



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 9 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 FRIDAY 9 DECEMBER 2011 AT 8.59 AM**NEVILLE JOHN ROCKHOUSE (RE-SWORN)****5 MR WILDING ADDRESSES THE COMMISSION****CROSS-EXAMINATION: MR RAYMOND**

Q. Good morning Mr Rockhouse.

A. Good morning.

10 Q. I've really only got sort of two general broad topics I want to cover with you. The first relates to trying to have an overall look at the system that you created and identify what might have gone wrong with it, if anything. So, firstly I just want to background to set the scene a little as to how it all came into being. You held the appropriate qualifications in your view to undertake this role and we've heard about that yesterday.

15 A. I did, yes.

Q. And when you set out on this course late 2006 I think it was?

A. Yes.

Q. You have said before that you were excited by what really amounted to a greenfields approach?

20 A. Yes.

Q. It was like a blank canvass?

A. Yes.

25 Q. You were excited about the prospect of starting something new where you could create world class systems in New Zealand's newest mine, well funded, well supported, with a strong management team around you?

A. That was the objective yes, it's an exciting project.

Q. And you felt confident that you were going to be able to deliver on what was expected of you?

30 A. I loved the challenge, yes.

Q. So armed with that you started developing the systems from scratch?

A. Correct.

0902

Q. And the processes and procedures that we've heard a lot about now followed and flowed out of that?

5 A. Yes and put a caveat on that, there were a lot of people around giving me assistance in terms of their expertise and knowledge.

Q. So is it fair to say that your early thoughts in 2006, early 2007, when things were going well from your perspective?

A. Yes they were.

10 Q. That you would, in due course, have the workforce and managers around you and a board who would completely embrace a modern effective health and safety culture?

A. Yes that's what I believed yes.

Q. There was no reason for you to believe that that wasn't going to be the outcome?

15 A. None whatsoever, no.

Q. But your system at that stage did not contain provisions in any shape or form for enforcement or compliance, enforcement of compliance of different aspects of the system, did it?

20 A. No but everyone was talking the talk and sharing the dream. So no it didn't.

Q. That's right because you anticipated there was going to buy-in so is it fair to say it didn't enter your mind that you were going to have to have a regime when production pressure came on to wave the big stick?

A. Yep I accept that, yes.

25 Q. So time progresses and its 2008/2009 going into 2010, numbers at the mine with contractors and works increase significantly?

A. Dramatically, yeah.

Q. Production pressure comes on?

A. That started when machines arrived that didn't work, yes.

30 Q. And then what developed was this tension you've discussed between production and engineering and health and safety sometimes not being given the attention that you thought it deserved, at least in some quarters?

A. Or the support, yeah.

Q. And it was at that stage I suggest to you that under the system you devised you really lacked teeth yourself to do much about it?

A. Yes I agree with that, yes.

5 Q. And is it fair that at that later stage 2009/2010 it would've been more difficult for you to then go back on to the overall of the over-arching scheme and try and implement them enforcement tools, because the – it would've been unpalatable wouldn't it, or unacceptable to the hierarchy to try and introduce late in the piece, enforcement systems against a
10 backdrop of production pressure and financial pressure?

A. I think that's an accurate assumption, yes.

Q. Had you had the foresight to consider what may and arguably did eventuate with, for example, the failures for SOPs to be completed, the inability therefore to create training modules out of those SOPs, plans
15 not being signed off, the severe shortage of staff and health and safety in training, what you regarded at least as diminishing support, a lack of audits, the shortcomings for the hazard identification process. If you had the foresight to see that these things would develop what would you have built into the system?

20 0905

A. Very, very clearly role profile for the safety manager that actually clearly, with clear goals and objectives and the power and the authority to intervene and, you know, have some clout so that effectively you could stop the project completely if need be.

25 Q. So the ability effectively to stop work?

A. Yes.

Q. As a last –

A. Whilst everyone was told that they had the ability in that induction process that if something was unsafe they should stop and fix it up,
30 everyone was told that. I'm not aware of anyone ever doing it or the consequences of such an action.

Q. And to your knowledge, looking at international systems, world class systems which you were told to design to, is that sort of feature available?

5 A. Yes it is and it's also in force be regular third party audits and going through various processes to check their onsite conformance with the standards.

Q. And in Australia there is an ability for the health and safety manager when he identifies unsafe practices to step in?

A. Yes, as far as I'm aware yes.

10 Q. And given the board and management pronouncements in the early days that safety or throughout is a number one priority, you would have expected their support in 2006-2007 when you designed the system to be able to have that ability?

15 A. Yeah. I'm just not sure exactly what the board were told at that time that's all.

Q. No but had a system been developed with those sorts of, you know, what some might say a draconian measures?

A. Yes.

Q. But others would say were necessary measures?

20 A. Yeah.

Q. Had that been implemented from an early stage you would have anticipated given the public pronouncements about health and safety, support at board level?

A. Yes most definitely.

25 Q. And if that wasn't forthcoming would that have sent alarm bells to you?

A. Yes it would've.

30 Q. And is it fair that no one would have thought in those early days had that been implemented, that the power would ever have to have been used, because as you said earlier then expectation was a health and safety culture that everyone would buy into?

A. That's correct yes.

Q. So as it turned out, when you did begin to encounter problems?

A. Yes.

Q. Would you say that you were in some instances effectively hamstrung?

A. Yes I believe that to be accurate, yes.

Q. And really what you had to rely on was cooperation with senior management to wave the big stick with other personnel if need be?

5 A. Yes definitely yes.

Q. And do you think you got that support?

A. No I don't.

Q. So if I can just summarise then that sequence, that the "hole in the cheese" if we can use that analogy, at your level was that you produced the systems, you wrapped words around those systems, you produced the basics?

A. The tools, yeah.

Q. But for whatever reason, it failed to create a universal health and safety culture?

15 A. A lot of it was failed to be implemented.

Q. And it failed to allow for in force compliance if required?

A. Yes.

Q. So I just want to deal briefly then on the same general topic with what might have been the potential missing links within that system, because you said yesterday I think to Mr Rapley that on the 19th of November last year you thought "we had a good system"?

20

A. Yes.

Q. Or "we thought it was okay". I think you mentioned Marty Palmer. You analysed it, couldn't understand what could have gone wrong, right?

25 A. Yeah, I had a discussion with Marty who also had a son underground, yeah.

0910

Q. And you were shocked about what you'd been told?

30 A. Yeah we thought it was a tragic event right out of the box, we couldn't, we were scratching our heads. There'd been no early indicators that there was problems that we were aware of any way in that conversation.

Q. So we've looked at the non-compliance mechanism and the culture issue and then there's the human factors approach which you have endorsed but was largely missing?

5 A. Yes and that's been an emerging discipline and I really believe it's got a big future in the mining or any high hazard area such as coalmining. I think some of our, even our risk assessments are too narrowly focused, need to be broaden, so yes I fully endorse that.

10 Q. So where is it then in this cascading layers of steps that you set up that we have the gap? I just want to explore that with you. We've heard about the hazard incident reports?

A. Yes.

Q. The I Am Safe reports came in a bit later, the safety manual, the SOPs, the induction programmes, operational management meetings, the audits, all pretty standard features of a system?

15 A. Yes.

Q. So what is missing it seems is your access to statutory mine official reports?

A. Yes.

Q. So the deputies' reports and the undermanager's reports?

20 A. Yes.

Q. And contractor's reports?

A. Yes.

Q. So if we look at your figure one at page 20 of your brief, Ms Basher ROCK0002/20?

25 **WITNESS REFERRED TO DOCUMENT ROCK0002/20**

Q. Just highlight that a little if you can Ms Basher. Where in that figure do you think that the statutory mine official layer should have come in?

A. Can you expand – the statutory mine official layer?

30 Q. Well where is it in the system, we know it's not there, but where do you know that the deputy or the undermanager's reports should have been directed to you? Should it have gone to the departmental heads? Let's take hydromining for example. We've heard Mr Wylie say that he produced reports, he handed them in to George Mason whom he

thought was a statutory official, proves not to be the case but nonetheless handed them to him. He signed them off and they appeared to just then be put in a tray in the office. The question is at what stage should those reports make their way to you? Should there
5 be an analysis by that departmental head that there's an issue here which would go to you?

A. Yes and part of the department management plans need to be and at that level, clearly identified any health and safety issues be it a mechanism to feed that back into the safety department and the safety
10 department to have the authority to close that department down until work's done. You know, I've heard stories of Australian mines where workshops have been stood down until they do all their JSEAs and that sort of stuff and the safety manager doing that and I did not have that ability at Pike River. I had a hierarchy that I had to follow.

15 Q. So did it occur to you then in 2010 when you were in to production and you knew the hydro-monitor was working and you knew that it had increased risk factors, that there was information that was being produced by deputies, because you knew by law it had to be, it wasn't reaching you?

20 A. No I wasn't aware that there was any information that wasn't reaching me, because I'd dealt early with some of the training programmes. Peter O'Neill, done some work with him. Lance McKenzie, so yeah I wasn't really aware that stuff wasn't coming to me at that stage.

25 Q. But you weren't getting reports, you weren't getting deputies and undermanager's reports so you knew you weren't getting them?

A. No, well yeah but they went up a different pathway inside the production department.

0915

30 Q. Do you now accept that it was a gap in that, as I said before, in that layering of systems not to have that information coming to you really from the coalface literally?

A. Really, yeah, yeah you're right.

Q. So the second issue or the second gap I suggest was your inability, really I was going to say failure, but inability to get underground and see firsthand what was going on?

5 A. Yes I was – there's a big difference in coalmining than going into a company that has established standards and safety managers are maintaining those standards and doing regular audits in gap analysis and – than sort of starting from a white paper start and I loved that place it was, you know, I put my heart and soul into it and so many hours. Yeah.

10 Q. I think we might have strayed slightly from the question, but the getting underground, you getting out of the office, getting in the drift runner with the men and getting down to the faces and the various work areas frequently and talking to the men and then identifying potential issues?

A. Didn't happen. Nowhere near as much as it should've happened.

15 Q. It does seem to be a glaring admission Mr Rockhouse in the system?

A. It is. Yes I accept that.

Q. And you've talked about pressures of work creating effectively paper and more and better systems on that sense and you were under pressure and I accept that. Do you think that you could've done more to step outside the office and really banged the door in Peter Whittall, Doug White whoever it might've been at the time and say, "Look I've got to get underground, it's part of any good audit system, any health and safety system, I've got to get out of here, you know, I've got to get down the mine or someone does?"

