at it, Hawcroft.

Q. By the insurance people you mean Hawcroft?

25 A. Hawcroft, yep they had a look at it a couple of times. There were several occasions where Ivan Liddell, the environmental manager had to have copies of it to go off with some consents application and so there was a few printed copies around, so yep.

Q. When you say, "Hawcroft had a look at it," had you received any feedback from Hawcroft as a result of that?

30 A. Well there was a report and I saw bits and pieces of the report.

Q. This is the Hawcroft insurance report?

A. Yeah.

Q. We might turn to that later. Do you know whether this document went to the board for approval?

5 A. I printed up, I think Peter Whittall was going to London and he was going to read it all and approve it on the long haul aeroplane flight and I gave him a complete copy of everything I'd done and he took it to and he never came back and said whether it was – I gather he accepted it, he never came back with any changes that he wanted.

1210

10 Q. Was this shown to the health, safety and environment committee of the board?

A. Yes.

Q. Did they take a copy away?

A. I gave handouts of parts of it but I also sent electronic copies to New Zealand Oil and Gas.

15 Q. So did the board seek a copy of the whole of the document?

A. Well they could've downloaded a copy of the whole document, they'd have access to it but did I physically print one up and give them, I did not, no.

Q. Did that committee give you any feedback in relation to this document?

20 A. No, I don't believe so, no.

Q. Was there any review of the extent to which this document complied with the Health and Safety in Employment Act and regulations?

A. Any, what sorry?

25 Q. Any review of the extent to which this document complied with the Health and Safety in Employment Act and Regulations?

A. No formal review by any official Government body if that's what you're saying.

30 Q. And I take it from questioning yesterday that Pike River didn't seek legal advice in relation to this or any of the other health and safety documentation?

A. Oh no that might not be accurate. When we got into drugs and alcohol stuff well I did the SOP for that and that went away to lawyers and I think the company lawyer is someone in Dunedin or Christchurch or

somewhere to be checked out that it was all up to standard. So whilst the whole thing may not have, components of it would have and did.

Q. Was this the type of document which was intended to be able to be accessed by employees and contractors?

5 A. The stuff that – this is where it sort of sits, the stuff that falls out of it was the stuff that was intended to be, but in saying that, I had an open door policy and several miners that were doing studies would come into my office and I'd give them copies of certain bits and I'd take them through this to help them with their studies for various tickets and stuff.

10 Q. So does that mean employees weren't given a copy of that corporate safety manual?

A. The whole thing? No.

Q. How could they access it?

15 A. Through anyone that had access to a computer and could access it, control room, deputies, undermanagers et cetera.

Q. Did Pike undertake any assessment of the extent to which this was being accessed by employees?

20 A. Pike had a lot of problems with the computers in the early days and we lost a lot of information so the best of my knowledge, no. The place was growing so rapidly.

Q. Well from your experience was it being accessed by employees?

25 A. In my experience it was in terms of those employees that came to me as part of their own professional development. It was open when we got a union presence there, I showed it to a couple of the reps and they had a look at it, explained how it came about, what it was designed to do...

Q. Would it be fair to say that the workers underground generally wouldn't have seen that?

A. No, no not but the SOPs and TARPs, that's the stuff that they'd see.

30 Q. Mr Rapley referred you to the general induction, the safety handbook in the 2010 one which we don't need up as DOL7770030126. Was that document subject to any external review?

A. No.

1215

Q. Was the board given a copy of that?

A. Yes. It took a copy away.

Q. Was any feedback given by the board in relation to that?

A. They thought it was very flash.

5 Q. They didn't suggest any changes?

A. No.

Q. Just take you to another document the mine manager's rules, DAO.001.10153/1?

WITNESS REFERRED TO DOCUMENT DAO.001.10153/1

10 Q. And you'll see that these are the mine manager's rules signed by you on 13 September 2010?

A. Correct.

Q. Take it this is the latest version?

A. It was.

15 Q. How were these developed?

A. Down the bottom you'll see that it's version 10. One of the first things that occurred when we got a new mine manager, statutory mine manager would be a review of mine manager's rules and they would either add stuff in or take it out. It was our statutory manager so that's how we got so many versions in this particular document when you see other documents of only a version 1. But the original development consultation we had miners, senior miners involved in the process.

20

Q. Do you know whether this document was provided to the board or its health and safety and environment committee?

25

A. Yeah, it would have been in the documents that I presented. It's a pretty important document, so they would've looked at the – did they go through it line by line, I don't know. But I would've taken it along, shown it, explained it.

Q. But did the board discuss any of its content with you that you can recall?

30

A. Not to me personally, no.

Q. And was there any check of whether or not the procedure set out in here complied with the Health and Safety in Employment Act and Regulations?

A. There was no external check that that would occur. In here is a lot of little rules as well as the larger rules as well so no there was no external check that that was done that I know of anyway.

5 Q. And I'm in right in understanding that the workers in the mine weren't provided with a copy of this?

A. I didn't want to load every employee or contractor up with bucket loads of documents because safety's not about that. So they had access to these documents. It was in the manual that everyone took home and we must have dished out well in excess of 200 of those induction manuals over the time I was there. They got the I Am Safe books, their Underground Standards books.

10 Q. Well I'll stop you that because I'm not asking about those.

A. No.

15 Q. The purpose of these mine manager's rules is to provide guidance for employees, contractors and visitors at the site and going underground, is that a fair description?

A. Yes.

Q. And is it right to take from your answer that workers were not provided with a copy of these?

20 A. Not a full copy, no.

Q. When you say, "Not a full copy," what does that mean?

A. Well if we did training on it they'd be hand outs that had some of it in there.

1220

25 Q. But, for those who simply underwent the induction training they wouldn't be provided with a copy?

A. No, not usually, no.

Q. And is that the same for contractors as well?

A. Yes.

30 Q. So would it be fair to surmise from that that there would be people underground who wouldn't have an understanding of the mine manager's rules?

A. Well that's become apparent now, yes, clearly.

Q. Did Pike River ever consider conducting any assessment of the extent of the knowledge of the workers of the mine manager's rules or other health and safety documentation?

A. No, not to my knowledge and in hindsight I wish I had of done.

5 Q. Ms Basher could we please have page 7 of that document. You see that's described as a figure illustrating the relationship between statutory requirements and the various management plans that further underpin Pike River's commitment to the development of a safe system of work. How was that structure arrived at?

10 A. Kobus Louw and myself sat down in his office one day and drew that flowchart and it developed over a period of time because obviously we added other stuff on and got comment from other managers and yeah that's where that came from.

15 Q. You'll see that that essentially has as the driver of the systems, the statutory requirements, Health and Safety Act 1992 (Mining Regulations) et cetera?

A. I see that.

20 Q. And there are, below the horizontal lines, a range of documents which are produced by the various departments, production, engineering, technical services et cetera?

A. Yes.

Q. And Pike River was confronted, as I understand it, with a turnover of managers at that level and some of whom were from overseas. Is that a fair comment?

25 A. Yes, unfortunately, yes.

Q. How did Pike River assure itself that the managers of those departments understood the New Zealand health and safety legislation and regulations?

30 A. Under the safety management system there was a requirement for every person to go through a biannual legislation overview with me and that was the thing that Mr Dow was speaking about in terms of 20 people hadn't done their induction over a period – I took that to that meeting and they gave directions for that to happen.

Q. That overview would take how long?

A. Good couple of hours easily.

Q. Presumably not sufficient time to go into what practicable steps would be required for a given type of circumstance?

5 A. Depending on who you're delivering it to, their level of experience, you've – and what they needed to know. So it could vary.

Q. Was there ever any testing by Pike of the knowledge of those managers of health and safety legislation?

A. When you say, "testing," do you mean giving them...

10 Q. A test or assessment.

A. If they came to any training, all of our training had assessments connected with them as one means of demonstrating competency, yeah. I know Kobus Louw came to a few of them. Perhaps consult the records for the rest, I'm not sure.

15 1225

Q. Where does the hazard register feature in this?

A. The hazard register is part of the, you know, your statutory requirements, your Health and Safety Act requires a systems-based approach, so there's your corporate safety management system. A
20 hazard register sits in that. Falling out of that you've got a line of different departmental management plans that drop out of the bottom of that and they are on that next line down. So your hazard register's in the safety management system.

Q. Is it right to infer from this and the other chart we saw, PW23, that Pike
25 River didn't have any health and safety management committee?

A. Health and safety management committee?

Q. A committee of managers directed at health and safety issues?

A. Onsite?

Q. Yes.

30 A. No, no. We had a site-based safety committee that was supposed to be run by, I set it up to be an employee committee and a manager to turn up, but yeah.

Q. That was the highest level committee there was directed at health and safety?

A. Yes.

5 Q. And putting to one side subcommittees of the board, Pike River didn't have any risk committee or group?

A. No, except those that came together to do particular risk assessments. They're called a panel, I guess.

10 Q. Perhaps just go please, Ms Basher, to page 19 of this document. It deals with behaviour underground and you'll see 8.3A reads, "In the event that gas concentrations exceeding safe levels, all persons must proceed to a ventilated place and not re-enter the gassy place until ventilation has been restored to safe and inspected by a mine official."

A. That's correct, yeah.

15 Q. You aware that the underground mining regulations prescribe certain actions that must be taken when certain levels of methane are reached?

A. That's regulation 10 is it? Yeah.

Q. Regulation 21 and 32?

A. Okay.

20 Q. Had there been consideration to including those specific regulations within the mine manager's rules?

A. Not to the best of my recollection, no.

Q. How would the workers know what they were required to do if gas underground reached a certain level, for example, 2% in the atmosphere?

25 A. Power would go off and they had to retreat to a safe place.

Q. How would they know what to do?

30 A. Deputies and undermanagers had to take them out, lead them out, leading hands on each crew. There's a very defined hierarchical system in the coalmining industry and yeah, contractors should have been supervised by deputies.

Q. So the deputies would have the knowledge of what was required and they would in turn lead those below them out?

A. That was what was supposed to happen.

Q. The mine manager's rules don't describe what people are meant to do in an emergency?

A. No, there's an emergency management plan.

Q. How was that developed?

5 A. In joint consultation with New Zealand Mines Rescue Service.

Q. Was that subject to any review other than by Mines Rescue?

1230

10 A. I was building it with Mines Rescue so I was pretty happy with it, I think a couple of mining consultants may have had a look at it from time to time informally. I don't they ever did any reports on it but they thought it was adequate.

Q. What steps were undertaken by Pike to assure itself that what was set out in that document complied with best practice and emergency management?

15 A. I think the relationship with mine's rescue and working so closely with them and getting them to start to deliver a lot of our training, that ongoing close working relationship. That's probably the only external one, yeah.

20 Q. Were you ever directed to find out how emergencies were dealt with in coalmines overseas?

A. Kobus Louw and I went to an emergency management conference for a couple of days in Queensland in Brisbane and you're going to ask me the date aren't you?

25 Q. As a result of that, was consideration given to the benefit of conducting training with agencies who would be involved in emergencies such as the police, fire service et cetera?

30 A. I had a good working relationship with Nick Pupich who was the Ikamatua fire chief. When we first moved up to the mine I got ambulance paramedics, New Zealand Police, fire service, got them all out, did a orientation visits with them, took them underground, you know, produced maps, coordinates for helicopters, roadmaps, how to get to the mine, that information went into ambulance doors, their front doors and their books so they knew how to get there. I did a lot of work

even search and rescue folk. We provided a lot of the maps for them if people got lost up in that part of the Paparoas.

Q. Had Pike River or any of those groups that you've referred to discussed the benefit in having a mutual training exercise at Pike?

5 A. Yes, that was to occur in 2008 or early 2009 and something happened that was external to Pike that put it off, but yes it was discussed, you are right and that was everything, that was helicopters, police the whole nine yards.