20
25 A. Yeah, had I had the resources to do that and knowledgeable people, I had Michelle Gillman whom was fantastic. Adrian, yeah, I didn't have enough manpower to do that to get into that audit function and I regret that very much.

Q. The third potential gap I suggest to you was this investigative role that you had when serious incidents were reported.

30 A. Yes.

Q. Either to you or to the departmental heads, so we know from some of your reports that you did investigated incidents –

A. Yes.

Q. – and well by all accounts from other witnesses.

A. Thank you.

5 Q. But there were other serious incidents not reaching you, but going to departmental heads, is that right?

A. Yes. That's correct.

Q. And so a decision was being made at departmental level that they could deal with it and it wasn't serious enough to refer to you?

10 A. Well they'd have the expertise and the understanding and the knowledge to deal with it probably more adequately than myself.

Q. That's fair.

A. That was the general idea anyway.

15 Q. Well that seems reasonable, but if it was serious nonetheless and given that these things happen in investigative role as well, do you think that you should've been participating or sitting alongside those enquiries?

A. Based on the evidence produced, yes definitely. Yes.

Q. Because the problem is that when you go to report at an operational level to Gordon Ward or to Peter Whittall or to Doug White, you can't report what you don't know?

20 A. You can't manage what you don't know either.

Q. That's right and so information wasn't feeding its way up the chain ultimately to the board on some of those matters?

A. That's correct yeah.

25 Q. So do you think those three areas are the main gaps or have you, on reflection, identified more? We've talked about the enforcement and compliance, it's a separate topic in itself, it just simply wasn't in the system from the outset, but on the sub-issues from a system we've got the lack of access to statutory reports and contractor reports which were, we now know, highlighting significant issues. Secondly we've got
30 this lack of underground auditing on a regular basis by your department and thirdly we've got departmental heads exercising discretion as to whether or not matters are investigated at their level or involving you and therefore you not knowing what you don't know and not feeding it

up the chain. So there are the three topics we've just explored. Do you think there are other main heads?

1920

5 A. Those are three of the major ones, but I'm sure if I sat down and analysed it, not in this environment, I'd come up with a few more to be quite honest, and different mechanisms to adopt from the learnings that have come out of this. Just the – you've got to look – if you want world best practice and, you know, you want world class systems then it takes an investment to achieve that outcome and resources.

10 Q. When you say you can't here now think about the gaps, but I'm sure you have over the course of this last year reflected on it?

A. I've relived this scene every day.

Q. Beyond those three main headings, nothing you would like to proffer further today?

15 A. Not until I could analyse it properly, sorry no.

Q. It's something maybe Mr Wilding can take up with Mr Rapley?

THE COMMISSION ADDRESSES MR RAYMOND

CROSS-EXAMINATION CONTINUES: MR RAYMOND

20 Q. Finally, I just want to cover with you, Mr Rockhouse, the sort of culture at a management level that you were operating in?

A. Yes.

25 Q. You've described a relationship dynamic between Mr Whittall and Mr Knapp, human resources manager, as a close working relationship they enjoyed?

A. Yes, yes.

Q. And you've described some aspects of that relationship and how Mr Knapp, from your perspective, operated?

A. Yes.

30 Q. In relation to feeding information to Mr Whittall when he wasn't at the mine site?

A. That's correct.

- Q. On a day to day basis, from your perspective, did a negative aspect arrive from that relationship dynamic?
- A. Very much, yes.
- Q. What was that?
- 5 A. IHS almost an “us and them” mentality in the management team.
- Q. And that created barriers to effective communication from you or other managers?
- A. I believe so. I believe that to be a fair comment, yes. Not just myself but yes across the board.
- 10 Q. At paragraph 2 and 8 of your brief, you talked about Mr Whittall’s management style and in your view said that he stifled communication?
- A. Yes.
- Q. And had an autocratic management style?
- A. I believe so yes, in my view.
- 15 Q. Wanted control of all aspects of the operation?
- A. Yes. Needed to have his “finger in the pie” so to speak, yeah.
- Q. And surrounded himself with “Yes” men?
- A. To an extent.
- Q. And you said sometimes things got to the stage where you witnessed your colleagues at the management level taking days off to avoid even being at meetings where he was at?
- 20 A. Yes, I’m aware of at least two occasions of that occurring and them both telling me about it.
- Q. And you described the meetings as being negative, looking back and inquisitorial in nature?
- 25 A. Yes. Sort of akin to show and tell, I guess, but we didn't really get the forward focus looking planning focus until after Doug White arrived.
- Q. And you said yesterday –
- A. And even then there was a battle over that.
- 30 Q. You said yesterday to Mr Rapley that Mr Whittall generally was intimidating. Did you feel intimidated by him?
- A. When I look back in hindsight, at the time I didn't, but I look back and I must have been, so I'd have to accept that.

0925

Q. Well again, you've described a meeting in paragraph 113 of your brief where it was obviously a bad meeting, things didn't go well, that fair?

A. Yeah.

5 Q. And you said that Mr Whittall mimicked you?

A. Yes, that's correct yeah.

Q. What do you mean by that?

A. Oh repeating what I'd just said about the presentation that I was doing for the management team and then jumped up and started slapping the wall where the PowerPoint was being shown.

10

Q. When you say, "Mimicked," though was he taking off your voice or mannerisms or something of that nature?

A. Yeah pretty much yeah. Yeah I was just rather shocked, I'd never actually seen anyone do that before in my career.

15 Q. And the other expression was that he mocked you?

A. Yes, yes I think that's fair.

Q. So is that mocking the health and safety dynamic culture or was it you?

A. It was more aimed at the particular presentation that I was delivering which was the very first version of this, the training for this.

20 Q. So this is the presentation that you talked about walking up and slamming the whiteboard with his finger and he ripped the presentation to pieces, humiliated you in front of your peers and eventually walked out of the meeting?

A. Yes, yes I've seen similar behaviour before, not as dramatic as that particular occasion but with other managers and it's just inappropriate. If you're going to do that you do it in private or you know, you don't do it in front of everyone's, all the departmental managers, it's not a good look at all.

25

Q. So you've described how you felt about that. You then left the meeting and either that day or the next you offered your resignation, you spoke to Doug White?

30

A. I went back to my office and every single department manager made their way down to me during that day just to check that I was all right and express their shock at what had just taken place, so then I –

Q. And Doug White eventually found you?

5 A. Yes I did.

Q. So he came to you?

A. Doug, yeah, yeah and then I went back up to Doug's office and I tendered my resignation.

Q. And he said, "You need to take concrete pills and toughen up."

10 A. Yeah but that's just Doug, that's the way he talks, he's pretty much a straight shooter.

Q. In the context of what had just happened however, I mean how did that make you feel? You're going to your senior manager, you're clearly distressed yet he tells you toughen up and move on?

15 A. Yeah and you're correct in that but I had several managers that had mentioned that in their careers they'd met other people who had similar behavioural traits.

Q. Putting that together, the outline we've just been through it seems to many that what was happening there was almost like a boy's culture.

20 You were in or you were out, you're in the loop you're not, them and us, you know what I mean by that?

A. Yeah I do and with the benefit of hindsight yeah I guess you're right.

Q. So on occasions when you, in that environment asked for help or you did stand up to Peter Whittall on various issues, so like the second
25 means of egress which you were unhappy about?

A. Yes.

Q. The request for a refuge chamber which was declined?

A. Yes.

Q. The SOPs not being returned?

30 A. Yes.

Q. Your request for more staff?

A. Yes.

Q. Important issues to you?

A. Very.

Q. Did you get support on those issues?

5 A. Not direct no's or because sometimes Peter Whittall – it wasn't that bad all the time. Sometimes he was good, sometimes he'd back me on issues and other times he wouldn't but inactivity you know, lead from the front. You talk the talk you've got to walk the walk. That level of support.

0930

10 Q. So if you did something against a senior manager's wishes, in this instance given those four matters, Mr Whittall, for example, helping departmental heads with the SOPs that Mr Whittall didn't want you to do?

A. That's correct.

Q. If you did go against his wishes, what was the reaction?

15 A. I was – when he found out about it he'd get upset and tell me to keep my nose out of it.

Q. Now I think you've said and others have said, that the mining management is quite a hierarchical industry?

20 A. It needs to be because it's a disciplined industry and it's there for a reason and history dictates what that reason is. It has – you have to have a very clearly delineated chain of command and yes it's very hierarchical.

25 Q. So look against that backdrop Mr Rockhouse which I've taken you through, I have to put to you that with hindsight, with all the reflection you've had on the environment you were working in, the people you were working with, the reactions that you got, the incidents that you've described, that you were effectively a victim of what is in modern terms called, "workplace bullying?"

30 A. Yeah, I'd have to concede that I guess. With everything I know now and all the, yeah, I guess.

Q. Did you ever feel then against that relationship scenario that you were free to trot off to the chairman of this company and say, "Look John I've

asked for the SOPs, getting them back, Peter Whittall tells me to mind my own business, you know, can you help me John?"

A. No.

Q. And we've had in evidence Rockhouse 0028/1 –

5 A. And in saying that I wasn't getting the information to pass that information too.

Q. Well the example I gave was about the SOPs, you clearly knew about that?

A. Mhm.

10 Q. And you've been told in October 2007 if there's a matter to be advised to, the exact words ROCK0028/1, "If there's a matter that needs to be advised to the chairman, please let me know."

A. Which document are you referring to sorry?

15 Q. Ms Basher is that able to be put up easily, if not it's not a big quote. It was ROCK0028/1. It's an email from – the email chain started with – from you Neville to a group of senior managers, "Please read attached notice," and then, that's the first page at second page you'll see there in the second line, fourth sentence of the paragraph, "If there is a matter that needs to be advised to the chairman please let me know." Do you
20 see that? Wednesday 31 October 2007. The larger email, second line.

A. Yeah I see it, what's the context of it?

Q. The context of it is that you had sent a health and safety notice, you talked about this yesterday with Mr Rapley?

A. Yep.

25 Q. And Mr Whittall asking you to take John Dow off your distribution list.

A. Oh, yes.

Q. And if there's a matter that needs to be advised to the chairman please let me know.

A. Yes, yes.

30 Q. So did you generally adhere to that or did you adhere to that following that instruction?

A. No I continued to send stuff to John Dow for a while longer.

Q. But if there was something that you needed to advise Mr Dow it appears that Mr Whittall's asking that be channelled through him?

A. Yes he was.

5 Q. So if it was an issue which involved Mr Whittall, for example, telling you to butt out of helping departmental managers on SOPs for example, how were you going to go up the chain given that instruction?

0935

10 A. Well, when I brought those matters up Gordon Ward was at the management meetings. He was aware of those, they were tabled. They should be minuted. I don't know if they are or not, but he was on the board.