Q. But never done?

10 A. Yeah but it had been agreed to but it wasn't yeah, it wasn't put off by us, it was something else happened.

Q. How would workers become informed about that emergency response management plan?

15 A. During their induction and via their statutory officials, leading hands and training.

Q. I take it they wouldn't be given a copy of it?

A. Not unless they specifically asked for it.

Q. Would they be taken through it?

20 A. I took all the controllers through it. I took several deputies and undermanagers through it and then I got mine's rescue out to come and reinforce what I'd gone through.

Q. So if we look at miners and training miners, would they be taken through it?

A. Yes part of their three month course they would yeah.

25 Q. Three month course by Pike?

A. Yeah, well a combination of Pike, polytech and the New Zealand Mine's Rescue Service.

Q. Were they tested on it?

30 A. Yes and practical as well because they – you know, I was talking to Trevor Watts at one stage, each time we had a trainee programme we'd have a debrief on how to make it better and we were getting to the stage where we were going to smoke out the tunnels in the Rapahoe Station

and actually do that, get them to wear self-rescuers and smoke fill tunnel. He'll be able to verify that.

1235

5 Q. And if people started half-way through the year for example in August 2010 would they be taken through this document?

A. In August 2010, I was probably, I think it was announced in July that I was no longer training, or August, not sure. Not necessarily, no, I can't be sure of the answer sorry.

10 Q. When you ceased doing training was anything done to ensure that those people who came on from August 2010 afterwards were taken through the emergency response management plan?

A. I had no reason to suspect that any standards had changed so I'd expect that would've been done. Whether it is, or was or not, I'm not sure, but the Vault will have records of it.

15 Q. Ms Basher could we please have DAO.001.00096/39?

WITNESS REFERRED TO DOCUMENT DAO.001.00096/39

Q. This features a bit in Phase Two so I'm going to be quite brief. Do you know how paragraph 6.5.6 was drafted?

20 A. In the early days at Pike there was an expectation that the coal had a high fluidity and that there, you know, was some saying that gas wasn't going to be much of a problem, which I always sort of took with a grain of salt. A short answer is no, I don't know, but yeah.

Q. Well you've signed this document on the first page dated 20 February 2009.

25 A. Yep, as the originator. Is this the one that's countersigned by Kobus Louw?

Q. It's countersigned by Mr Whittall. Is that the latest version?

A. I believe so, yes.

30 Q. Were you aware at the time that this was done at the extent to which gas drainage was being done?

A. No I wasn't involved in any of that.

Q. In other words this paragraph didn't involve cross-referencing against information which the company had for example about gas drainage?

A. No. The general idea is when I've made first draft documentation was that when I sent it back to the managers they actually changed the names and a lot of the documentations they didn't change the version number or who originated it, so my name appears on a lot of it. I'm not an expert in gas drainage.

5

Q. Just turning to fire and evacuation drills, am I right in understanding that there were above ground evacuation drills twice yearly?

A. Yep, fire and evacuation of buildings, yes we have an approved scheme under New Zealand Fire Regulations with the New Zealand Fire Service.

10

Q. And the New Zealand Fire Service would have visited site to discuss that is that correct?

A. Yep, had regular visits from the Fire Service, not to actually monitor a drill but we let them know we're having one and we send them the results of it.

15

1240

Q. Why when they are twice a year is the underground evacuation only once a year?

A. Excellent question. I can't answer that.

20

Q. Did any of those above you in the hierarchy, including the board or its sub-committees ever raise with you the frequency of underground evacuations?

A. No.

Q. Did they ever raise with you the desirability of an underground evacuation including attempts to egress through the ventilation shaft?

25

A. No.

Q. Did the health, safety and environment committee ever seek feedback from you about how the evacuation underground in 2009 went?

A. No.

30

Q. Could I perhaps move to a different topic please Ms Basher, DAO.002.00960/1?

WITNESS REFERRED TO DAO.002.00960

Q. And you'll see that this is a document entitled, "Pike River Coal management plan (draft document) (roles and responsibilities)?"

A. That's correct.

Q. And down the bottom right is the issue dated 9 September 2008?

5 A. That's correct yeah.

Q. Is this the current version?

A. To the best of my knowledge version 8 is, yes.

Q. Mr David Stewart gave evidence about this, am I right that he was involved in its development?

10 A. That's correct.

Q. Had you sent him a base document for him to further develop?

A. The organisational chart you produced earlier on, the one at that time plus the role profiles that had been developed at that time, I did yes.

Q. And he then produced a further refined draft, is that correct?

15 A. Yes.

Q. And what happened to that?

A. That then came back to us and very comprehensive and an excellent job that Mr Stewart did and I gave that to two successive HR managers as they came and went – well one left, one was still there, with the instructions that they needed to review this document, update this document and then add as we were ramping up and they were doing more role profiles or position descriptions, they needed to add information to that. To the best of my knowledge that never happened.

20 Q. You'll see that there are no signatures on this, was this document ever approved by anyone above you in the hierarchy?

A. When it first came, because Kobus Louw I believe arranged with Dave Stewart to create it because he wanted for letters of appointment for deputies, undermanagers and shotfirers and engine winding drivers and all that to be able to attach the – this is your roles and responsibilities, this is what you're supposed to do. So at one time, yes

25 Q. This latest version wasn't signed off?

30 A. No.

Q. Did the members of the board, sorry, the health, safety and environment committee ever ask you for a copy of this?

A. No.

Q. To your knowledge did they ever see it?

5 1245

A. Sometimes I wouldn't really know what they wanted to see so I'd just take a whole lot of stuff with me, so I'm not sure.

Q. But it wasn't something that was ever discussed by them with you?

A. No, well yeah, it wasn't specifically requested.

10 Q. Ms Basher could we perhaps go to page 51 of that document. You see this sets out the roles and responsibilities for a crew leader/deputy?

A. Yes.

Q. Who would they have underneath them?

15 A. Deputies would have their crew under them and sometimes they might look after two crews in close proximity, but I've heard now that they're a bit more stretched than that. They're also supposed to oversee and monitor contractors.

Q. How many people in a crew?

20 A. Depending on what type of crew, three or four, sometimes up to six or seven if you include electrical and mechanical.

Q. And could the crew leaders also be contractors?

A. Crew leaders, contractors? Not to my knowledge, no.

Q. Were the crew leaders/deputies to your knowledge given a copy of this roles and responsibilities document insofar as it relates to them?

25 A. Yes, there should be signed copies where they accept under their letter of appointments.

Q. Did Pike River to your knowledge review the extent to which they were meeting the responsibilities and actions set out there?

30 A. I can only speak on behalf of myself. I was never directed to do any audit on this, no. I don't know if anyone else did.

Q. Well were you aware of any review being undertaken?

A. I was not.

Q. Would you expect to have been aware of that?

- A. I would.
- Q. So if we look at the first bullet point under responsibilities it says, "Safe working environment. Underground places of work comply with the HSE Act and the relevant company management plans?"
- 5 A. Correct.
- Q. That's a responsibility of a crew leader, I take it?
- A. Yes. Oh it's the responsibility of everyone. Health and safety is everyone's responsibility.
- Q. But in this context it's also one of crew leader?
- 10 A. Yes in this context, you're right, yes.
- Q. How would Pike River assure itself that a crew leader would know the relevant health and safety legislation?
- A. Through the training that they'd done to get their deputy's tickets. They have legislation unit standards that they're required to complete. Their
- 15 experience, their knowledge.
- Q. I take it that means that Pike River would rely on the external training given to them?
- A. In the ticket, yeah.
- Q. Got to page 53 please Ms Basher. You'll see the right most common,
- 20 "The deputy shall ensure hazard reporting complies with the HSMP as follows: Hazard reporting forms completed as required either by miners or themselves." HSMP, what does that stand for?
- A. Health and Safety Management Practices or Plan, the Health and Safety Management Plan.
- 25 Q. What are the hazard reporting forms referred to there?
- A. Well there was a hazard reporting form or an I Am Safe, but there's also separate deputies' reports and undermanagers daily sheets. Now I never got to see those. They went through a different system.
- Q. Well the I Am Safes came in –
- 30 A. Late.
- Q. – about July 2010, is that a fair comment?
- A. That would be fair, yeah. Prior to that –

Q. So prior to that, and this document's dated 9 September 2008, were there hazard reporting forms for the crew leaders and deputies to fill in?

1250

5 A. We used a single form that was the combination of about three other forms that I created and it was a form 5.1, so it was those accident/incident forms that we had.

Q. So Ms Basher could we have CAC0114/8?

WITNESS REFERRED TO DOCUMENT CAD0114/8

Q. You mean that form?

10 A. Yeah.

Q. So they had a form on which they could report accidents and incidents?

A. Yeah.

Q. Did they have a form prior to the I Am Safe coming in and try –

A. Hazard ID, yeah they did but they used to use this.

15 Q. Was there any check of the extent to which the deputies were appropriately filling in that hazard ID form?

A. No I was never instructed to do any check on that, no.

Q. Do you know how many hazard ID forms were filled in?

A. Total, no I can't, wouldn't know.

20 Q. What happened to them once they were filled in?

A. Well they're supposed to come in through the morning meetings and then go down into the safety department where they'd be entered into the hazard register.

Q. Well did you see any?

25 A. No.

Q. So they weren't being filled in?

A. No, but I saw hazard reports coming through on this, this is why I mentioned that.

Q. Sorry you say hazard reports coming through on?

30 A. On this form as well as incidents and accidents so it was being used for that purpose on occasions because I think once I started seeing that and they weren't using the other form, I think that was the birth of the I Am Safe as we progressed it guess, one of the indicators.

Q. But is it fair to summarise that at least until the I Am Safe came in, there wasn't hazard reporting by crew leaders and deputies except to the extent to which it's captured on the incident/accident forms?

1253

5 A. And or any deputy reports or undermanager reports or contractor reports. There was a lot of documentation.

Q. We'll get to those, but am I right in saying you didn't see the deputy reports?

A. No, that's right I never saw them.

10 Q. Undermanager reports?

A. No.

Q. Contractor reports?

A. No.

15 Q. So even if they were being filled in on those forms, the matters in them weren't coming to the attention of the health and safety department?

A. No unless they came on that form. By the sounds of it not all of them did.

20 Q. Ms Basher if we go back please to DAO.002.00960/3. You'll see the second bullet point in the right-hand column, "If the hazard can be dealt with in accordance with the HSE Act, ie eliminated, isolated or minimised then action shall be taken to do this."

A. Correct.

25 Q. To your knowledge then was the reporting of the steps taken by crew leaders and deputies to eliminate, isolate or minimise hazards they encountered on a day to day basis?

A. I used to tell people to – you don't walk past something, if you walk past something that's not safe then you condone that as being all right and, for example, if I was underground and there was a hose uncoiled, then I'd roll it up make it safe and challenge people if they didn't do that.

30 1255

Q. But was there reporting of how crew leaders were eliminating, isolating or minimising hazards?

A. Not that I've seen, no.

Q. And I take it then there wouldn't have been the ability for there to be an evaluation of whether they were eliminating, isolating or minimising hazards in an appropriate manner?

A. Yeah, I think that's fair to say.

5 Q. Perhaps Ms Basher if we could have page 55 of that document?

WITNESS REFERRED TO DOCUMENT PAGE 55

10 Q. You'll see under number 3 in the responsibilities column second bullet point ensure compliance with the following. "Personnel were withdrawn when high-levels of flammable gas are present in any place or any other area of the section/panel where personnel were working." Did Pike River undertake any assessment of an extent to which that responsibility was being fulfilled?

A. Not to my knowledge.

15 Q. You are now aware of a number of occasions of there being methane at 5% or more being reported for example in October 2010, is that correct?

A. Yes that's correct.

Q. I take it then that Pike River wouldn't have cross-referenced those reports with the actions if any taken to evacuate the mine or its workings?

20 A. Mr Wilding when you spent that three days with me and you showed me that stuff you had me reduced to tears. I, no there was no analysis like you've done with that at Pike River, it was just (inaudible 12:57:39) I was just heartbroken.

COMMISSION ADJOURNS: 12.57 PM

COMMISSION RESUMES: 2.01 PM

CROSS-EXAMINATION CONTINUES: MR WILDING

Q. Ms Basher may we please have DAO.002.01644?

WITNESS REFERRED TO DOCUMENT DAO.002.01644

5 Q. Mr Rockhouse, before the break we were talking about actions in the event of excess gas and you'll see that this is a document entitled, "TARP acknowledgement of gas alarms."

A. That's correct.

10 Q. And it's signed but not by you, by Mr Haddow and Mr Louw on the 5th of December 2008.

A. That's correct.

Q. You'll see there's an issue date of 17 November 2008, which pre-dates the handwritten dates, is that the computer generated date when the documents printed?

15 A. Yeah, there was a variance. Some documents were set to print the original date that it went into the system, whilst others printed it the date that it came through to the printer.

Q. Do you recall whether you have seen this document before?

A. Yes I have seen it before when Gary was first making it.

20 Q. You were involved in its development?

A. Only in terms of getting it formatted.

Q. Ms Basher if we could have page 2 please. You'll see this document sets out what should happen in the event of a level 1, level 2 or level 3 trigger.

25 A. That's correct.

Q. And you will also see that under each of those levels there's reference to gas accumulation at a lower level, a higher level and finally high levels over a prolonged period. You see that?

A. Yes I do.

30 Q. And that document doesn't appear to include any definition of the percentage of methane at which those triggers come into play.

A. Yeah that's probably an oversight.

Q. Right, well do you know whether workers were trained in what was meant by lower levels or higher levels?

5 A. Yes, yes that was covered in different training sessions, yeah 1.25% and the equipment was set and then the power went off at turn. If the fans went off within 30 minutes you had to retreat to a place of safety, fresh air. I think people were well aware of that.

Q. Was there any checking to your knowledge of whether or not the workers acted in accordance with these level 1, 2 and 3 triggers?

10 A. I can only tell you sir that when they first came out Kobus Louw was the manager and I sat in his office and at that time he trooped control room officer that was onsite, every deputy and every undermanager through and went through all these TARPs.

Q. Well was that to your knowledge done subsequent to Mr Louw?

A. Not to my knowledge, I don't know.

15 Q. If we can just go back to the roles and responsibilities document please Ms Basher which is DAO.002.00960/106 and DAO.002.00960/107?

WITNESS REFERRED TO DAO.002.00960/106 – DAO.002.00960/107

1405

Q. You'll see that this sets out roles for a position of ventilation engineer?

20 A. That's correct.

Q. And you'll be aware that Pike River didn't, as I understand it, have a ventilation engineer?

A. That's correct.

25 Q. Did you know whether Pike River ever undertook any assessment to ensure that all the various responsibilities and roles of a ventilation engineer set out from page 107 onwards were being undertaken by someone?

30 A. The original intent is my recollection, was that we were going to have a ventilation engineer. I had \$20,000 in a budget for training of a ventilation officer and I discussed that with one of the mine managers, I don't know which one, and it was put forward that Gregor Hamm of technical services was prepared to do that, undertake that role, and I spoke to the University of New South Wales and Queensland, they had

some sort of combined course over there, but it didn't happen, it got knocked back.

Q. But do you know whether Pike River undertook any work to ensure that all of the responsibilities of the ventilation engineer set out there were being done by someone?

A. No I can't say I do, no.

Q. Are you aware this doesn't have a position for the health and safety and training manager?

A. Sorry?

10 Q. Are you aware that this doesn't have a position for the health, safety and training manager?

A. Yeah, well the roles and responsibilities document, my role sort of, the role profile that I was given when I first started was not what I ended up doing.

15 Q. Was what you ended up doing ever reduced to a written rules and responsibilities document?

A. Not to my knowledge, no.

20 Q. If we could just turn to a different topic please, which is the workplace health and safety committee you've referred to in paragraph 126 of your witness statement?

A. 126.

Q. And that essentially means the committee Mr Couchman was chair of, is that correct?

A. Yes he was, yeah.

25 1408

Q. And you gave it instructions?

A. Yes I set up the charter.

Q. And he reported to you?

A. Reported to me?

30 Q. Yes the committee?

A. Indirectly, it was an employee committee that would go back through to the mine manager that was the original intent.

Q. You received copies of the minutes?

A. Yes.

Q. Aside from the members of the committee and you, who else were the minutes circulated to?

5 A. They were broadly circulated and the – at least to my recollection they went up on notice boards or a summary of them, not the full verbatim minutes, but a summary of them went up on notice boards. Yeah, they were widely circulated.

Q. That these were notice boards for the workers to see?

A. Yeah.

10 Q. And so they would've been circulated to the general manager?

A. Yes.

Q. The chief executive officer?

A. Yes.

Q. Do you know if they were circulated to the board?

15 A. I guess in the world that I operated in every Wednesday meeting I was reporting to the board because Peter Whittall's there and so is Gordon Ward. So, they were on the board, so, yeah.

Q. So you're not sure if those minutes went to the board?

A. Not sure, no.

20 Q. Did the health, safety and environment committee ever raise with you any of the issues that were being dealt with by the workers health and safety committee?

A. Yeah and they were, to the best of my recollection addressed on at least one occasion I was sent a letter by Adrian Couchman regarding an issue and I sent a response to that.

25 Q. But, did the board discuss with you any of the issues raised in the minutes of the workers health and safety committee?

A. No they did not. Sorry I'm having a little difficulty hearing you, can you speak up a little bit.

30 Q. I take it that committee didn't have any budget?

A. No.

Q. And it didn't have any authority over workers?

A. No, that'd be correct, yeah.

Q. If we could have please Ms Basher DAO. –

A. Could I just chuck one thing in there, what we wanted to happen was have at least one manager who had some authority to attend each committee meeting and I earlier spoke about lead indicators doing that so, that if they did need to spend some money there was someone who had access to funds to do that, so we did cover that contingency.

1411

Q. If I could have please Ms Basher DAO.001.08477

WITNESS REFERRED TO DOCUMENT DAO.001.08477

10 Q. This is an extract from the corporate safety manual and you'll see that it's headed 6.1 PRCL Health and Safety Committee?

A. Mhm.

Q. Does this set out what that committee have intended to do?

A. That's correct.

15 Q. Ms Basher if we could just have page 3 of that document? If we just look at the goals, the third one down, "Ensure Pike River coal and health and safety procedures systems and practices comply with the HSE Act 1992." Was this committee provided with documentation, for example policies, procedures, TARPS et cetera to review for compliance with the Act?

20

A. They would've had access to it.

Q. But they weren't, didn't have as a function in practice the reviewing of those documents for legislative compliance?

A. If that came up as an issue or they wanted to do that they could've done that and Adrian would've just shot into the office next door to print up whatever they needed. That's all I can say.

25

Q. To your knowledge did they review the health and safety documentation of Pike River and make comment on it legislative compliance?

A. Not to my knowledge no.

30 Q. Is it fair to say without going through this document further that this sets out what you would've liked the committee to do rather than what it did in practice?

A. Yes, that'd be fair to say.

Q. Was there ever an assessment of how well the committee was able to undertake the functions set out in this document?

5 A. We organised external training for the initial committee. I'd instructed Adrian to maintain that. Not too sure if he did, but there were different levels of training for safety reps as per the legislation but then we had a turnover of staff so, I'm aware of one such training session as a two day training session.

1414

10 Q. What I'm asking is whether or not there was ever a review of the ability of the health and safety committee to effectively carry out the roles and responsibilities set out in that document?

A. No formal review, no.

15 Q. And are you familiar with the process set out in section 19(b) of the Health and Safety in Employment Act which allows a health and safety committee to make recommendations to an employer which the employer must either adopt or not do so setting out reasons?

A. Yes.

Q. Mr Couchman gave evidence to the effect that that wasn't the way this committee operated, do you agree with that?

20 A. Not entirely, no.

Q. Well did it to your knowledge make recommendations to the employer?

A. It was more like action points and to the best of my knowledge I think the majority of those action points were completed, that's my recollection.

25 Q. When it came up with action points, who within Pike was responsible for assessing whether they should be undertaken?

A. Well that would go down to the manager that was attending that committee meeting at that time. That person had the necessary authority to do something about it.

30 Q. So there wasn't a process whereby the senior management by which I mean the CEO, general manager or mine manager would evaluate the recommendations or action points from that committee and decide whether to implement them?

A. The mine manager would've got a copy and so would the CEO I guess of the minutes. I'm not too sure who was on the distribution list to be honest, so I'm not sure.

5 Q. Are you aware whether the senior management ever wrote to that committee or you saying that it wasn't going to implement something and then setting out why?

A. I wrote a letter of response I think it was over the second means of egress and I gave them an update to where we were at that time. That was about the only formal response I ever gave them. I'm not sure
10 about other managers sorry.

Q. Could I move to a different topic please? The Commission would like to gain an understanding of the extent of the documentation which is made available to you. Ms Basher could we please have CAC0117/3

WITNESS REFERRED TO DOCUMENT CAC0117/3

15 Q. This is a list compiled by the Commission of reports or documents that appeared to be regular or reoccurring. Are you able to tell us which of those was made available to you in schedule A?

A. None of them.

Q. If we can have page 4 please Ms Basher and of schedule B?

20 A. For a while I got some control room daily reports but they stopped for some reason. I did get incident reports, newsflashes usually came from us to get a number, the ones that were in our format. Incident/accident, yeah, hit register, yeah, that came through us. Toolbox talks they would come in, the ones that did come in would be given a number and sent
25 out again. So those bottom few.

1419

Q. Can you recall when you stopped getting the control room daily reports?

A. It was probably on one of the occasions when the server crashed and they went to the backups and the backups – couldn't get the backups as
30 well, there was a big meltdown of the computer system.

Q. Can you recall when that was?

A. I can't put a date on it sorry, to be honest. I just don't know.

Q. Page 5, schedule 3 please Ms Basher. What documents on there did you have made available to you?

5 A. The underground audit results that Adrian did. The emergency response medical equipment audits from Glenville Stiles, evacuation reports with Mines Rescue. I never saw David Stewart's audit report. Safety stats yes. safety committee minutes, yes. hazard report, yes.

Q. The hazard reports being the I Am Safe reports?

10 A. And that form that was an all-encompassing form. We used to use that accident form that you brought up before as a hazard ID means to identify hazards as well. It was used for that as well as incidents and accidents.

Q. And page 6 please Ms Basher, schedule D?

15 A. Hazard register, maintained that and it was in the process of being going into the Vault. When you say, "operation meeting minutes," what - which meeting are you -

Q. These would be the Wednesday minutes.

A. The Wednesday minutes, yeah. I didn't always get the board health and safety and environment committee minutes, I saw a couple, maybe a couple of sets of them and I never saw the board minutes at all.

20 Q. Were you required to approve the board health, safety and environment committee minutes?

A. No.

Q. Did you ever see them in draft?

A. No.

25 Q. Just turning to some other documents then, Ms Basher please MED00010070105/1?

WITNESS REFERRED TO DOCUMENT MED00010070105/1

Q. Did you see any petroleum reports to the Ministry of Economic Development?

30 A. No.

Q. If we could have page 6 of that document please. You'll see the third from the bottom of that table says, "Gas drainage line at full capacity," and then the blue starts about February 2010?

A. Yes I see that.

Q. Did you receive any documents to the effect that the gas drainage line was at full capacity?

5 A. No the first time I was aware of that was when the report came up here at the Royal Commission, the Miles Brown report.