Q. The other opportunity Mr Dow has suggested for you to approach him and discuss matters of concern were at these management/board barbecues. Remember that evidence?

15 A. Yeah roughly, yeah.

20 Q. Did you feel able at those sort of occasions with a barbecue and a sausage, as he put it, with Peter Whittall no doubt there, to be able to go up to John Dow and say, "Look things aren't going well here John. I'm overwhelmed. I've got too much work and I'm understaffed. Can you help?" Was it that sort of environment?

25 A. It's not something you'd do in that sort of environment and I didn't attend a lot of them. I stayed in my office still working. So it wouldn't have been an environment that I'd be comfortable going and talking to John Dow about that issue, but in saying that he was only about 20 metres away from my office. He could have come and knocked on the door and had a one-on-one. He never attempted to do that either.

CROSS-EXAMINATION: MR HAMPTON

30 Q. Ms Basher, can I get up a page of Mr Rockhouse's evidence please if that's possible, ROCK002/24. You'll have your brief with you Mr Rockhouse?

A. I do.

Q. If you could go to that page 24, paragraph 70 I want to ask you about in a moment?

WITNESS REFERRED TO DOCUMENT ROCK002/24

A. Twenty-four.

5 Q. And if you could highlight paragraph 70 please Ms Basher, I would be grateful. But just before I come to that Mr Rockhouse. Mr Raymond was just in the course of examining you, asked about or said something about Mr Wylie and Mr Mason, and Mr Wylie having the understanding that Mr Mason had tickets, the necessary tickets. What was your
10 understanding of Mr Mason's statutory ticket holding, did you know whether he had the tickets or not?

A. I'd known that George had been involved in the Moura disaster. When he came to Pike there was a process established for him to re-do his deputy's ticket.

15 Q. So you knew he didn't have his tickets, that's all I was trying to establish?

A. Okay, yeah.

Q. I want to look for a moment at what you say in paragraph 70 and then take up something that you've said to, or been talking about with
20 Mr Raymond. It's the middle part of 70 where you say, you relate to talking to Mr Whittall about attitudes to things and then you say this about union involvement. You say this then. "This was despite having a discussion with him about joint consultation via employee participation being the cornerstone of effective safety management system
25 development."

A. Well it is, yeah that's correct.

Q. You hold to that quite firmly don't you?

A. Oh hell yeah, yes.

Q. It has to be?

30 A. Yes. Has to be, yeah. To get buy-in you have to involve everyone, unions included. So it's critical to the success of any operation.

Q. And in your early, early days mining underground that was in Australia was it?

A. Yes it was.

Q. Union involvement?

A. Yes.

Q. Underground there?

5 A. Very much.

Q. And you would have had some exposure there to the workers' inspector, the check inspector?

A. Yes I have.

10 Q. Looking at what happened in Pike, and looking at the sort of gaps that Mr Raymond and you have just discussed, particularly the first two gaps, those gaps particularly the first two, would have been filled very adequately if there'd been a worker's inspector whatever he's called, he or she is called, with the confidence of the employees underground elected by the employees underground with ability if necessary to stop
15 work underground, ability to go to the mine's inspector, ability to go on visits when mine's inspectors make their visits?

A. Yes.

0940

20 Q. That would've prevented Pike happening wouldn't it? We'd have that sort of worker's representative in place?

A. I believe it would've yes.

Q. It needs to be back there doesn't it?

A. I believe so, yes.

25 Q. One's tempted to sit down there and probably should but can I just – I was going to go through a bit more of your paragraph 70 with you but I put alongside paragraph 70 an email which was attached to your evidence and if I could have it up please Ms Basher, ROCK0003/1?

WITNESS REFERRED TO DOCUMENT ROCK0003/1

Q. Are you all right Mr Rockhouse?

30 A. Yeah, yeah.

Q. I'll just give you a moment to have a look at that exchange that's been put in as part of your evidence in November 2009?

A. Yes, yes I recall the exchange.

- Q. Can I suggest to you that that exchange came out of the desire of Pike as a company wanting Toolbox talks at the end of a 12 hour shift?
- A. Yeah that was, I never supported that. That was...
- 5 Q. Well I'll just go on, "The expectation was that the men would travel to the mine, work a 12 hour shift then would have a Toolbox talk in their own time and then be expected to travel back to Greymouth."
- A. Yeah and they were wet, they were cold and it was totally ridiculous. Common sense did not prevail.
- Q. And the union tried to intervene?
- 10 A. I believe, well yeah I believe it did, yes.
- Q. If there were going to be Toolbox talk they had to be at the start of the day not at the end of the day saying it was unsafe otherwise. Exhausted men being asked to do this?
- A. Yes I believe so.
- 15 Q. And that's the context of that exchange of email with Mr Whittall ending up saying to you, "The union was never involved, doesn't come into any consideration. Please do not use the union in the same sentence as anything at Pike."
- A. Yes and the broader context was also the lifesaving rules because I
- 20 needed union buy-in for that. The cardinal rules, the lifesaving rules, yeah.
- Q. And that goes back to that paragraph 70 that we had on the wall before and your evidence, "The lifesaving rules," that's where that discussion comes in there?
- 25 A. Yeah.
- Q. Have you read and I want to do this as quickly as possible Mr Rockhouse, have you read the evidence that's been put in on behalf of the union from first, Matt Winter and secondly, Garth Elliot?
- A. Yes quite a while ago, yeah.
- 30 Q. Mr Winter was a union organiser here on the coast through the initial stages of Pike's development?
- A. Yes.
- Q. Up until early 2010. wasn't he?

A. Yeah I didn't have much to do with him until he took over the pub.

Q. The Blackball Hilton?

A. Yeah that's right.

Q. Oh, the formerly The Blackball Hilton, sorry, I'll get that right?

5 A. Formerly, The Blackball Hilton.

0945

Q. Mr Winter describes in his evidence difficulties about getting a collective agreement with the Pike company on behalf of workers?

A. Yes I understand that's correct, yes.

10 Q. You wouldn't have had anything as such to do with that?

A. No. No HR's department was collective agreement, but I was very happy when one went in that allowed us to train, do more training.

Q. That's the second collective agreement wasn't it?

A. That's right, yeah.

15 Q. That's the one negotiated by Mr Elliott.

A. One of the issues I always had was access to the boys on 12 hours shifts, yeah. The shift patterns.

Q. Mr Winter in describing the negotiations leading to the first collective agreement talks of his meeting with first Peter Whittall and secondly
20 Dick Knapp, with Peter Whittall he describes it in this way, that at the meeting, "It was clear from this meeting..." this is early 2009, paragraph 16, so the reference for the record is EPMU0019/7. "It was clear from this meeting that Pike River's management and Peter Whittall in particular were not interested in forming any sort of relationship with the
25 EPMU. At the meeting Peter Whittall also mentioned that he had previously had bad experiences with unions in Australia. The meeting was tense, I left it with the impression that the company were anti-union and determined to keep the EPMU at a distance." Are you able to comment at all about that sort of attitude that was discerned by
30 Mr Winter in relation to the company and Mr Whittall? The anti-union attitude. Was there such from your point of view?

A. I believe that's pretty accurate.

Q. And of course that email that went out a little earlier on was rather reflective of that situation, isn't it?

A. Yeah.

Q. Just then to go to Mr Garth Elliott who took over from Matt Winter?

5 A. Yes.

Q. Did you ever have much to do with – you've told us about Mr Winter, only really when he got to The Blackball Hilton?

A. Mhm.

Q. What about Mr Elliott, did you have much to do with him?

10 A. No not pre-explosion, but post-explosion a fair bit, yeah, yeah, family meetings, stuff like that.

Q. Well that interests me a little. Did you ever approach the union, the two organisers that you knew first Mr Winter then Mr Elliott, you knew that they were here in Greymouth? Did you ever approach them with any of your concerns about what was or wasn't going on?

15

A. In the early days we had very little union involvement and it didn't sort of start to gain any momentum until the later part of...

Q. But you never went to them and say, "I'm a bit concerned with certain aspects that are going on inside the mine."

20 A. No I didn't no.

Q. "Can you do something to help me?"

A. No I didn't.

Q. Well going to Mr Elliott and the reference for the record is EPMU0014/5 and /6 and its paragraphs 11 to 13?

25 **WITNESS REFERRED TO DOCUMENT EPMU0014**

Q. This is the lead up to the second agreement and I think you refer to that, it relates to your paragraph 19 of your evidence when you said, "The new collective agreement saw the pit going from a panel roster to a rotating roster of five on, two off, how the union also negotiated an agreement that gave employees greater access and opportunities for safety and training. We were very pleased about this change."

30

A. We were, very pleased.

Q. So leading up to that situation, Mr Elliott says this that, "The first collective agreement was due to expire on 30th of June 2010. I initiated bargaining for the renewal of the collective agreement on 10 May 2010, soon after I transferred to the coast. I was then responsible for dealing with the company, ensuring bargaining progressed?"

A. Yep.

0950

Q. Paragraph 12. "Soon after initiating bargaining I sent an email to Dick Knapp, human resources manager, in order to try and arrange for a claims meeting to take place. Following this I received an abrupt phone call from Dick Knapp who dictated to me how the company would run the process. I recall that at one point he said to me 'We don't email here on the coast, we talk like men.' Looking back the relationship wasn't a good one. Such comments seemed to be consistent with the approach of the company towards the union." Just pause there. Mr Knapp, what's described there consistent with what you saw of his approach?

A. Pretty much yeah.

Q. He was an aggressive man wasn't he?

A. Very much.

Q. Just then, could I have please Ms Basher first DOL7770030105/1?

WITNESS REFERRED TO DOCUMENT DOL7770030105/1

Q. It's an operations meeting minute, so I'll show you page 1 for a start, Mr Rockhouse. 13th of May 2010. So this is three days after Mr Elliott says he initiated bargaining for the second agreement?

A. Okay.

Q. And it shows the attendees, Mr Liddell, yourself, Mr Klopper, Mr Knapp, Mr Gribble, Mr Lerch, Mr Moynihan, Mr Whittall, Mr van Rooyen, Mr Ward, and Ms Horne?

A. Correct.

Q. You see that?

A. Correct, yes I see that.

Q. Can I take you then. Ms Basher, if can put up please in the same series, /6 please, page 6, and can we highlight the section, "HR, number 7, weekly roundup." Round of meetings re shift change." Then we get down to the fourth bullet. "Initiation of bargaining notice received from EPMU. Note relationship with new district organiser is confrontational to date, concerns that this will need to be managed closely. Recommend that communication channels be tight with him and restricted to GMM and HR manager during bargaining period." Presumably this would have been Mr Knapp talking?