Q. Is that a matter that you would've expected a health and safety officer to know of?

A. Hell, yeah, yeah.

10 Q. Is that something that had you know of it, it would've been included in training?

A. Definitely.

Q. And I take it, it wasn't because you didn't know of it?

A. No I didn't know about it.

Q. Can we please have ROW006?

15 **WITNESS REFERRED TO DOCUMENT ROW006**

Q. You'll see this is a document entitled, "Brief report pertaining to current model update and point in time circuit capacities at Pike River Mine, October 2010, Mr John Rowland." Had you seen any reports by Mr Rowland?

20 A. Not full reports, but I've heard of the guys talking about him and I've met him when I've been over in tech services.

Q. If we could have page 4 of that please Ms Basher. You'll see the second paragraph, "There is somewhere around 120 metres cubed sec of total air available which if all of this is utilised can service only four
25 auxiliary fans running on full speed whilst allowing industry standard excess flows to prevent re-circulation." Were you aware of the limitations of the ventilation system?

A. No.

1425

30 Q. Did the standard induction training that was given cover the number of auxiliary fans that could be used at any time?

A. No.

Q. Did it include the number of faces that could be worked at any time?

A. No.

Q. So who within the company was responsible for training those underground in that?

5 A. There was a process for going through to get training needs analysis and if the departments let us know what training they needed, then we could put that together and put it into the budget. That doesn't really answer your question does it, no.

Q. No.

10 A. I do know that Doug White when he came on board, if it helps, he spoke to Harry Bell about addressing this issue.

Q. Who was responsible for deciding how many different areas would be worked underground at any time?

A. I've never seen anything formal but I'd say the statutory mine manager at the time.

15 Q. Are you aware of whether there was any formal process within Pike for assessing the number of places that could be worked underground with reference to, for example, the gas drainage and ventilation system?

A. Not that I'm aware of, but that's not to say that it didn't happen, so not that I'm aware of, no.

20 Q. Could we please have DAO.003.08710?

WITNESS REFERRED TO DOCUMENT DAO.003.08710

25 Q. Now this is a document entitled, "Risk survey underground CPP and surface operations final report, July 2010, Hawcroft Consulting International." I think you began to tell us earlier on that you might have seen parts of this document, is that right?

A. Yeah, yeah.

Q. So you didn't see the whole document?

A. No. I chased after it though on a couple of occasions.

Q. Do you know what parts you saw?

30 A. I recall because I, the parts that I did see related to a broad-brush risk assessment which we went into coal and that was the bit that I was chasing to get done.

Q. Well let's perhaps turn to that but which is summation ending 31 please Ms Basher. And you'll see that under 09-07-13 High, section 11.1 risk management, about a third of the way down it says, "Broad-brush risk assessment of the operation has not been conducted"?

5 A. Yep, and the recommendations from the 2009 insurance audit hadn't been done either. So a lot of these were carryovers.

Q. Just very briefly, what did you understand a broad-brush risk assessment would involve?

10 A. Well a total look of the externally facilitated total look at once we break through to coal, where we're going, what we're going to do, you know, what risk assessments would be needed, where equipment was going to be placed, the whole nine yards, everything.

Q. And you sought for that to be done?

A. I did.

15 Q. When?

A. Oh, at least on three separate occasions over that couple of years through managers' meetings.

Q. Had you sought it to be done prior to hydromining commencing?

A. Yes.

20 Q. And who did you seek it to be done by?

A. Well it had to be approved by Peter Whittall.

Q. And so what did he say about it when you spoke with him?

A. That it'd be taken offline and discussed and we'd go from there.

1430

25 Q. And by, "Taken offline," does that mean a discussion, how?

A. A lot of things in the management team meetings started to get discussed and a common theme occurred in that Peter would say, "It needs to be taken offline, we'll discuss this at a later date or outside of this forum," and never did.

30 Q. So was this discussed offline?

A. Not with me, no. May have with others, I don't know.

Q. Can you recall when your last discussion with Mr Whittall about this was?

A. At least six, seven months before the explosion I guess. When did this come out, July?

Q. 2010?

5 A. 2010, yeah, so probably whenever the report arrived, I think there were parts of it that came to a meeting and it was probably mentioned, you know, "When are we going to do this broad-brush risk assessment, externally facilitated?" and that was never responded to.

Q. So if we could have ROCK0002/20 please Ms Basher?

WITNESS REFERRED TO DOCUMENT ROCK0002/20

10 Q. This is your witness statement paragraph 54, figure 1 and you've got at the top, "Operational broad-brush risk assessment." Which is essentially the source for all the documentation below it, correct?

A. As said earlier, yeah risk assessment triggers, or change triggers risk assessment.

15 Q. And so the most recent one Pike was working from to your knowledge was 2005?

A. That's correct. That's why I was chasing it.

Q. If we could have please another document Ms Basher, DAO.005.00152/1?

20 **WITNESS REFERRED TO DOCUMENT DAO.005.00152/1**

Q. This document has printed on it the number which doesn't correspond with my system Mr Rockhouse I'll just describe it. It's a report by Hatch Management Consulting, Pike River Coal Mine final report of review and site visit 27 November 2009. Do you want to have a look at it just to see whether it's a document you've seen?

25

A. I've heard of the name Hatch somewhere. I've never seen this document in this, I've never seen this one before.

Q. One of the criticisms in this document at page 25 is, "There are problems with the design, operation and maintenance of both the road header machine and the continuous mining machines which are still not being completely resolved." I take it you would have been aware of those issues?

30

A. Yes they weren't fit for purpose those machines.

1435

Q. Are you familiar with section 6(c) of the Health and Safety in Employment Act which requires that any plant used by any employer, workers so arranged, designed and maintained so that it is safe for the employee to use?

5

A. Yes.

Q. Did Pike River ever seek for you to undertake any assessments of the compliance of its machinery with that provision?

A. Those machines were being re-designed and bits and pieces added to them as we went along and it got to a stage where I approached the then engineering manager Nick Gribble and said this has got to stop, you're starting to get away from your OEM, original equipment manufacturers, guidelines. We had a discussion about that and in the end he said that when the designs, because it was something that they had to continue to operate, re-design the equipment, when they got to a stage where they had them operating properly that he would arrange for new instructions to be written up and deliver us with training packages.

10

15

Q. So had Pike actually assessed whether the plant that it used was arranged, designed, made and maintained so that it is safe?

A. I didn't do a review of that nature on any of the new equipment. But, to the best of my knowledge it met the specifications of design criteria.

20

Q. Were you aware of whether anyone did a review?

A. No if they did I never got to see any of the documentation for it. There was documentation that they could use, fit for purpose equipment documentation.

25

Q. Perhaps another document please Ms Basher DAO.011.23424/1?

WITNESS REFERRED TO DOCUMENT DAO.011.23424

Q. Was this document made available to you, its titled, "Pike River Coal formal risk assessment, ventilation and gas monitoring?"

30

A. Made available to me, how do you mean?

Q. Had you seen it?

A. No I don't recall seeing it, but that's not saying I never did, but I don't it's not even in our proper format for a risk assessment.

Q. If we could have perhaps page 8 Ms Basher. You'll see for example that under additional controls there's reference, third from the bottom, "Training to control room operators," in fact third from the top, "Control room operators to be trained in safe gas." How would that type of health and safety in training information be disseminated from this written documentation to those responsible for training?

A. While one would logically expect that we'd get a – some form of training request or training needs analysis to actually arrange that to happen, or, and I know that some of the departments had their own training budget and got their own training done and organised as well. So, it may or may not have passed through the training department.

Q. Was there any system for ensuring that each of those health and safety matters was drawn to the attention of someone responsible for training or health and safety?

A. Could you repeat that please?

Q. Was there any system for ensuring that those health and safety in training matters were drawn to the attention of an appropriate health and safety training person?

A. An audit process you're talking about?

Q. Mhm.

A. No.

1440

Q. If we could just turn now to some of the documents on that schedule which I showed you before, that four page schedule. Perhaps Ms Basher if we could have DAO.004.08436/1?

WITNESS REFERRED TO DOCUMENT DAO.004.08436/1

Q. You'll see this is a work order number 7825 dated 18 March 2010, yes?

A. Yes, yes it looks like it's a MEX generated one, M-E-X, MEX.

Q. "Weekly gas sensor calibration checks," and in writing it says, "Unable to do, needed underground due to breakdown with other machines. Not done, 6 April 2010." I take it you hadn't seen that before?

A. No, no I have.

Q. Well was this type of information about people not being able to do in this case a calibration check, drawn to the health and safety department's attention?

A. No unfortunately it was not.

5 Q. Was it raised at the weekly operations meetings?

A. To the best of my recollection no it was not.

Q. So what would happen to the health and safety related information on these documents?

10 A. My understanding was that the deputies' reports and you know, information from face crews and contractors, their reports would come up through the hierarchy to deputy to the undermanager, to the mine manager. At some point there'd be a dissemination of information and if there was electrical or mechanical issues, that would be fed into the MEX system which is an electronic system and I believe it was
15 Michelle Cunningham up in the engineering department that did the data entry for that. That would produce a work order for the following shift for the fitters and the electricians to go and complete these jobs.

Q. Let's look at another example please, DAO.011.20966/1?

WITNESS REFERRED TO DOCUMENT DAO.011.20966/1

20 Q. You will see this is a Pike River Coal shift electrical report 28 October 2010.

A. Yes, yes.

Q. And under the word done, "Delay cause," sixth down there is a lot of CH₄ around machine and then two under that, "Pump inhabit CH₄ high."

25 I take it this wasn't drawn to the health and safety department's attention?

A. No, unfortunately it wasn't, no.

Q. And this type of report also wasn't discussed at the weekly Wednesday operations meetings?

30 A. No, not to my recollection.

Q. I understand there were daily production meetings, is that correct?

A. Yeah, a morning meeting, yeah.

Q. Did you attend those?

A. Yeah, mostly.

Q. Was this type of information discussed at those?

A. No, no, I can't recall ever seeing anything like this being produced at a daily meeting.

5 Q. Do I infer from that that Pike River didn't have a system for ensuring that health and safety information contained on these types of reports was delivered the health and safety department?

A. The people that saw this stuff ought reasonably have known that it would be of great interest to the health and safety department, the
10 answer is no.

1445

Q. Is it fair to say that there was a degree of trust that people would bring these sorts of matters to the attention of the health and safety department?

15 A. Look I, any time any miner or anyone brought an issue to me I jumped on it. I've never seen this stuff before.

Q. Ms Basher, could we please have CAC0112/29?

WITNESS REFERRED TO DOCUMENT CAC011/29

Q. This is part of a document which is a compilation of readings referred to
20 at the bottom left as auxiliary fan shaft methane. Do you see that?

A. Yes I do.

Q. And at the top centre you'll see it says, "Thursday 28 October 2010 to Friday 29 October 2010?"

A. Yes.

25 Q. And you'll see also that there's a methane spike above 2.5 recorded there?

A. Yes.

Q. I'm assuming that methane spikes shown on this documentation weren't drawn to your attention?

30 A. No, but there was a couple of investigations that I was assigned where I've had to do an investigation and I've actually gone and so I've seen this type of investigation before and I've gone and dug it out and

included in that investigative report. I can't remember which one it was now, but I never got this information on a day to day basis, no.

Q. Mr Rowland has filed a witness statement dated 25 November 2011. If we could have please Ms Basher, ROW007/1?

5 **WITNESS REFERRED TO DOCUMENT ROW007/1**

Q. See, he sees at paragraph 2, "On Saturday 5th of November 2011 I reviewed the document CAC0112, gas reports auxiliary fan shaft methane. Page 29 of that document appears to show a spike of nearly 2.8% methane at the fan shaft in the early hours of Thursday 10 28 October as I interpret the dates on the graph." Then at paragraph 4 he says, "I would assume that such an event would be of sufficient importance that subsequent investigations and remediation strategies would be widely publicised to at least all site personnel as a matter of very urgent priority." Was that done?