5
10 A. Yes, that's Mr Knapp's report back to the management team and yeah the old control thing.

Q. Do you recall the discussion? Does that help at all as to the actual discussion at that meeting?

A. I do recall something that I found hilarious. He did say at one of the meetings, I can't recall which one, but there was discussion around PPE issue and Mr Whittall wanted to remove the woollen socks that the miners got, and I tried to argue that there were health and safety guidelines for extreme of temperature and that socks should be included in the thermal underwear and the issue to our men, and Mr Whittall disagreed and had that removed and Mr Knapp made a comment at one of these meetings that when that had been taken away from the miners it resulted in about 36 people joining the union, and the look Mr Whittall gave Mr Knapp I found quite amusing.

15
20
25 Q. Can I just briefly look at workplace health and safety committee. The reality is Mr Rockhouse isn't it, that the union or union representatives never had any actual place in the workplace health and safety committee did they?

A. Any actual what sorry?

Q. Any actual place on?

30 A. No I disagree with that. Scotty Campbell was good as the site rep.

Q. Okay, well can I take you please then to Mr Winter's evidence, EPMU0019/13?

0955

WITNESS REFERRED TO DOCUMENT EPMU0019/13

- 5 Q. And it's starting at the bottom of, Mr Winter's evidence he said this and it'll be up shortly and it's paragraph 35 to 37. "I understand the company ran its own health and safety committee, however I am unable to comment on the effectiveness of that committee because the company didn't seek to include EPMU health and safety delegates on the committee unlike at a number of other sites I used to be involved with." And he gives an example of what happened at Spring Creek. "This was another example of how Pike River management refused to engage with the union in a meaningful way."
- 10 A. Yeah I'd disagree with that in the context that when we first formed the safety committee we asked for volunteers and at the same time, and people stepped forward to volunteer and there were more miners coming and when we got enough miners then we asked the miners to do an election and put shift reps forward. So it may have been slow to start with because it was a voluntary committee but then it started to mature.
- 15 Q. But that was approach to individual miners rather than to the union wasn't it Mr Rockhouse?
- 20 A. Yeah but I think that first committee was yeah, you're correct, it went out to the shifts, yes you are correct yeah.
- Q. You never approached say Mr Winter or subsequently Mr Elliott and said can we get organised about this and let's have some proper union representation on this health and safety committee did you?
- 25 A. No I never dealt with the union, no.
- Q. No and as we know from the minutes and from the various emails that we've seen, actual worker representation on this health and safety committee was pretty woeful wasn't it?
- 30 A. I don't know about woeful, eventually the unions did you know, there was a place made available for the unions in 2010 and they did attend and have input with a union rep, the site rep. As far as I was concerned they're welcome.

Q. What do you say then to the observations made by Mr Couchman in his evidence paragraph 109, so it's COU0001/20, it's no need to come up Ms Basher but he said this. "It used to annoy me that the health and safety committee was supposed to be a committee of the staff but we would sometimes have more managers attending than staff. This was because Peter Whittall wanted the managers to have 'buy-in,' to the committee in support to it. I believe that at times staff may have felt intimidated with the manager's attendance and be reluctant to raise issues."

5
10 A. Yeah I can't comment on how many turned up or the reasons why they turned up. I can comment on a discussion I had with Mr Whittall in terms of a lead indicator could be to have a manager attend at least one committee meeting per year as one of their KPIs. The reasons as Adrian said there, having four or five of them at a single meeting, I don't know why that would be.

15 Q. Once you'd set this committee up did you not have much input into it at all?

A. No Adrian was the next office over from me and if he had any serious concerns he'd just let us know and I wanted a senior manager to be there so that they had the authority to spend any money or do anything like that, if that was required, but the makeup was to try and have full employee participation, that was the intent.

20
1000

Q. But did you never check yourself to see whether in fact your –

25 A. Yeah, I went to the occasional meeting and I went to the first three or four, did some sort of group training with them in terms of this is the charter, these are the objectives of the committee, this is the stuff that we're talking about.

Q. Would you have been to any of those meetings through 2010 for example?

30 A. Without consulting my diary. I probably would've been because Adrian worked out a roster to share it around the managers so I probably, yes I probably would have, I can't off the top of my head tell you how many.

Q. And you say Mr Couchman never brought his concerns that he's expressed in his evidence about the health and safety committee to you?

A. When – no not in the way he expressed them the other day, yeah.

5 Q. Just finally Ms Basher could I have up please, DAO.002.08157 and its pages 1 and 2 if we can get them both up together I'd be grateful?

WITNESS REFERRED TO DOCUMENT DAO.002.08157

10 Q. This is a November 2010 email exchange, primarily between Mr Couchman and Mr White, but you are copied into both emails. You see your name there?

A. I do see my name there, yes.

Q. And its – what we have is a combination of the two men, Mr Couchman writing initially and then Mr White responding and putting comments in as well.

15 A. Okay.

20 Q. Two things about it, the first paragraph, "On Monday 8th November at the PRCL site, health and safety committee held its monthly meeting. It was poorly attended with no representation from engineering, environmental tech services or our contractors onsite namely TNL or MacDowell. To be fair apologies were put in by most departments except engineering who still has not put forward a safety representative or MacDowell." And I think this is Mr White then saying, "I have intervened and instructed Rod Ridl to nominate a tradesman as a representative." It rather shows a dysfunctional committee doesn't it Mr
25 Rockhouse?

30 A. When you run an operation 24/7 to have regular meetings and regular people, I thought the committee tried to accommodate and be flexible in changing meeting times and then offering out of pocket expenses for people to actually come in, so I wouldn't call it a dysfunctional committee. I think towards half way through 2010 they were becoming – they were heading in the right direction and I think Mr Adrian Couchman mentioned that he thought the same thing. So dysfunction, no I disagree with that.

- Q. And then secondly in that email there is, in the body of it, there is noted some ongoing concerns about half way down the page, under incident 1103, an out of service machine being put back into service without being repaired. Do you see that?
- 5 A. Yeah, yeah I saw that.
- Q. Did you read this email at the time?
- A. I don't recall to be absolutely honest with you. But, subsequently I have.
- Q. Wouldn't that be of concern to you in your role that an out of service machine has been put back in without being repaired?
- 10 A. Yeah, yeah, definitely.
- Q. You see I want to know really what ability anybody had to say, "Oh, this shouldn't be happening, who was the person who should be doing that?"
- A. Well that's exactly right. The information should be going, that would be
- 15 in the engineering department and I can't imagine.
- Q. Yes, but obviously the engineering department hasn't done it. It's coming in front of you as health and safety manager.
- A. Yes.
- 1005
- 20 Q. Have you got any obligation to do anything about it?
- A. Yes.
- Q. I won't go on through it but there's 11 matters that are mentioned in this email exchange just 10 days before the explosion. It covers wet weather gear, it covers fire hoses, it covers the lack of drift runners, it
- 25 covers the shortage of fans and vent cans, dust masks, safety glasses, toilet, the inability to raise controllers, on the second page about half way down. "Concerns were raised about the availability of the controllers at times. On several occasions they have tried to raise them on the DAC or the phone. Had no reply." Do you see that entry?
- 30 A. Yes I do.
- Q. That would be of concern wouldn't it?
- A. Yes it is.

Q. Well I ask the same question really that I asked you before. Having got this email, what did you do about it?

A. I don't recall what I did.

CROSS-EXAMINATION: MS ANDERSON

5 Q. Mr Rockhouse, as you know I appear for the police. I've got a short series of photographs to ask you to comment on and these are more related to some of the evidence that we have heard in Phase Two as opposed to the matters that have been directly here before the Commission during the Phase Three sittings. Ms Basher, can I just get
10 you to bring the first of those photographs up on the screen. Just while they're coming up Mr Rockhouse, I think from your previous evidence before this Royal Commission you advised that you had been underground at least a week before the explosion on the 19th?

A. Yes I, building an overcast with Terry and Milton.

15 Q. And about a month before the explosion you'd been underground conducting a safety audit?

A. Yes, that's correct yeah.

Q. So the point, you're familiar with the Slimline fresh air base?

A. Yeah.

20 Q. What I'm going to show you are a series of photographs which my understanding is that these were taken at about August 2010?

A. August, yeah.

WITNESS REFERRED TO PHOTOGRAPHS

25 Q. On or about the 3rd of August. So just in land marking the sequence of that, that would be after the point at which Mr Couchman has given evidence that some of the rebreathers from the stub at 1.5K had been moved to the fresh air base?

A. That's correct, yeah.

30 Q. And at a period that's before the period Mr Stiles said he moved on October, boxes containing the rebreathers and the fire box from the left-hand side of the fresh air base to the higher dry side?

A. Mmm.

Q. This photograph here that you've got on the screen in front of you?

A. Yes.

Q. Am I right that this is a view looking up the drift where you see a high visibility reflective sign for the fresh air base?

5 A. Yes that'd be correct.

Q. And we can see in the middle top third of the photograph a yellow...

A. Gas drainage line.

Q. Gas drainage. And that's the way those gas drainage lines would have been identified?

10 A. That's correct, yes.

Q. Can you just help us explain the reflector lights or look like reflector lights on the left-hand side of the photograph?

A. They're droppers for the conveyor.

Q. So that's in the drift?

15 A. Yeah, in the drift yeah. They're reflective, yeah, reflectors.

THE COMMISSION:

Can I just interrupt you Ms Anderson. These photographs are new to us are they?

20 **MS ANDERSON:**

Yes they are.

THE COMMISSION:

And this is one of a series?

25 **MS ANDERSON:**

Yes, seven. I'm going to take Mr Rockhouse through seven photographs.

THE COMMISSION:

Can you just, as you do so just identify each one just so that when we come back to them it will be evident which questions relate to which photograph.

30

MS ANDERSON:

Thank you Your Honour. They'll be produced in the end as a single exhibit but the meta data identification for this one is photo 259. Photo 1. If you could move on to photo number 2 please?

1010

5 CROSS-EXAMINATION CONTINUES: MS ANDERSON

Q. Am I right Mr Rockhouse that this is a view standing in the drift looking at the entrance to the fresh air base?

A. Yeah that's correct, that was constructed by Matt Coll and some contractors that was, you can see behind the brattice fly, the door, roller door.

10

Q. So it's a bit like a tent like structure that you walk into it?

A. Yeah it's cleated to the sides of the roof and rib and it's quite a substantial sort of a structure.

Q. And the pipe work that we see there labelled, "Gas drainage."

15

A. Yes.

Q. Could you help us understand with the lever that we see just at the bottom of the vertical pipe?

A. No, I can't really help you with an explanation of what that lever actually does but it's a gas drainage line going up to the surface so it must be one down from the main vent shaft, what hole was that? I don't recall what hole it was. The gas drainage –

20

Q. So is that your understanding that what we are seeing there are the vertical pipe work going up to the roof of the stub?

A. Mmm.

25

Q. Is exiting at that point up to the surface?

A. I believe it is, yeah.

Q. Could we have photograph number 3 please?

WITNESS REFERRED TO PHOTOGRAPH 3

Q. This is a perspective where we see the, "High visibility," sign hanging in the drift?

30

A. That's correct.

Q. And get more of a view of the entrance to the Slimline fresh air base?

A. Yes.

Q. Can you give us any commentary on the tubing that we see identified there as, "Gas drainage."

A. This gas drainage pipe work? Yeah in close proximity to the F-A-B.

5 Q. Looking at the entrance, if we imagine we were walking into the Slimline, what is it that we are seeing on the floor there that are rolled up just at the bottom of the photograph?

A. I think just inside the door there about the centre of the photo, those are stone dust bags and it looks like a roll of brattice in front of that and then
10 in front of that again they look like bits and pieces from scaffolding or something.

Q. Ms Basher are we able to highlight slightly the portion of that photograph which is the interior of the fresh air base where we can see some boxes? I'll get you to have a look at that and it's relevant, we'll
15 see that in a little bit more detail when we come on to the next photograph. Ms Basher could we have photograph number 4 please?

WITNESS REFERRED TO PHOTOGRAPH 4

Q. We've got a little bit better quality with this photograph here so again, am I correct that this is the rolls of brattice on the floor at the entrance to
20 the fresh air base?

A. That's what it looks like, yes.

Q. The stone dusting bags there to the right, bottom right-hand side of the photograph?

A. Correct.

25 Q. We can see about a third from the top on the right of the photograph the words, "Gas drainage," where the pipe work in entering, it looks like it's entering through the brattice?

A. Yes.

Q. Over on the left-hand side of the photograph about a third down, there's
30 a yellow reflective object. Are you able to help us with what that might be?

A. Right in the corner, no that's the phone.

Q. That's the emergency telephone?

A. Yeah, yeah.

1015

Q. And the yellow reflective part with some printed words on it, at the bottom left-hand side do you have any – are you able to help us with what that might be?

5

A. Glenville Stiles was getting some emergency signage it may be something.

Q. But it's not 100% clear what that is?

A. No it's not, no.

10

Q. And looking into that stub we can see more clearly in better definition the two boxes there, one blue box and one, am I right that that's – what colour would you describe that second box?

A. A yellowy sort of colour or, yellow and blue, I guess.

15

Q. And we don't see in that photograph do we Mr Rockhouse the wooden firebox of the type that you've given evidence previously was in the Slimline around about November?

A. No, no you can't see it here.

Q. From your knowledge, what might those two boxes in there have been used for at about this time?

20

A. Possibly the storage of fire equipment or self-rescuers. What was the date?

Q. On or about the 3rd of August?

25

A. August, so that was about the time that Steve Wylie, I remember this because there was an issue, Adrian had done an audit and self-rescuers had been moved and I think I sent out a newsflash that if rescue equipment of any kind was moved it needed, we needed to know so that it could go to technical services department and be put on the mine plans. So they could be self-rescuers.

30

Q. Can I get you Ms Basher to turn to photograph number 5 please? This is simply to give a more close up detail of the gas drainage line. Is there anything of particular note you want to comment on about that photograph Mr Rockhouse?

A. No I couldn't give you the technical specs on it. I'm not the right person to talk to about that.

Q. Photograph number 6 please Ms Basher?

A. That's the Slimline going up.

5 Q. So this would be a person standing inside the stub, so having walked in through that brattice entrance that we saw and taking a photograph of where the Slimline shaft exits down into the mine?

10 A. Yeah, it was originally reamed out to be 600 wide and then there was an issue of casing, then that was reduced to 400. So that's the exit point inside the mine looking up at the Slimline shaft.

Q. And Ms Basher the final photograph, photograph 7. Am I right that this is a perspective standing inside the stub looking out towards the drift?

15 A. Yes and it would've been up in that corner where the – probably under the Slimline exits. So there's probably about 10, 15 metres long in length.

20 Q. The – in the top couple of centimetres of the photograph there's a rectangular shape with a – and just higher there's a particular bolt, a roof bolt there that you can see? Ms Basher could we put photographs 6 and 7 side by side please? So just to try and get an orientation where the Slimline has come down, we see that bolt on photograph on the left-hand side of the screen and it's possible that the bolt we see in the top of photograph 7 is relative to the position of the Slimline?

A. Yeah, the plate, yeah I think that's a fair assumption, yeah.

Q. And the Slimline slopes uphill, does it?

25 A. Sorry?

Q. The Slimline slopes uphill from the drift?

A. Yeah, yeah there was.

30 Q. So we've got this perspective looking towards the drift we can see the brattice rolls that you've described were on the ground to the left-hand side bottom of the photograph what looks like the stone dusting bags stored there and the brattice entrance?

1020

A. Yes, that's correct.

Q. And the interior perspective of the gas drainage pipe work?

A. Yes.

Q. The brattice that we can see on the right-hand side of that photograph, are you able to help us understand what that would be?

5 A. There was a large piece of mesh with mine plans that had been laminated and safety stuff, it could be, I'm not sure, because later on it was moved to the other side, that brattice could be covering that to keep the water off. You can see water coming down, it was pretty wet. Apart from that I'm not sure why it's draping there, why it's actually hanging in
10 that position but the last time I stuck my head in there a week before the explosion, in the photograph on the right, the notice boards and all that had been moved over to the other side.

Q. That's all right and I think we've had evidence from Mr Stiles about that, about the placement also of the first aid equipment on the rib.

15 A. Yeah that's correct, Glenville moved it all around and in some of the evidence I think Gary Campbell mentioned that he'd on the day of the explosion he had moved some rescue boxes out to stand on them to do some gas monitoring or something, I read something to that effect as well.

20 Q. Mr Rockhouse is there anything in that photograph that could help us understand what we've heard described as the brattice door that could be closed to seal off the Slimline?

A. In the photo on the right that's the – you can see it's a roll, you could pull strings and that will fall down and that was tested out a couple of
25 months prior to the explosion there, a juggernaut had blown a turbo in the immediate vicinity of Spaghetti Junction. There'd been a CO build up, guys –

Q. Yes I think we have had that evidence Mr Rockhouse of the reaction at that time. Could I ask you to produce that as exhibit 44 I think is the
30 number.

EXHIBIT 44 PRODUCED – PHOTOGRAPHS

COMMISSION ADJOURNS: 10.23 AM

COMMISSION RESUMES: 10.32 AM**CROSS-EXAMINATION: MR HAIGH**

Q. Mr Rockhouse can I refer you please to paragraph 31 of your brief?

A. Thirty-one, yes.

5 Q. Do you recall that relates to you asking Mr White for more backup or additional employees and you were informed that permanent addition of employees for the safety and training department had been declined?

A. That's correct yes.

10 Q. Now in fact you will recall that Mr White sought from you at the same time was for you to present a business case, do you recall that?

A. Yes.

Q. And either through perhaps over work or for whatever reason you never did actually present that business case did you?

A. I started one.

15 Q. Right but you never actually presented him with one?

A. No not, not to Doug.

Q. I now want to ask you please about, if you could refer please to paragraph 141 of your brief and this was to do with the split between training and safety?

20 A. That's correct.

Q. Which Mr Couchman going off to focus on training and you being left to deal with safety?

A. Yes.

25 Q. Now in the brief in paragraph 41 the final sentence you say, or three lines down, "I was not part of the discussion process in relation to that restructure. I was just told that it was going to happen."

A. That's correct, yes.

30 Q. Now Mr White's recollection is he spoke to you and Mr Couchman on two different occasions about why it was that the split was going to take place which was because of the overwhelming workload that you had in the safety component of the then operation and that you had a

discussion about it? Now it's going back some time but isn't that in fact what happened?

A. To be honest sir I don't recall it, it may have happened but I don't recall one.

5 1035

Q. Well I tell you why, or let me put to you what I said Mr Couchman said, and I put to him because he said initially in his brief that there was no discussion I think, or words to that effect, and I put to him that Mr White had told him the reason for the split was the, as I said, overwhelming workload that you had in safety, and Mr Couchman acknowledged that that was what Mr White told him?

10

A. Okay, I –

Q. Does that ring a bell at all, does that help you recall?

15

A. Not really, but I've got no reason to disbelieve. If Adrian recalls that then I've got no reason to question Adrian.

Q. Probably haven't?

A. No.

20

Q. Well do you remember Mr White talking to you about how this would bring Pike River into line with the Australian process or the Australian format, which was to have a stand-alone division or department for safety and that this would bring it into line with them. Do you recall him raising that?

A. He may have. Was there anyone else part of that discussion do you know?

25

Q. No I can't identify that at the moment other than Mr Couchman was involved but whether it was with you or separately I'm not sure.

A. My recollection was it was pretty much out of the blue. I can't honestly recollect.

30

Q. No, well Mr White, as you've told us, was the one person who was, manager who started to involve you more and to discuss issues with you, correct?

A. That's correct, yes.

Q. So it wouldn't surprise you if in fact he has?

A. No.

Q. Discussed this with you before taking the action?

A. I'd accept that, yes.

Q. And then Sandy Keown joined you to assist?

5 A. Yes.

Q. Now, can I refer you to paragraph 114 please of your brief?

A. 114. Yes.

Q. And this is the "harden up" reference?

A. Yeah.

10 1038

Q. Now, Mr Raymond put this to you and made a suggestion about how you may have felt about it, but the relevant part wasn't put to you in its entirety so I'll just read out, this is on page 35, four lines down. "When I saw Doug about resigning he told me that I needed to take some concrete pills and for me to toughen up. Mr White also said for me not to worry that things would gradually change around the mine and he thought that he now had the right team to effect that change. I agreed with him as I believed that he would perhaps be the only one that could do it so withdrew my resignation." That's correct isn't it?

15 A. Yes he, yes that's correct.

Q. And in fact after the humiliating experience you'd had in the meeting which clearly had an impact on you, he was consoling with you, wasn't he? Trying to work through how you could deal with the issues and what had happened.

20 A. Yeah he didn't accept my resignation.

Q. No. And it wasn't, and I think you've indicated the "harden up" approach wasn't said in an unkind way at all?

A. Yeah, but I also took, in hindsight, what Mr Raymond described as probably accurate too, so yes.

25 30 Q. Which was that?