15 A. I didn't even know about it so no, no it wasn't done. But I totally agree, I absolutely agree.

Q. And you are now aware because you've been shown the various methane readings reported by deputies above or at 5% during October 2010?

20 A. Yes I am.

Q. Do I take it that those also didn't receive publicity or notification to site personnel?

A. No they didn't. You can't trust people can you.

Q. I won't take you through those schedules, but I take it that the methane 25 readings referred to in them and that you've seen also weren't being reported to the weekly operations meetings?

A. Not in any weekly departmental report do I recall such variations in gas levels that I can recall, no.

1450

30 Q. And they weren't being reported in the daily production meetings?

A. No. There's an occasional incident coming through, something would have gassed out and that was addressed at that time I believe.

Q. To your knowledge have they been reported anywhere?

A. Not through my systems, no.

Q. Perhaps if we could have another document please Ms Basher, DAO.011.22297/1?

WITNESS REFERRED TO DOCUMENT DAO.011.22297/1

5 Q. See this is a document headed, "Control room daily report sheet," and it's dated 26 April 2010?

A. Yep these are ones that I used to get, or something like that I think.

Q. Were you getting them at this stage, do you know?

A. What stage is this?

10 Q. This is the 26th of April 2010.

A. No I don't recall. I don't think so.

Q. You'll see under the first substantive paragraph, "AA/1 muck, fan off in drive, no time recorded."

15 A. "Fan off in time," if the fan was off they, fan's not back on in 30 minutes they get out of there.

Q. They should be recording the time that the fan's off is that correct?

20 A. Yes. From the moment you lose power to the fan you know, I have been in the control room on occasion when the fan tripped, and the DAC and the phones start going mad because you got crew leaders ringing in to find out what's going on.

Q. Mr Rockhouse, who's responsible for ensuring that the time that the fan of is recorded?

A. I guess the control room has got all the monitoring equipment, so they'd start the clock 30 minutes.

25 Q. I take it you weren't aware of this type of issue?

A. No.

Q. Who would have seen this control room daily report sheet?

A. Who would've?

Q. Who gets them?

30 A. I dare say there'd been be a list of people somewhere in the control room or an email group going through each individual one, I'm not sure.

Q. Do I take it no one feeds the health and safety information contained in this form back to you?

A. Unless it was transferred to an incident or hazard identification accident report form and put in the box it was cleared by health and safety each morning in the control room, the short answer's no.

5 Q. So your department essentially relied on those incident/accident forms as its source of information?

A. And later on the I Am Safe documentation that came in.

Q. So if we go to another one please DAO.011.23172?

WITNESS REFERRED TO DOCUMENT DAO.011.23172

10 Q. This is control room operator report of 4 June 2010 and about half-way down say six lines down from where the writing starts it says, "MT002 had sparks coming out of scrubber. It was found that the shut down floats were capped off. Unable to shut down and no water in scrubber." Was that type of issue ever discussed at operations meetings?

1455

15 A. Not to my recollection. I don't recall. There was an incident relating to a scrubber, an incident report.

Q. Do you know whether anyone would follow up on these matters, for example, by speaking to the control room operator to find out what happened?

20 A. One would logically think that the production department would've done the follow up, production manager, undermanagers and then send the information to the relevant other departments.

Q. Is the short answer that you're not aware of any system for ensuring that they're followed up?

25 A. No I'm not, no.

Q. If I could turn to a different series of documents which are toolbox talks, Ms Basher if we could have please DAO.001.11364/2. You'll see that this is a safety alert dated 4 June 2009 referring to contraband underground?

30 A. That's correct, I wrote it.

Q. And it refers to contraband including cigarette butts found in the tunnel, aluminium soft drink lids in a vehicle with no scrubber tank?

A. That's correct.

Q. And without me going through them, would you accept that there are contraband reports on 27 November 2009 DAO.001.11422, 12 sorry 15 December 2009 DAO.001.11428/1 and 16 April 2010 DAO.001.11947. Would you accept that they recurred in that manner, the contraband reports? If we could have that last one please Ms Basher which is DAO.001.11947/3 and you'll see that refers to recent incidents including an aluminium drink can and a glass drink bottle and if we look at the bottom paragraph, it says, "As a result of these latest incidents we will be –

10

THE COMMISSION ADDRESSES MR WILDING

CROSS-EXAMINATION CONTINUES: MR WILDING

Q. And you'll see the second paragraph says, "As a result of these latest incidents we will be conducting random daily searches for contraband?"

15 A. That's correct yes.

Q. Who was it who decided the level of response that the company would take to those repeated contraband incidents?

20 A. Well there was an SOP for contraband underground and that was executed and random searches were conducted. At one stage I chased up Michelle Cunningham to – because they went to her in engineering and I wanted her to send them to me because it was a lead indicator that we could use for health and safety that we were doing –

1500

25 Q. Well I'll just stop you there. It's now 10 months since contraband were first the subject of the safety alerts Toolbox talks, the newsflashes. Who was it that decided by now there should be random daily searches conducted?

A. I don't recall.

30 Q. Had anyone ever been subject to disciplinary action for taking contraband underground?

A. Yes, yeah there was a guy who was sacked for smoking in the drift runner.

- Q. On the way to the portal?
- A. On the way to the portal.
- Q. Was there ever any disciplinary action though taken against people for taking contraband underground?
- 5 A. No not to my recollection.
- Q. Had the company ever reflected whether repeated uses of Toolbox talks or newsflashes, was an effective way of improving health and safety concerns?
- A. Had they ever evaluated that?
- 10 Q. Yes, whether they were effective and...?
- A. No I was never instructed to undertake such an evaluation or audit, no, no.
- Q. As a result of these repeated occasions of taking contraband underground, was there ever any consideration of whether there was a
- 15 lax health and safety culture at the mine?
- A. No not to my recollection.
- Q. Was that repeated of taking contraband a matter which was discussed at the Wednesday operation's meetings?
- A. I believe it was, yes.
- 20 Q. Can you recall the result of that?
- A. Oh that may be where the random search, yeah that may well be where that came from, yeah, increasing...
- Q. None of the senior hierarchy ever suggested that more severe action should be taken in relation to this issue?
- 25 A. Not with me personally but disciplinary, it probably would've gone through HR.
- Q. We have a witness statement from Reginald Rex Matthews dated 29 November 2011 and at paragraph 77 he refers to in late 2009 being present when an undermanager carried out a contraband search. He
- 30 estimates that of about 25 to 30 miners entering the mine on that occasion, approximately 18 to 20 had articles like cigarettes, matches, cigarette lighters, cans and two cellphones in their pockets or in their bags. Were you aware of that?

A. No, I find that unbelievable. I don't doubt it but I just find it unbelievable really.

Q. So that's not a matter that was ever raised with you?

A. No.

5 Q. Was a matter that was ever discussed at operation's meetings?

A. It may well have. Contraband, it may have been.

Q. Could we have a different document please Ms Basher, DAO.001.03548?

WITNESS REFERRED TO DOCUMENT DAO.001.03548

10 Q. You'll see this is an underground audit result signed by Mr Couchman with the date of 29 January 2009?

A. Yes.

Q. Who would receive these?

1505

15 A. They'd come back to myself. I'd sign them off and they'd be communicated back to the production manager, the mining department. So I believe Adrian also emailed them out to the undermanagers and underviewers, if my recollection serves me, if my memory serves me correctly.

20 Q. Were they provided to the mine manager?

A. Yes.

Q. Were they provided to the general manager or CEO?

A. I'm not sure.

25 Q. Were they matters that were ever discussed with the board's health, safety and environment committee?

A. No probably not, no.

Q. Are you aware that they show certain reoccurring types of events, for example, poor housekeeping on the 29th of January 2009, the 8th of June 2009, and the 22nd of September 2009?

30 A. Yeah, I accept that yeah.

Q. And do you accept that they also show reoccurring problems in relation to fire equipment underground?

A. Yes, that did go to management meetings and that was being addressed with T-branches so people couldn't cut the hoses and tamper with them.

Q. If we take fire equipment. If we could have DAO.001.03547?

5 **WITNESS REFERRED TO DOCUMENT DAO.001.03547**

Q. You can see that that's an underground audit result 27 October 2009?

A. Yes.

Q. And paragraph 7, "Some fire hoses still not present. Some hoses are still lying in the drift." You see that?

10 A. Yes.

Q. I won't take you through the whole chain, but Ms Basher if we can have DAO.001.03549/1.

WITNESS REFERRED TO DOCUMENT DAO.001.03549/1

15 Q. And you'll see that this is an underground audit result this time the 29th of July 2010?

A. Yes.

Q. And you'll see now there are still fire hydrant and fire hoses. Number 7, "Very poor hoses all tangled, lying in the drift, branches missing."

A. Branches missing, yeah.

20 Q. So this is now about nine months after that issue was first raised?

A. Yes.

Q. Aside from you, who else was aware of these repeat themes?

A. This information went back to the production department. I'm not sure if it went to the committee.

25 Q. Well was there ever any discussion at your level or higher, to your knowledge, about why these matters were reoccurring?

A. No, not to my recollection no.

Q. What was it about Pike which meant that they weren't dealt with?

A. Sorry?

30 Q. What was it about Pike River that meant that they weren't being dealt with effectively?

A. I'm not sure I understand what you mean or what you're actually asking.

Q. All right. Well I'll move on to a different subject then perhaps. It was Mr Stewart's audits in 2010. I think you've said you didn't see those?

A. No.

1510

5 Q. Were you aware they were being done?

A. No.

Q. I take it the results of them weren't fed back to you?

A. No.

Q. Have you read any of his audits since?

10 A. I've read part of, I've scanned his brief of evidence.

Q. Are you aware that he conducted an audit against the various requirements in the legislations and the regulations?

A. Whether he did one?

Q. If we could have perhaps Ms Basher, STE0004/1?

15 **WITNESS REFERRED TO DOCUMENT STE0004/1**

Q. You'll see from that that he conducted an audit with reference to the particular provision in the regulation or legislation?

A. I can see that, yes.

20 Q. I take it that aside from that that's not a matter that to your knowledge was ever done at Pike River?

A. No, and one would think that unless I was deliberately being sidelined for some obscure reason, I don't know why I wouldn't get this.

Q. Were you ever asked to do any audits against the legislative requirements.

25 A. No I was not.

Q. And I take it you never asked anyone to do so?

A. No I did not.

30 Q. Could I just ask you about some matters in his witness statement? He refers to issues in paragraph 27.4 with the standard of the ventilation structures, in particular the stoppings of doors. Were you aware of those issues?

A. No, but I'm not a ventilation expert.

Q. So no one at the operations meetings reported that there'd been problems raised with the standard of ventilation structures?

A. I've had a really bad year and I can't remember, I'm sorry.

COMMISSION ADJOURNS: 3.13 PM

COMMISSION RESUMES: 3.32 PM**CROSS-EXAMINATION CONTINUES: MR WILDING**

5 Q. Do I take it from the previous discussion about your lack of knowledge about problems with ventilation et cetera and the earlier evidence that it really was left to each individual department to manage the health and safety relating to its operations?

A. Yes, they were responsible for that.

Q. And was there any central oversight of the way that they managed that?

10 A. Apart from me chasing them constantly to get stuff done, not that I'm aware of no.

Q. Could I turn to a different topic please, which is the incident accident register?

THE COMMISSION ADDRESSES WITNESS - REGISTERS**CROSS-EXAMINATION CONTINUES: MR WILDING**

15 Q. You're familiar with the requirement under section 25 of the Health and Safety Act?

A. Yes I am.

20 Q. To have an incident/accident register, and you are aware that that requires gathering of both accidents and also events that in other circumstances might have caused harm to a person?

A. I am.

Q. And am I right that you were responsible for the development of the incident/accident form used at Pike River?

25 A. Yes that's correct I developed that. I think it was the first thing that I did when I arrived there.

1535

Q. If we could just have one of those by way of example please Ms Basher, DAO.002.808951?

WITNESS REFERS TO DOCUMENT DAO.002.80895/1

30 Q. Perhaps by way of a different example, DAO.002.08948/1?

WITNESS REFERS TO DOCUMENT DAO.002.08948/1

A. I know what the form looks like.

Q. Well we'll revert back to the schedule after all, DAO.001.08685/1?

WITNESS REFERS TO DOCUMENT DAO.001.08685/1

Q. Try CAC.00114/8?

5 WITNESS REFERS TO DOCUMENT CAC.00114/8

Q. So if we just look at that form, presume that the person reporting the matter fills out section 1 and 2.

A. Yeah, if there's an injury, yep.

Q. And who's responsible for filling out the third to last block, "Is this serious harm health and safety rep notified, DOL notified"?

A. One of their supervisors or an official, usually it'd have to go up to mine manager.

Q. Does that mean that the mine manager's usually responsible for the notification to the Department of Labour?

15 A. Yes.

Q. The unique incident number at the top left is assigned by Health and Safety Department?

A. When these come down from the control room they go to the morning meeting, they'd be discussed, then they go down to an investigator or a department would be nominated. They go down to the health and safety department, they're given a unique number and department, they'll be photocopied and then sent out to the relevant nominated person for the investigation.

1538

25 Q. And the second box down on the left, department, is that the department that's going to be responsible for investigating?

A. That's correct yeah.

Q. And if we just look at that form under type of event, the second from the bottom, the bottom most box almost on the right, has, "Uncontrolled accumulation of flammable and noxious gas?"

30

A. Yes.

Q. What level of methane is that intended to capture?

A. I don't think that that was ever quantified when the form was created.

Q. Were workers ever taught to fill out that form if methane got above 1.25%?

A. It was an incident and it should've been filled out, yes, but the actual completion of the form and the investigation part, yes that was done,
5 that was delivered and there's records to that effect yeah.

Q. If we could have Ms Basher please DAO.001.08452/6?

WITNESS REFERRED TO DOCUMENT DAO.001.08452

Q. This is part of the corporate health and safety manual dealing with accident and reporting procedures, is that correct?

10 A. Yes, that's correct.

Q. And you'll see that it sets out the types of accidents that have to be reported?

A. Yes.

Q. And that doesn't appear to include excess methane?

15 A. No.

Q. So my question is, were the workers ever specifically taught to report methane above 1.25% using the accident/incident form?

A. Not specifically, no.

1541

20 Q. Was there ever any testing of what level of methane they understood had to be reported on this form?

A. Not to my recollection, no.

Q. If we can go back to that form please Ms Basher CAC0114/8

WITNESS REFERRED TO DOCUMENT CAC0114/8

25 Q. You'll see that the third box down is headed, "How serious could this event have been? Very serious, serious, minor."

A. Yes.

Q. How was that information used?

A. How was the information...

30 Q. How was that information used by Pike?

A. I'm not sure if it was actually included in our statistical analysis. I don't think it really was used to any great extent.

Q. And then underneath it, it says, "Was a significant hazard involved?" And off to the right, "Has the identified hazard been added to the hazard register?"

A. That's correct.

5 Q. Does that mean that where hazards were identified they should be added to the register?

A. Yes, if there's a new hazard been identified or a hazard involved, is it significant? If so, has it been added to the register? Yes or no.

Q. And it's for the person reporting this to identify that hazard?

10 A. Yes.

Q. And who's responsible for adding it to the hazard register?

A. Well that would come back through the safety department, so the safety department. It would be my responsibility to ensure it was added to that.

15 Q. And that would simply be a check to ensure that the hazard was included on the register?

A. Yeah if it was already included, then yeah it wouldn't be re-entered, no.

Q. It didn't involve evaluation of whether the probability and consequence attached to the hazard was correct?

20 A. No. If it became a new hazard going in to the register then that evaluation needed to be made and whether we were going to eliminate, isolate or minimise the risk associated with it.

1544

25 Q. But where there was already a hazard on the register, the fact that the hazard was included on here didn't include a re-evaluation of the probability of it occurring?

A. Yeah, not to the best of my knowledge, no.

Q. Nor the consequence attaching to that?

A. No.

30 Q. If we look please on page 8 Ms Basher. You see there we've got remedial actions recommended. And am I right in saying that there was no system for checking the quality of the remedial actions that were recommended?

- A. No that's incorrect. The hierarchy that this document had to follow, Mr Rapley put a flowchart up earlier on, and if that had've been followed there was several steps that it needed to go through. Whoever investigated the incident had to come up with remedial actions. That would then go back to the supervisor or the manager and then it had to be signed off by that person that they agreed or disagreed with the remedial actions, and then it had to be signed by the mine manager and go back to the control room to be reported back to the employees, the final part of the feedback loop, but clearly that didn't happen.
- 5
- 10 Q. Well once the forms came to the health and safety department with the remedial action included in them, what was the method by which the remedial action or the quality of the remedial action was checked?
- A. There was a requirement with the safety committee to take a minimum of six a month, and each safety rep I suggested that they be given at least two a month. They are empowered to re-open the investigation to check on the remedial action and then confirm at the next meeting that those remedial actions had been implemented.
- 15
- Q. I think Mr Couchman gave evidence to the effect that that was a check of whether the remedial action was undertaken?
- 20 A. Yes.
- Q. So their role wasn't to check the quality of the remedial action?
- A. Well, they had an opportunity to because it was reported to me that they were saying yes, yes, yes, and then so I sort of had a discussion with the committee one day of the importance of them actually putting some words on the piece of paper to verify that they'd done the check what they'd found and so perhaps that would have been an opportunity that if they observed inadequate remedial actions, it was an opportunity to have that remedied at that time.
- 25
- Q. Well are you aware of any occasion where they've said that the remedial action was not sufficient?
- 30
- A. I believe there were a couple of occasions and I believe that the investigation was re-opened and that appropriate steps were taken.

Q. And you'll see on that form under "5," there's space for the health and safety representative to sign that off and is that where you sign that?

A. No, I usually sign down the bottom.

Q. What's the purpose in you signing it off?

5 A. Confirming that it's come back to the health and safety department and that the mine manager's signed it off and that, or the people that are involved in the process have done their bits. But did I physically go and check, if that's your next question, no. Usually if the mine manager is satisfied then I was satisfied and I regret that I didn't go and check.

10 Q. Did Pike River have a system for keeping track of how long it was from when matters were reported to when they were signed off?

A. Yes.

Q. What was that system?

15 A. I believe that was a system operated by Mr Couchman and also as we went electronic into this Vault system you could sort incidents and accidents in different ways, but we were still inputting data into that system so it had a range of different reports and sorting mechanisms so that it could produce.

20 Q. You will be aware of a number of occasions where there was significant delay between the reporting and the signing off of incident/accident forms?

1550

25 A. My understanding of that, and I was both surprised and disappointed when through this Commission they said that they were just clearing out the stuff – there was a process to go through minor incidents or events with – to tidy them up that had been outstanding for a longer period of time, but I wasn't aware that some people were perhaps just signing things off to clear a backlog and then starting over. Yeah, I was made aware that they were minor things some dating back quite some significant time, previous mine managers. Yeah I didn't know that...

30 Q. Well are you saying that you aren't aware that there was a significant number of these forms signed off under Mr White's tenure?

A. There was a significant number.

Q. Of accident/incident forms signed off under Mr White's tenure without investigation?

5 A. No I'm aware Mr Ellis was down in our department one time, I asked him what he was up to and he was doing some paperwork and he was going through and he told me that he was signing off old incidents that happened with previous mine managers and that's to tidy them up.

Q. Well if we just look at what might be that then which is CAC0114/31?

WITNESS REFERRED TO DOCUMENT CAC0114

10 Q. Schedule D, "Emergency equipment and facilities tag board," and you'll see for example, there are the first which is number 1126, the third number 1014 and then the fifth 953, "Closed no additional or remedial action," on the 19th of November 2010. Do you see those?

A. Yes I do.

Q. Were you aware of incident/accident forms being closed off on that day?

15 A. The 19th of November?

Q. Mhm.

A. Was a big day. In fact that may have been the day that I saw Steve down early in the morning, but not – he's only supposed to be signing off minor ones or historically old ones to tidy up that system.

20 Q. You will see on that same page that there are a number, four of them, 1083, 796,779 and 601 which weren't signed off at all. Were you aware of the number of these which weren't being signed off?

A. No. No I can't, no I wasn't.

25 Q. You referred earlier to a system for checking that these were being done, what was that system then?

A. In the Vault system there was a page that recorded like a report and it had completed it open and some of the incidents got a bit tardy, but the numbers that have been spoken of in this Royal Commission I didn't realise that there were that many open incidents. The system's probably still in use, you could go and verify those numbers I guess.

30

Q. Could we please have Ms Basher please DAO.002.14439/1?

WITNESS REFERRED TO DOCUMENT DAO.002.14439

1555

- Q. You'll see that that's the operations meeting minutes 28 April 2010, and the second bullet point, "Property damage costs and unclosed incidents NR confirmed there has been improvement in providing damages costs and closing off incidents but managers need to keep on to these."
- 5 A. Yep, that's me chasing up after stuff.
- Q. So there was clearly a knowledge within the members of that operations meeting that there were incidents which weren't being closed off?
- A. It's fair comment, yes.
- Q. Was there ever a discussion within Pike about the health and safety
10 implications that that might have for those in the mine?
- A. Could you ask me that again?
- Q. Was there ever discussion of the health and safety implications that not closing off incidents in a timely manner might have for workers in the mine?
- 15 A. Yes I believe there was, that's not a good thing to occur and it shouldn't be permitted to occur. Was there ever anything done about that, probably not, no.
- Q. Aside from you, who else would be responsible for investigating incidents?
- 20 A. I'd only get involved if it was decided that the nature of an event was serious enough to warrant my involvement and then I'd go and do an investigative report. The department managers were required to investigate the events in their own department and sometimes of my understanding that they would delegate that to their subordinates with
25 the requirement that the paperwork had to come back through that department manager for acknowledgement before being complete.
- Q. What training had those subordinates had in incident investigation?
- A. The training was conducted at Pike River Coal. I did an accidents and investigation training on Fridays. There was SOP training during the
30 week of the back shifts. Exactly who did what training there's a skills matrix and I don't know how many people went through it, I can't tell you that information.
- Q. If we could have DAO.002.03924/1 please Ms Basher?

WITNESS REFERS TO DOCUMENT DAO.002.03924/1

Q. You'll see this is an investigation report of 11 January 2010 which was done by you?

A. That's correct, yes.

5 Q. Look at page 3 please, Ms Basher?

A. Sometimes another manager, I'd do with another manager as well so sometimes there'd be two names.

Q. Information number issue, can you see that you've followed quite a formal methodology there?

10 A. Yes.

Q. And the Commission has identified thus far I think about 16 investigating reports which follow that type of methodology?

A. Yeah, they're the ones that would've done. It's probably more, but anyway yeah.

15 Q. Of the over 1000 or so incident reports how many of the others would have followed formal methodology such as that?

A. Only the ones that were instructed to be more formally investigated and I don't have a number, I have no idea.

1600

20 Q. So for the rest is the investigation report essentially the information contained in the remedial action section of the accident incident form?

A. Yeah but then that could also require the development of a TARP or an SOP or re-training or training, it could require additional controls to be created or put in place.