A. That the bullying comments, I guess yeah.

Q. But you were referring to Mr Whittall not Mr White weren't you?

A. That's correct yeah.

Q. So what you're saying there is that you – no matter what M White said, you weren't entirely consoled at all and felt that – felt deeply the humiliation you've told us about?

A. Yes, I guess, yeah.

5 Q. Now can I ask Ms Basher please to put up a document that was shown to you by Mr Wilding which is DAO.011.20966?

WITNESS REFERRED TO DOCUMENT DAO.011.20966

Q. This is an electrical report that you were asked about. Do you recall that? Do you recall being asked about it?

10 A. Yeah, but I never used to get these so, but I, yeah.

Q. Now I'm just curious, if you look down the column which says, "Work done and delay cause," at the very bottom on the left-hand side in the safety comments column, but above the reference to engineer's signature, there is a signature there well it looks more like an initialling.

15 Do you know whose that was?

A. No I don't.

Q. It's not yours, you've told us that?

A. No it's not mine.

Q. No. Do you have any idea whose it was?

20 A. No I don't, sorry.

CROSS-EXAMINATION: MS SHORTALL

Q. Now Mr Rockhouse before the training component of your job was moved into human resources in September of last year, you were the safety and training manager at Pike, right, we've established that?

25 A. Yep, I think the move actually happened before that, but yeah.

Q. And as the safety and training manager for Pike, you were responsible, as I understand your evidence for the planning of systems, would you accept that?

A. Yes.

30 Q. And the planning of processes to ensure that Pike had a systematic safety management system, would you accept that?

A. In consultation with department managers, yes.

Q. And you were responsible for the development of those systems and processes, right?

A. Yes.

5 Q. And as I understand your evidence to this Commission you say you weren't responsible for the implementation of those systems and processes. Is that right?

A. That's correct.

Q. But would you agree with me that at the time you joined the company in December 2006, you were given those responsibilities?

10 A. To develop the tools?

Q. No, to implement the systems and processes?

A. No, I wouldn't agree with that.

Q. Would you accept that you were responsible for continually monitoring and evaluating the health and safety systems and practices at Pike?

15 A. No.

Q. Would you accept that at the time you joined the company in December of 2006 you had responsibility for such monitoring and evaluation audit?

A. I thought I would have yes, I'll accept that.

20 Q. And you were responsible for following up on health and safety related concerns to mitigate risks. Would you accept that?

A. In those early days, yes.

Q. And you had responsibility to put in place approved procedures and controls, is that right?

A. Started to develop them, yes.

25 Q. Mr Rockhouse it was your responsibility to establish workplace safety committees, wasn't it?

A. No it wasn't a clearly delineated responsibility, it was part of development of the SMS safety management system.

30 Q. And it was your responsibility to monitor and evaluate the application and effectiveness of Pike's health and safety systems, do you accept that?

A. I was building it, eventually yes.

Q. At the time that you joined the company in December of 2006, would you accept that you were responsible for identifying risks and hazards?

A. We were in an office in town, yeah I started working on developing of the systems including hazard ID. I think the first thing I did was the fire evacuation procedures for the town office in Tainui Street. Checking that that was up to date with the building owner.

Q. And would you accept that as the safety and training manager at Pike you had responsibility for conducting safety audits?

A. Yes.

10 1045

Q. I'd like to show you a document Mr Rockhouse, Ms Basher if we could pull up the, "Offer," letter please. Mr Rockhouse do you recognise the document, there's a cover letter on the screen and I'm going to work through the document is your offer of employment as Pike's safety and training manager dated the 30th of August 2006?

15

WITNESS REFERRED TO LETTER

A. Yes I accept that.

Q. And if I could take you to the second page of this offer letter Ms Basher, do you see there Mr Rockhouse near the top of the letter that there's a reference to, "Duties," it's in bold there, do you see that?

20

A. At the top sorry?

Q. Near the top of the letter there's a bolded line that starts, "Duties: as set out in the attached position description." Do you see that?

A. Yes.

25 Q. And just for the sake of completeness do you recall Mr Rockhouse that you signed this letter of offer in early September 2006?

A. Yes I believe so.

Q. Now let's turn to the, "Position description," so if we come to the next page in the document please Ms Basher, actually it's two pages in. Sorry, if I stop there Mr Rockhouse, you see the place for your signature there?

30

A. Yeah.

Q. Yes and your recollection is that you signed it, right?

A. I think I must've.

Q. And then if we come to the next page of the document please Ms Basher. Do you see that this is the position description referenced in your offer letter?

5 A. I've no reason to disbelieve that, yeah.

Q. And as you've mentioned the location here is in the Greymouth offices to start with, do you see that in the, "Location," section of the letter?

A. Yes.

Q. And if we could come to the next page of this position description please, do you see a heading there, "What do you do?"

10

A. Yes I do.

Q. And I just want to touch on this briefly Mr Rockhouse, but do you see in the second full paragraph and perhaps if we could just pull that up Ms Basher if possible under the, "What do you do?" section.

15 A. Yep.

Q. Do you see there that the position description provides that, "You will have responsibility for the planning, development and implementation of occupational health and safety management systems, processes and interventions to ensure that Pike River Coal Limited, the Pike River Coal Limited working environment has a systematic safety management system." You see that?

20

A. Yes.

Q. And then if we come down to the next section of the letter please Ms Basher which is headed, "How do you do it?" If we just pull that section up please Ms Basher. And do you see there Mr Rockhouse that your position description provides and I'm reading from the first full paragraph there that, "You will be responsible for interpreting OSH policy and systems so that health and safety interventions are in place, recognised, understood and applied by all employees. This will mean that you will need to continually monitor and evaluate health and safety practices for compliance and effectiveness." Do you see that?

25

30

A. I do.

Q. And is that consistent with the understanding of what you were to do when you joined Pike as the safety and training manager in December 2006?

A. When I joined yes.

5 Q. And if we could just move into the next paragraph. I just want to touch very briefly on a couple of other points here. the second paragraph last sentence, "You will invite questions and discussions about health and safety related concerns and follow up to mitigate risks and put in place improved procedures and controls." You see that?

10 A. I do.

Q. And again that's consistent with your understanding of what you were to do when you joined in December 2006, right?

A. At that time yes.

15 Q. And then the next paragraph provides, "You will establish workplace safety committees to monitor and investigate workplace OSH related issue, investigate hazard reports and to review and improve systems and processes."

A. Yes.

20 Q. And then the following sentence, "You will monitor and evaluate the application and effectiveness of the interventions and continually strive to improve and maintain a high record of safety for PRCL employees." You see that Mr Rockhouse?

A. Yes I do see it.

1050

25 Q. And again what's written in this document consistent with your understanding of what you were asked to do through your position description when you joined as the safety and training manager at Pike in December 2006, right?

A. Yes.

30 Q. Just turn to the next page Ms Basher please of the position description, and fifth paragraph from the top here, I'll just ask for that to be pulled out. The document reads, "Your level of responsibility will be high and

you will be required to make decisions about health and safety matters.”

Do you see that?

A. I see it, yes.

5 Q. And is that consistent, Mr Rockhouse, with your view as to your level of responsibility as the safety and training manager at Pike?

A. At that time, yes.

Q. Did there come a time when you believed that your level of responsibility would be anything other than high?

A. Yes.

10 Q. So there came a time when you believed that you no longer had a high level of responsibility, is that right, that's your evidence?

A. That's correct.

Q. Now let's just come into the next section of this letter. It's headed, "Functions that will be performed by the employee in this role." There's a bolded heading there and if I just ask Ms Basher to pull that section up please. Do you see a series of bullet points there Mr Rockhouse?

15 A. Yes I do.

Q. I just want to touch very briefly on three of them. Do you see the bullet point that reads, "Monitoring, evaluating and recording OSH performance." Do you see that?

20 A. I do.

Q. Again consistent with your understanding as to what your job would involve as safety and training manager, correct?

A. Yes.

25 Q. And there's another bullet point that reads, "Investigating and reporting incidents and accidents and ensuring that they are not repeated." Do you see that too?

A. Yes.

Q. Again consistent with your understanding of your role, right?

30 A. Yes.

Q. Next bullet point, "Projecting, identifying and managing risks and hazards." Do you see that?

A. I see that.

Q. And the following point, "Conducting safety audits." Do you see those?

A. I do.

Q. And consistent with your understanding of your role at the time you joined the company in December of 2006, right?

5 A. That's correct.

Q. If I could ask just to have that document produced as an exhibit please.

THE COMMISSION:

Is it not already in the system?

10

MS SHORTALL:

I can't find it in the system, Your Honour.

EXHIBIT 45 PRODUCED – OFFER OF EMPLOYMENT

15 **CROSS-EXAMINATION CONTINUES: MS SHORTALL**

Q. And just for the sake of completeness, Ms Basher if I could just ask you to pull up the signed letter and I'll just have this entered as, ask if you recognise it first Mr Rockhouse and put it in as an exhibit. I don't have questions on it but the document I've pulled up on the screen there do you recognise that as a facsimile that you sent to Pike on the 5th of September 2006 re the offer, of acceptance of the offer of employment?

20

WITNESS REFERRED TO FACSIMILE

A. Yes I accept that.

25

Q. And if I could just turn you to the third page of this facsimile, which is a copy of the page that we looked at previously from the offer letter. Do you recognise your signature there?

A. I do, that's my signature.

Q. And just for the record, if I could ask for this to be produced as exhibit 46?

30

EXHIBIT 46 PRODUCED – FACSIMILE DATED 5 SEPTEMBER 2006

Q. Now after you gave evidence yesterday that you were given pretty much a blank sheet of paper when you started at Pike, Mr Wilding asked you about the health and safety manual developed by Rob Storey before you joined the company. Do you recall that?

5 A. I do.

Q. And you said it was a little booklet. These are your words. I'm at the transcript at page 4208. "One of those sorts of generic manuals that you can buy off the shelf." Do you recall that?

A. Yep.

10 Q. Well I'd like to show you a document and ask if you recognise it as the manual. That's the Storey manual, Ms Basher. Actually it's a lengthy document, so perhaps if I could ask Madam Registrar if I could provide a copy to the witness and to the Commissioners and to Mr Rockhouse?

WITNESS REFERRED TO HEALTH AND SAFETY MANUAL

15 A. It wasn't this thick, it was in a folder.

1055

Q. My first question to you Mr Rockhouse is whether you recognise this document as a copy of Pike's health and safety manual that was in existence at the time that you joined the company?

20 A. As I said earlier on it was in a folder, an A4 folder. But I don't recall it being this big.

Q. Well let me just perhaps take you to a couple of sections of the report and I'll see if that helps refresh your recollection at all. Ms Basher just in the interests of time which I'm conscious of, perhaps we could just scroll
25 through on the screen through the first six pages which is the table of contents and Mr Rockhouse I think you'll be able to look at it in a hard copy, I just wonder as you look at that table of contents, there are provisions in this manual, it's 185 pages, there's provisions – I'm not
30 intending to touch many of them at all that deal with hazard management and risk management, training, health and safety procedures, incident reporting and management, contractor management, audits and inspections, emergency preparedness and

response, emergency response plans and safety performance reviews.
Do you see that in the table of contents?

A. I see it, yes I see it.

5 Q. And in looking at that table of contents, does that refresh your recollection at all as to whether you saw this manual or those types of documents when you joined Pike in December 2006 as the safety and training manager?

10 A. As I said earlier on it was in a folder, an A4 folder and it wasn't as sizeable as this and no one could find an electronic copy of it, so I had what I had.

Q. Do you recall Mr Rockhouse and I appreciate that some time has passed, but do you recall that what was in that folder was at least in part a version of this manual?

A. Probably, yeah.

15 Q. Now I don't want to spend long on this document at all, but I would just take you to page 14 of the document please, Ms Basher perhaps that could come up on the screen. You'll see there's a section there, "Leadership, commitment and responsibilities," right?

A. Yes.

20 Q. If we come to the next page please, there's a section for the chief executive officer at the bottom of that page. Do you see that?

A. Yes.

25 Q. And do you see there Mr Rockhouse that this manual refers to the CEO's responsibilities including and I'm just going to pick up the, two of the bullet points from the bottom of that section, "Ensure that adequate resources are provided to ensure that H&S objectives and plans are achieved. Hold management accountable for a high standard of H&S management. Do you see that?

A. Have you got the signed off version?

30 Q. If you look at the back of this document, all I have is what I'm giving to you Mr Rockhouse I don't know –

A. This is a blank generic document. It's not signed off, it's not authorised by either the CEO, general manager mines, so I said what I said, what I

got which was not as substantial as this or comprehensive as this so, yeah.

5 Q. Point taken, I'm not disagreeing with any of that Mr Rockhouse I'm just trying to understand when it was suggested to you in questions yesterday that you had – you started from scratch? That you had a blank piece of paper?

10 A. Yeah, and I did because I only got a portion of this and to my recollection nothing was signed off, that's why I asked you do you have the authorised signed off by the CEO and general manager mines copy otherwise this is just a generic good document that has no authority at all.

Q. Are you able in looking at the document to identify what parts of it you looked at when you joined in 2006?

15 A. To be quite honest that's a long time ago. A lot of water's passed under the bridge, no I – not with any clarity or honesty I couldn't do that for you sorry.

Q. Well let me just ask you this Mr Rockhouse. You were aware when you joined in December 2006 that Rob Storey had prepared a health and safety document of some sort for the company, right?

20 A. Yes I know Rob Storey he's a professional and I like Rob Storey, he's a nice guy.

1100

25 Q. And if Mr Whittall's recollection is that when you joined the company in December 2006 you were provided with a copy of the manual that I've given to you today. Would you contest that?

A. No I was provided with an unsigned copy of a manual that I don't believe had been authorised or implemented in any way.

30 Q. And I believe that that's consistent with Mr Whittall's recollection as well. all I'm trying to explore with you is what it is that you had when you joined and what you looked at. So can we agree to proceed on that basis?

A. If you like yes.

Q. Just a couple of questions on this Your Honour if that would assist or if you would like me just to produce it as an exhibit and have the document stand for itself, I'm happy to proceed on that basis as well.

5 THE COMMISSION ADDRESSES MS SHORTALL – OBVIOUS CONFLICTS

MS SHORTALL:

Well perhaps if I could just take him Your Honour to one section and ask if he recalls receiving that part of the document.

CROSS-EXAMINATION CONTINUES: MS SHORTALL

10 Q. It's relevant to a question that Mr Raymond put to you this morning and in fact it's just on the next page of the, "Leadership, commitment and responsibility section."

A. What page would that be?

Q. Ms Basher if we could go to page 16 of the manual please?

15 WITNESS REFERRED TO PAGE 16 OF MANUAL

Q. And you'll recall that Mr Raymond actually asked you earlier today that if you had the foresight at the time to consider what eventuated at Pike, what you would've done and you said that you would've built in a role profile for the safety manager, do you recall that?

20 A. Yes I do.

Q. And do you recall here in this document we have at section 7.0 in the, "Leadership, commitment and responsibility," section a profile for the safety and training manager, do you see that?

A. I do.

25 Q. Do you recall reviewing that part of the manual, receiving it when you joined in December 2006?

A. No I was already given a profile and it was not this.

30 Q. Well that's actually my question to you because I understand that you say, your position changed over time, so perhaps if I could just ask you just to skim yourself at the responsibilities listed here under the safety and training manager and ask whether they, just I'll ask you broadly

Mr Rockhouse whether they are consistent with your understanding as to your responsibilities as the safety and training manager at Pike?

5 A. Well these follow the ACC accredited employer programme guidelines which are part ASNZS4801 so it's pretty standard stuff throughout the country.

Q. Now I think in questions from Mr Wilding yesterday you accepted that the, "Roles and responsibilities," document at Pike that subsequently was prepared, didn't include a job description for the safety and training manager, do you recall that?

10 A. Yeah, yes I do.

Q. So did you have any explanation as to how that happened when this manual that Mr Whittall recalls providing to you when you joined had a safety and training manager profile in it? How did it come to be that there was no position included for the safety and training officer and the subsequent roles and responsibilities document?

15

A. Wouldn't that be a question better put to the HR manager?

OBJECTION: MR RAPLEY (11:04:03)

CROSS-EXAMINATION CONTINUES: MS SHORTALL

20 Q. Mr Rockhouse at the time that Mr Stewart prepared the, "Roles and responsibilities," document did you review it?

A. With Kobus Louw when it came in 'cos Kobus requested Dave to do it, yeah.

Q. And did you notice at that time that the document didn't include a profile for the safety and training manager?

25 1105

A. Well no, in discussions because I dealt with Dave, Mr Stewart to provide what role profiles or position descriptions we had at the time, which I did. But Kobus Louw was wanting to use that documentation as part of the letter of appointment for statutory officials, and as I gave evidence already I handed that document to two successive HR managers, the first being Mark Godwin and the second, Richard Knapp, with the clear instructions that they were, oh it had come from Kobus Louw that, yeah,

30

this document needed to be added to, updated and added to, as they created role profiles for new jobs as they came up, and I did that.

5 Q. If I could just move on from that topic then Mr Rockhouse to talk about what you received when you joined, and I understand it's your evidence that you don't recall receiving in totality the manual that I've handed to you, but do you –

A. Yeah I certainly didn't get anything as substantial as that, yes.

10 Q. Do you recall that in what you received there was documentation around each department completing a formal safety inspection of specific areas at least monthly? Do you recall that that was part of the documentation that existed before you joined in December 2006?

A. No I don't.

Q. Do you recall receiving documentation that included guidelines as to follow-up as a result of those inspections?

15 A. No I don't, but you might have paperwork to that effect.

Q. It's in this manual but if you don't recall it then I'll move on.

A. No I don't.

20 Q. Just one last question. Do you recall in the part of the manual that you recall you may have received, there was a risk assessment provision for carrying out an assessment for potential catastrophic events including explosions?

A. No I don't.

25 **MS SHORTALL ADDRESSES THE COMMISSION – TWO MORE QUESTIONS**

CROSS-EXAMINATION CONTINUES: MS SHORTALL

Q. Mr Rockhouse, if I could turn your attention to page 113 of the manual please? You see that that's headed, "Audit and inspections?"

A. 113?

30 Q. It's in the bottom, if you look in the bottom right-hand corner of the document, Mr Rockhouse, you'll see that it says "Page 113 of 185". It looks like the one that's on the screen now?

A. Yeah, I've got it, yeah.

Q. And if you turn the next page there, do you see that this section of the audit and inspections document lays out purpose and procedure?

A. Yeah.

5 Q. Do you see that?

A. Yes I do.

Q. And actually on the third page there, if Ms Basher we just come to the next page. Do you see that there's a section on follow-up?

A. On what sorry?

10 Q. On follow-up. It's actually it's at 3.5. Ms Basher might be able to pull it out and you'll see it easier on the screen?

A. Okay.

Q. In looking at these pages that I'm drawing your attention to Mr Rockhouse, does that refresh your recollection at all as to whether you saw this part? You recall seeing this part of the manual when you
15 joined the company in December 2006?

A. No I, as I testified earlier I got handed a document in an A4 folder that perhaps had 70 pages, 60-70 pages. Wasn't signed off, didn't have, yeah, so no I don't.

20 Q. Well just one last question just to see whether you recognise it. If you could go to page 142 of this audit and inspections section of the manual?

A. 142.

1110

25 Q. And do you see there, there's actually some guidelines that have been prepared for audits and inspections and if I just draw your attention to 3.14.2 on this audit guideline document here at page 142, and you'll see there, I'm reading, "Risk assessment carried out for potential catastrophic events?" And then in the guidance for auditor there's
30 examples and explosions included there and I just wondered Mr Rockhouse do you recall seeing these particular audit related documents when you joined in December 2006?

A. No.

Q. So to the extent that – and I won't put all this to you in the interests of time, but to the extent that a number of Pike's documents that were developed during the time that you were the safety and training manager, look similar, at least in part, to the documents that are in the manual that we've been talking about. What's your explanation for that?

5

A. My explanation? What do you mean my explanation?

Q. Well do you believe that you used this manual at all to develop the system that you subsequently created?

A. No. No. As I said no one was able to give me an electronic copy of it, if there was one, I didn't know about it and I got an A4 folder that had about 70 or 80 pages in it. There's no way it was this thick.

10

Q. I'll move on.

THE COMMISSION ADDRESSES MS SHORTALL

15 **CROSS-EXAMINATION CONTINUES: MS SHORTALL**

Q. If I could ask just to have this document produced as exhibit 47 please?

EXHIBIT 47 PRODUCED – HEALTH AND SAFETY MANUAL

Q. Let me change topics Mr Rockhouse. You've given evidence that you worked 60 to 80 hour weeks for several years yesterday, do you recall that?