25 Q. Was there an issue at Pike with remedial actions being implemented?

A. There was no issue to the best of my knowledge, no.

Q. If we could have please Ms Basher DAO.002.14817/1?

WITNESS REFERRED TO DOCUMENT DAO.002.14817/1

Q. You'll see these are operation's meetings minutes for 18 August 2010.

30 A. Yes.

Q. And if we can have page 6 please Ms Basher. You'll see in the centre of the page just above operations, "Actions, DK to develop a system where outstanding actions from health and safety incidents are reported

on at the daily production meeting.” Was that required because actions weren't being undertaken in a timely manner?

A. Yes I'd say that would be correct.

Q. Well you were at this meeting, can you recall the discussion about that?

5 A. To be honest no I can't.

Q. Up until that point had there been a system for checking to ensure that outstanding actions were taken?

A. No, not a formal system, no.

Q. Following that, was one developed?

10 A. I believe not, not by Dick Knapp anyway.

Q. To your knowledge it wasn't developed?

A. No.

Q. You've referred to this earlier but you're aware of evidence given to this Commission to the effect that workers didn't receive feedback about the accident incidents that they reported?

15

A. Yes I've heard that, yes which is quite disappointing but yes, I've heard that.

Q. I'll refer you to one just because it mentions you potentially. MRS0201/1

WITNESS REFERRED TO DOCUMENT MRS0201/1

20 Q. This is a document from Glen Campbell filed with the Commission headed, “Incident at Pike River Coal?”

A. Yeah, I know Glen.

Q. Just have a read of that, do you know that incident?

A. Yeah I can't recall, yeah, I accept that Glen's a good operator yeah I'd accept that happened.

25

Q. If we could have page 2 Ms Basher. What Mr Campbell says is, “At the end of the day we had a debrief and I filled in a Pike River Coal incident form and handed it to Neville Rockhouse or Adrian Couchman, I can't quite recall. Do you recall him handing one to you?”

30 1605

A. I don't recall it coming specifically to me but it could've.

Q. What he says then is, “At a later stage, possibly two months or so, I asked whether I hadn't any feedback on the incident. I was told there

were hundreds of them in the system and it may take a while. I never heard back from anyone at Pike again.”

A. No, I wouldn't have said that, no.

5 Q. Do you agree that there were hundreds of incident forms in the system that hadn't been dealt with?

A. I wasn't aware. If you've got evidence to that I'd, then I'm very surprised, but I wasn't aware that there were hundreds of incidents that hadn't been looked at or examined or investigated.

10 Q. If you just look at a couple of other documents. DAO.002.07962/1. I'm really just trying to identify these documents for the Commission?

WITNESS REFERRED TO DOCUMENT DAO.002.07962/1

Q. This is headed, “Incident Registers Site Summary, Pike River Mine.”

A. This is a Vault form.

Q. Right. And the data on that is taken from the incident reports?

15 A. Yes.

Q. Who can access those?

A. We purchased four licences so the administrator, Kate Mitchell, Sandy Keown. When I say four licences, they were loaded up on several computers, managers, and in the control room. So you can only have four people on it at a time, so one person would have come off to get access to it.

20

Q. And another document please, which is DAO.002.14029. We seem to have more technology problems. I wonder, Madam Registrar, if Mr Rockhouse could be shown that? It's a document headed, “Accident Incidents for the week ending 5 August 2009”?

25

WITNESS REFERRED TO DOCUMENT “ACCIDENT INCIDENTS FOR THE WEEK ENDING 5 AUGUST 2009”

A. Thanks.

Q. Are you familiar with that document?

30 A. Yes it's a printout, yeah, yeah.

Q. And is that also a printout then in Vault?

A. It's not the same format. You haven't got one with the column at the top?

Q. These are the forms that have been filed with us.

A. Okay.

1610

5 Q. Those documents, do you agree, don't have on them any of the stated causes data from the incident/accident form?

A. No I'd agree with that.

Q. And they don't include on them any of the root causes or remedial actions?

10 A. If I'm correct and my recollection's correct, they would be a summation of the types of events to be on-reported to managers meeting, like they'd get a printout, something similar to that.

Q. There was no system at Pike for assessing patterns or repetition within the accident/incident forms?

A. No I hadn't got that far yet, no.

15 Q. All right.

A. We'd done an analysis and there is a presentation that went to the board, it was the start of a trend analysis I guess.

Q. But it wasn't an analysis of patterns within the incident/accident forms?

A. No, no it wasn't.

20 Q. I take it then that the repetitions shown in the incident/accident schedule with the Commission CAC0114 was something that you hadn't appreciated until shown it?

A. No, that's, yeah, definitely true.

25 Q. And that the repeated pattern shown in that was not something ever discussed within Pike River?

A. No it wasn't.

Q. Mr Rapley referred you to a pie chart. Perhaps if I could have please DOL3000030119/1?

WITNESS REFERRED TO DOCUMENT DOL3000030119

30 Q. You'll see that this is an email chain and the first one dated 17 April 2009 from Mr Slonker to Mr Poynter?

A. Yes.

Q. And if we can go to page 10 of that please Ms Basher. And that sets out incidents by cause of accident and harm?

A. That's correct.

5 Q. That essentially shows the level of analysis done by Pike, is that correct?

A. Yes, that's correct.

Q. This was sent to the Department of Labour, were you aware of whether the Department of Labour gave any feedback to Pike as a result of this?

10 A. No they did not. Well not to me, I don't know to anyone else, but not to me.

Q. On how many occasions are you aware that it looked at the accident register of Pike?

A. The Department of Labour?

Q. Mhm.

15 A. Never through me. That's, you know, but it was accessible on other computers, it was on the P drive so, but never through me, no.

Q. Could we please have Ms Basher, CLO0010012967/13?

WITNESS REFERRED TO DOCUMENT CLO0010012967

20 Q. You'll see that regulation 9 says, "Register of accidents and serious harm. Every employer must take all practicable steps to ensure that a copy of the register referred to in section 25(1) of the Act is provided to an inspector at intervals of not more than six months?"

A. I see that yes.

1615

25 Q. To your knowledge did Pike do that?

A. I was never requested by anyone at Pike, any of my superiors or anyone from the Department of Labour to make that available to anyone on a regular basis or six monthly basis, so no.

30 Q. The Pike River policy was that serious harm accidents had to be notified to the department?

A. Yes.

Q. Are you aware of the requirement described in s 25 to also notify accidents prescribed by regulation 10 of the Health and Safety in Employment (Underground Mining) Regulations?

5 A. Vaguely, yeah. You might have to remind me, the regulation 10, I thought that was gas accumulation.

Q. Well it's in front of you?

A. Gas, yeah, I knew it had something to do with gas, yes. So I am aware of this, yes and I've seen this before.

10 Q. And you'll see that it require notification amongst other things of "(f) the loss of control of a vehicle"?

A. Yes.

Q. "(i) any unplanned fall of ground"?

A. Yes.

Q. "(k) any uncontrolled accumulation of flammable or noxious gas"?

15 A. Yes.

Q. If we could please go to DAO.001.08452/8?

WITNESS REFERS TO DOCUMENT DAO.001.08452/8

Q. This is the accident incident procedure flowchart, correct?

A. Yes.

20 Q. We follow that down is it fair to say that it requires that serious harm matters are reported but not serious harm matters aren't?

A. Say that again?

Q. Is it fair to say if we look down that left hand column, that it requires that serious harm events are notified to the Department of Labour?

25 A. Yes.

Q. And events that are not serious harm are not notified to the department?

A. That's not exactly accurate. I'm aware of a couple of occasions where Doug White and Kobus Louw, and probably Mick Bevan have reported incidents as a courtesy to the Department of Labour. And there was no serious harm involved, but they sent reports through.

30

Q. Well you would agree, would you, that those excess methane readings for example, reported in October 2010 around 5% weren't reported to the Department of Labour?

A. Yeah, I seen that yeah, they weren't, yeah.

Q. And if we could have CAC0114/55?

WITNESS REFERS TO DOCUMENT CAC0114/55

Q. See this is schedule G vehicle driving issues?

5 A. Which one are you looking at?

Q. If we look at the third down 16 October 2010, "Driving down drift, taking a loader out to fix, had the big red bucket on. Just got past fresh air base and clipped a clamp for main air pipe causing it to break." Then you will see underneath that 1095, there's a reference possibility to the same, or a different matter? Were those types of matters being reported to the Department of Labour?

10

A. I believe not, no.

1620

Q. Was there any review ever of whether or not Pike River was reporting to the Department the matters that it had to report under the regulations?

15

A. I was never asked to conduct a review or an audit of that, no.

Q. And I take it it's not a matter in respect of which Pike River ever sought legal advice?

A. Not to my knowledge, no.

20

Q. I'll just deal with a slightly different matter of reporting to operation minutes meetings and perhaps ask us to look at four of them, DAO.002.14928/1?

WITNESS REFERRED TO DOCUMENT DAO.002.14928/1

Q. You'll see these are the minutes for 13 October 2010?

25

A. Yes.

Q. The operation's meeting and if we can look at page 2 of that please Ms Basher. You will see in that, that there aren't injury or incidents reported there?

A. Yeah but that's strange because I don't know if this is a final or just a draft but those were required to be done before the meeting and that data would go in there and it would be loaded on –

30

Q. Well accepting that may be anomaly, can we please now look at the operation minutes meetings for 20 October 2010.

A. Yeah.

Q. Which is DAO.002.14941/2?

WITNESS REFERRED TO DOCUMENT DAO.002.14941/2

5 Q. And you'll see that there are injuries accidents reported but no near accidents?

A. That's correct.

Q. And if we can look please then at the minutes for 27 October which is DAO.002.14954/2?

WITNESS REFERRED TO DOCUMENT DAO.002.14954/2

10 Q. And you'll see there that there are five injuries or incidents reported but no near accidents?

A. Yeah there's a definite pattern.

Q. If you would accept that Pike River internally didn't gather or report information about near incidents or accidents?

15 A. No clearly that didn't happen.

Q. Can I just turn to another issue which is the hazard register? In paragraph 121 of your witness statement you refer to information from the I Am Safe forms feeding into the hazard register?

A. 121, yep.

20 Q. How was that done?

A. How was – the information, the I Am Safe?

Q. Yes, how did they feed into the hazard register?

25 A. Kate Mitchell. When I brought them back to the office I used to give them to Kate Mitchell, she was the administrator and she'd enter them into the hazard register on the Vault.

Q. So that means, checking to see whether the hazard is in the register and if not, entering it?

A. Sorry, can you repeat that?

1625

30 Q. That means checking to see if the hazard is already in the register?

A. Yep.

Q. And –

A. If not, entering it?

Q. Yes.

A. And then advising us, yep.

Q. It didn't involve a re-evaluation of the probability or consequence of a particular risk?

5 A. Not at that stage, no.

Q. It was intended to be done at some stage was it?

A. Well review, yeah you've regular reviews.

Q. If we could just ask you to identify a couple of documents please. DAO.001.00002/1?

10 **WITNESS REFERRED TO DOCUMENT DAO.001.00002/1**

Q. That's described Pike River Coal Limited hazard register all hazards. What does this document represent?

A. This is one of the reports that we were going over from the hazard register that we had under Excel and populating the Vault and that was one of the reports that came out, so it's a Vault report.

15

Q. And if we could have please CAC0120/1?

WITNESS REFERRED TO DOCUMENT CAC0120/1

A. Yes. That's the main hazard register.

Q. This is described as the master significant hazard register?

20

A. Mhm.

Q. And that's what it says it is, I presume. So if we just take an example, page 5 please Ms Basher. See second from the bottom number 66. "The main activity area health and safety, poor health and safety practices, not following procedure, probability 3, consequence 3." Do you see that?

25

A. Yes I see it.

Q. Those ratings there, for example, 3 and 3 for probability and consequence?

A. Subjective, yeah.

30

Q. And they wouldn't be re-evaluated with reference to the information on either the incident form, correct?

A. Correct.

Q. Nor the hazard I Am Safe forms, correct?

A. Correct.

Q. How was this document used?

5 A. This document I used this document to ensure that I had a control. On the other side you'll actually see, if that thing moves away, so that we had some control, some mechanism of managing the risks. So JSEAs, SOPs or that we had a hazard under control. There are a few there that we had yet to bring fully under control but you'll see them and when this is on the network they were active hyperlinks and you could click on that and it would take you to the documentation.

10 Q. So they were used by you. Who else were they used by?

A. Again, this was accessible. Adrian would have worked on it. Kate and Sandy probably would have worked on it. I think Michelle may have done some work on it.

Q. Would it be used by management for the purposes of operations?

15 A. Would it or could it?

Q. Was it?

A. Not to my knowledge.

1630

20 Q. To your knowledge was there a master hazard register that was used for operational planning?

A. There was one available and this was it.

Q. I referred earlier to some third party reports, for example, in relation to ventilation, the Hawcroft report, I'm presuming because you didn't get all that information –

25 A. I got bits of it.

Q. That the information contained in those didn't feed into this master hazard register?

A. No that'd be correct, correct.

30 Q. To your knowledge did Pike River conduct any overall assessment of the risks and hazards prior to starting hydromining?

A. Yes there was a risk assessment/operations process of how to set up the equipment because we're bringing all this new technology together for the first time, so that happened down at the coal prep plant.

Q. Yes I understand that there are discrete risk assessments, for example, in relation to ventilation, but to your knowledge was there a meeting where there was an assessment of the overall risks that were being presented by hydromining?

5 A. No it was my hope that the broad-brush risk assessment that was required by the insurance would've done that. No I don't know.

Q. Could we please have Ms Basher DAO.001.13854/1?

WITNESS REFERRED TO DOCUMENT DAO.001.13854

10 Q. You see this is a part of the corporate safety manual dealing with hazard management procedure?

A. Yep, Keep It Simple.

Q. And if we can turn to page 3 of that please Ms Basher. You'll see there's reference there each month that hazard audit and risk assessment are to be conducted?

15 A. Yes.

Q. Were monthly hazard audits undertaken?

A. In the early days I did them, but as we began to grow in rapid spurts, they dropped off.

20 Q. Does that mean that was a responsibility which was yours or the health and safety department's?

A. I don't think I was ever actually told to do it, I just did it.

Q. Well did management ever set up a procedure for the conduct of hazard audits?

25 A. I was – I wanted each department to have their own hazard register and then we'd do an induction, general site induction and then they'd do another induction into their department. They go through the hazards, the JSEAs, the SOPs for that department. That didn't happen, no.

1635

30 Q. Is it fair to say that quite a few of the policies and procedures systems set out in the corporate safety manual simply didn't occur in practice?

A. I think that's become quite apparent, yeah.

Q. Is that an issue that was ever appreciated prior to the explosion?

A. No, I believe not.

Q. Just want to touch on some other topics briefly. Perhaps if we can have please, DAO.002.03924/13 Ms Basher?

WITNESS REFERS TO DOCUMENT DAO.002.03924/13

5 Q. This was an investigation report of 11 January 2010 done by you in relation to a stoppage in the auxiliary fan, do you recall that?

A. Yes I do.

Q. And you'll see from 4.1 that there was a fault with the generators?

A. Yes.

10 Q. And as I understand it they wouldn't synchronise to produce enough power to restart the fan?

A. That's correct.

Q. And 4.5 down the bottom you've identified that there was no formal SOP developed on the system that trades personnel could have followed to get the fan operational again within an hour of the trip?

15 A. That's correct, yes.

Q. What was the system that Pike River had for identifying when a standard operating procedure was necessary?

20 A. Usually the risk assessment process and may I add JSEAs if people were doing a lot of JSEAs in the same area then you could start to look at developing an SOP and develop some training for those folk.

Q. As a result of this was there a reconsideration or re-evaluation of whether those systems were correctly identifying when SOPs were necessary?

A. There was a what sorry?

25 Q. Was there a reconsideration or re-evaluation of whether or not the Pike systems were correctly identifying when SOPs were necessary?

A. This particular, as I recall there was a fault with the manufacturing fault which the OEM acknowledged and to the best of my recollection there was work done on an SOP for generator start up.

30 Q. But there wasn't a re-evaluation of whether or not people were correctly identifying the need for SOPs?

A. No, not out of this investigative report, no.

Q. Has there been at all?

A. Not through me, no.

Q. Just turn to a different issue, it's performance appraisal. You're familiar with the part of the corporate safety manual dealing with performance appraisal?

5 A. Yeah, basically, yeah.

Q. If we could have Ms Basher please, DAO.001.08593/1?

WITNESS REFERS TO DOCUMENT DAO.001.08593/1

Q. And that's the performance appraisal document, is that correct?

A. Yes.

10 1640

Q. And who was that intended to be used for? Which level of people?

A. It could be used at any level. Was it used, nah probably not.

Q. You're not aware of it having been used?

A. No. I may be wrong but I don't recall now.

15 Q. Were there regular performance appraisals?

A. Yes, that's where training needs analysis came out. In the early days there were but as the place got bigger rapidly, it was probably something that got overlooked, but there was supposed to be, yes.

Q. So about from what time were they overlooked?

20 A. Well part of the performance appraisal was to do a training needs analysis and we needed that information so that we could do the training budget so I can't really give you a date range but I do remember Adrian and myself, I think Mr Slonker was the manager then, so whatever time frame, you'd have to look in that chart during Mr Slonker's tenure.

25 Q. That's when they began to drop off?

A. I think so, yeah.

Q. Were there performance appraisals of workers in the mine? Miners, experience miners, crew, deputy?

30 A. I wasn't working close enough on a day to day basis to actually be able to answer that question, so I can't tell you.

Q. Now I think your way of checking on the performance of those down in the mine was what's called a safety contact?

A. Yes.

Q. And you essentially ran out of time to be able to do those, is that right?

A. Yes I had – Doug wanted me to go underground more often as part of the restructure and I totally agreed with that, thought it was a good idea and I was actually scheduled to do a safety contact at the ABM on the
5 19th of November but I had a meeting with Doug, I was delayed and I never went underground.

Q. So how many safety contacts would you have done in 2010?

A. Not many, a couple.

Q. Were the departmental managers required to do safety contacts?

10 A. It's a lead indicator, it was talked about, did a discussion paper on it, did it materialise for those other departments or managers? I don't know.

Q. Well are you aware of them going underground to assess the performance of the workers?

A. I am not aware specifically of any other manager doing that, no.

15 Q. There were never any reports given to the operation meeting about there having been such assessments?

A. Not to the best of my recollection, no.

Q. Could I look at a different matter please, Ms Basher have
DAO.002.03730/6?

20 **WITNESS REFERRED TO DOCUMENT DAO.002.03730/6**

Q. This is an incident report dated 5 March 2009 that you investigated in relation to unsafe acts being potential tempering with machines and in particular the finding of water in their fuel tanks, do you recall that?

A. Oh yeah the diesel yeah. I remember this one, yes and the host of
25 problems.

Q. And they included that the person who was in the control room standing in for the control officer hadn't had the required training?

A. If you say so, I can't really remember every line by line of it but...

1645

30 Q. Well perhaps I'll take you to the final page then to see if some of the recommendations were implemented. Page 12 please Ms Basher. If we just look through those, do you know whether 6.1 was implemented?

A. "Role profiles for surface controllers." Not that I'm aware of, no.

Q. 6.2?

A. No I don't think that happened either.

Q. 6.3?

A. I'm not aware of that occurring. It may have, but I'm not aware of it.

5 Q. 6.4?

A. I tried to go ahead and organise through Tai Poutini Polytech five day training for all of the supervisors, undermanagers and deputies, but it was taken away from me by Dick Knapp with Peter Whittall's approval, so I don't think it ever actually happened, so no.

10 Q. I won't go through those further, but there having been an investigation report with recommendations who was then responsible for evaluating whether those recommendations should be implemented?

A. I handed that report, made it publicly available and handed that report to my boss and then be up to that person to implement the changes.

15 Q. Your boss being whoever the mine manager was at the time?

A. Mine manager at the time, but 2009 I was reporting to Peter Whittall.

Q. Well was there ever then any discussion at a managerial level that you were a party to or aware of about whether or not recommendations should be implemented?

20 A. Well the report was done sometimes with another manager. Feedback was given to the meeting. Some actions were allocated, I do recall. That's about all I can remember sorry.

Q. If we could turn to a different document please which is DAO.002.01913. I'll just ask you to assist us in identifying it?

25 **WITNESS REFERRED TO DOCUMENT DAO.002.01913**

Q. You'll see this is ventilation management plan 2008, that's correct?

A. Yeah, that's correct.

Q. In your witness statement you referred to department management plans. Is that what this represents or is that something different?

30 A. Departmental management plans, well this came under the technical services department, but this ventilation management plan was the version 1 document. I assisted in the formatting. There's a ex-Spring Creek mine manager, Christo Marx, and myself did a – he was the

subject matter expert. Did a fair bit of work on it with Kobus Louw, the then mine manager and yeah it was, that's just the name that it ended up with.

1650

5 Q. This document, for example, includes reference to a tube-bundling system and we know that Pike River didn't have that?

A. Yeah we do.

Q. Was there any system for assessing whether the contents of these plans were consistent with what was actually in place?

10 A. Well the purpose of their creation was to actually be used and to be followed to keep everyone safe. Clearly that has not occurred across a lot of departments.

Q. I just want to turn to different topic, emergency facilities. Did Pike River ever seek to ascertain whether its emergency facilities, for example, the placement of the tag board and the fresh air base complied with the requirements of the Health and Safety in Employment Act and regulations?

15

A. The placement of the tag board?

Q. Yes.

20 A. No when we – no, when we took over the tag board was at the portal, but there was a vicious wind coming up the valley, it used to blow tags off so eventually they changed the tags and they changed the fasteners and eventually it came up to the control room. No I don't recall any formal process, no.

25 Q. So to take example of the movement of the tag board, that was done without reference to the requirements of regulation 15 of the Underground Mining Regulations?

A. I wasn't involved in that so I can't really comment whether that was done to that standard or not. I don't know I can't answer that sorry.

30 Q. If I could take you please to DOL300010009/1?

WITNESS REFERRED TO DOCUMENT DOL300010009

Q. And you'll see that this is an email from you to Mr Poynter dated 12 April 2010 when you're sending to him a document, emergency evacuation of underground mine action plan. Do you see that?

A. Yeah, yes.

5 Q. If Ms Basher we could go to page 5 of that document. And that sets out a number of matters that were to be done by certain dates, for example, safety of changeover station, build of substantial construction in a secure location when by end of June. Did Mr Poynter respond to you about any of the contents of that?

10 A. Did he respond to me?

Q. Mhm.

A. I can't remember sorry. I don't know.

1655

15 Q. This document sets out specific dates for example by the end of June. Was there any system in Pike for responding when dates such as this passed without the required action being taken?

20 A. Yeah, the originator should sort of chase it up but it's the same issue with the training, the plant and equipment was breaking down so regularly it put a lot of things back so instead of having specific dates they sort of went over to, by the end of a period of time. Was their formal process in place to go back and check any actions or responsibilities, it'd be up to the originator of the document to do that, but not there was no formal process that was followed to the best of my knowledge anyway.

25

THE COMMISSION ADDRESSES COUNSEL – TIMING OF EVIDENCE

THE COMMISSION ADDRESSES WITNESS

30 **COMMISSION ADJOURNS: 5.01 PM**

INDEX

NEVILLE JOHN ROCKHOUSE (SWORN)	4156
CROSS-EXAMINATION: MR WILDING.....	4194