20

A. Yes.

Q. Now at the time that you joined Pike in December 2006 there were only five other employees weren't there?

A. Correct.

25

Q. And at that time Pike was just around 130 metres into the tunnel?

A. No I don't think it was that far.

Q. Perhaps shorter than that and McConnell Dowell was handling the tunnelling project, right?

A. Yes that's correct.

30

Q. You were working out of Greymouth, weren't you?

A. Yes.

Q. And you weren't working the 60 to 80 hour weeks at that stage were Mr Rockhouse?

A. No.

5 Q. Now at the time you joined the company the mine was scheduled to begin production in early 2008, do you recall that?

A. I think it was earlier than that, it was within nine months or something.

Q. But there were setbacks in 2007 and 2008?

A. As I recall with the IPO and yeah there was a series of setbacks.

10 Q. And although you've given evidence that for a lot of 2007 there were 22 employees and that's for the record at 4202 of the transcript, in fact when the mine office was opened in August of 2007, do you recall that there was actually only seven company employees?

A. When it was opened?

Q. Yes when you moved from –

15 A. Which one because there was two. There was one in where the Red Cross is now in Tainui Street and Mackay Street.

Q. Do you recall Mr Rockhouse whether you started working from the mine site in around August of 2007 or did you stay in town?

A. It was the middle of winter we moved up there, 2007 sounds about right.

20 Q. And do you recall there were actually – there were just seven employees, not 22 at that time?

A. I don't recall.

Q. You weren't working 60 to 80 weeks in Pike during 2007 were you?

A. So once we were at the mine site?

25 1115

Q. I'm just asking in the 2007 year, do you recall whether you were working the 60 to 80 hours weeks that you referenced yesterday?

A. No, I was starting to work extra hours though.

Q. But not 60 to 80 hour weeks?

30 A. Oh, I don't know.

Q. And by October 2008 when the tunnel hit coal, there were only 52 employees, right? Do you recall that?

A. No I wasn't in the HR department. I can't comment. I've got no idea.

Q. Well you weren't working 60 to 80 hour weeks on Pike during 2008 either were you?

A. I believe I was.

Q. What were you doing?

5 A. Developing systems, procedures, training packages. I don't know if you've ever done it but for every hour in the classroom it's five hours preparatory work is usually the average.

Q. Now the first shipment of coal from Pike generated in the process of developing the roadways, didn't happen until early 2010 did it?

10 A. I can't recall.

Q. In any event do you recall that it was at least three years after you joined the company as its safety and training officer that the company began to have this full workforce and start extracting and producing coal?

15 A. I remember a lot of people were brought on pretty early and that included some miners that yeah, McConnell Dowell were still in control of the project.

Q. Would you accept, Mr Rockhouse, that you actually had more time didn't you than first anticipated, to develop Pike's health and safety systems?

20

A. At what point?

Q. Well I'm just comparing the time, when you joined in December 2006 I think it's been your response to me that at that point the mine was scheduled to begin production perhaps even in nine months was your understanding, and I'm just putting to you that as a result of the delays, production occurred much later. So my question is whether you would accept that you had more time than first anticipated to prepare these health and safety systems that you've described as being very time consuming to put together?

25

30 A. I guess so. I'm not sure where you're going with it.

Q. Now I'd like to talk to you about some of the choices you made concerning your workload. Now during the time that you were –

A. Some of the choices I made?

Q. During the time that you were the safety and training manager at Pike you kept up your role as an ACC accredited auditor, right?

A. Yes. They, ACC approached the company and said they didn't have any auditors on the coast and they paid the company to second my services to do some audits on their behalf, yes.

Q. Do you recall on average how many hours a year you spent doing the ACC audit work?

A. The finance department will have that because they charged them back to ACC.

10 Q. And while you were the safety and training manager at Pike you were also a professional member of the New Zealand Institute of Safety Management, right?

A. That's correct.

Q. If I can just ask to have brought up Ms Basher please, ROCK0014?

15 **WITNESS REFERRED TO DOCUMENT ROCK0014**

Q. And this is a letter of support isn't it for you from the New Zealand Institute of Safety Management, Mr Rockhouse?

A. Yes I believe it is.

20 Q. And I don't want to spend long on this document, but it reflects that you were, among other things, the branch manager of the Canterbury Branch of the institute and you –

A. Oh many years ago yeah.

Q. And you're a member of the national executive of the institute, right?

A. That's correct.

25 Q. That was during the time that you were with Pike, is that right?

A. Yes, yes in part, yeah.

Q. And the letter talks about the assistance that you provided in organising seminars and conferences and membership growth?

A. Yes.

30 Q. And it also talks about how you became the operations manager for the institute?

A. Correct.

Q. And you're involved in establishing these national standard grading systems?

A. That's correct.

5 Q. How many hours do you anticipate that you, or recall, that you were spending on work for the New Zealand Institute of Safety Management at the same time that you were the safety and training manager for Pike?

A. I have no idea.

1120

10 Q. Is it a lot of hours Mr Rockhouse?

A. No because the developing of those, I was doing that with Ian Clarke and Paul Jarvie there was a team of people working. We were attempting to bring the professional body up to scratch with international best practice and IOSH in the UK and through my affiliations with
15 INSHPO with other countries.

Q. Well just on that involvement with INSHPO, that's the International Network of Safety and Health Practitioner Organisations, isn't it?

A. That's correct.

20 Q. And in fact at the time of the 19 November 2010 explosion you were the president elect of that international organisation, weren't you?

A. That's correct. I've stepped back with full support of both organisations, I've stepped back from all involvement with both organisations at this time and over the last 12/14 months or so yeah.

25 Q. If I just take the 2010 year, Mr Rockhouse, can you recall how many hours on average you were spending doing work as part of the INSHPO involvement?

A. We used to have a three monthly telephone conference call because we were hooking up with Europe and London and America, Canada it was always on a Friday for me because it was always midnight and I could
30 sleep in on the Saturday...

Q. Would you, let me just cut through this Mr Rockhouse, would you accept that you made choices to take on this ACC and New Zealand Institute of

Safety Management and INSHPO work in addition to your Pike workload?

A. Yeah I think that's fair comment.

5 Q. Fair to say that your workload was at least in part a product of your own creation?

A. In part.

1123

10 Q. And so when you say in your evidence and I'm at paragraph 41 of your brief that and this is your quote, "It all comes back to," – actually let me go to it to be fair. In paragraph 41 at ROCK0002/16 of your brief Mr Rockhouse you talk about your inability to go underground and you say that, and I'm reading it, "It came back to me being given the resources to free me up so that I could go underground and do audits and inspections." Did you consider also freeing up some of your time by
15 letting go of some of these non-Pike specific commitments?

A. I wasn't the national operations manager in 2010. So I had for NZISM. But I was still the New Zealand representative on the INSHPO which was a far less amount of time.

20 Q. And just to my question sir, did you consider freeing up some of your time when you were overworked in 2010 by letting go of some of these other commitments?

A. Well that happened, yes it happened.

25 Q. Now yesterday, I'm changing topics Mr Rockhouse, you were asked a series of questions by Mr Wilding about things you'd not done and you frequently responded saying words to the effect that no one ever instructed you to do it. Do you recall that?

A. That's correct.

30 Q. In fact I think you said it at least nine times according to my notes. Now would you agree with me that you were the most qualified health and safety practitioner at Pike?

A. Yes.

Q. You were one of just a handful of people in New Zealand to hold a masters degree in occupational health and safety, right?

A. Yes.

Q. You'd owned your own safety consultancy company for at least nine years before joining Pike?

A. Approximately yes.

5 Q. And you'd been internationally recognised in the occupational health and safety profession by being given a position of president elect of INSHPO, right?

A. That's correct.

10 Q. And as part of your work for the New Zealand Institute of Safety Management you'd been heading up development and implementation programmes, hadn't you?

A. With others, it's – yes with others.

15 Q. Would it surprise you if other members of the management team and the company's directors had confidence in your ability to follow up on matters?

A. No.

20 Q. Do you consider it unreasonable, given your qualifications and experience, for other members of the management team and the company's directors to assume that you would follow up on safety related matters without needing to be told to do so?

A. I believe I executed my duties as the safety and training manager to the best of my abilities through the whole period I worked for Pike River Coal within the constraints that I was allowed to operate within.

25 Q. Just change topic there Mr Rockhouse. You were shown by Mr Wilding yesterday a set of four schedules listing reports that the Commission has determined from documents provided to it, were regularly used at the mine, and your evidence was that you didn't recall seeing those reports. Do you remember that evidence?

A. Roughly, yeah.

30 1126

Q. And I just want to touch on this briefly. You were present at the weekly management meetings of the management team, right?

A. Mostly, yes.

Q. Now at least some of those reports that Mr Wilding showed to you and the schedules used yesterday, were mentioned at those meetings weren't they?

A. Some of what sorry?

5 Q. Well some of the reports that were listed in the schedule that you didn't recall seeing were at least mentioned in the course of the operations meetings that you attended weren't they?

A. Can you show me evidence of that? I'm not sure.

10 Q. We could bring up an example perhaps if you have it Ms Basher, at DAO.002.14733?

WITNESS REFERRED TO DOCUMENT DAO.002.14733

Q. Do you recognise these minutes as relating to an operations meeting –

THE COMMISSION ADDRESSES MS SHORTALL

15 **CROSS-EXAMINATION CONTINUES: MS SHORTALL**

Q. To the extent, Mr Rockhouse, and I can show you a series of these documents, but to the extent that there were mentions of the different operational reports at the operations meetings, did it not occur to you to ask for copies of them?

20 A. I'd refer back to my brief where a lot of technical information was exchanged and I think in the first part of it I am not an expert in some of these areas so there would have been technical services, engineering complexities, discussions. Yes I was there but I wouldn't necessarily have the level of knowledge. I'm not a geologist, I'm not an engineer so that's what I've got to say if you, and I've put that into my brief. Just read that.

25

Q. What about the reports such as the deputies' reports that were discussed at management meetings. Did you ever ask to see a copy of those?

30 A. I don't think deputies' reports were ever mentioned at management meetings. You're talking daily deputies' reports?

Q. Yes Mr Rockhouse?

- A. I cannot recall a single occasion where they were mentioned, sorry.
- Q. Well in the interests of time I may come back to that, but let me just move on instead of showing you a series of those documents.
- A. Okay.

5

THE COMMISSION ADDRESSES WITNESS AND MS SHORTALL - TIMING

COMMISSION ADJOURNS: 11.29 AM

COMMISSION RESUMES: 11.46 AM**CROSS-EXAMINATION CONTINUES: MS SHORTALL**

Q. Mr Rockhouse one of your criticisms is that Pike became a reactive organisation, isn't it?

5 A. Correct.

Q. But you would accept, wouldn't you, that you were likely the most qualified and able person at Pike to move the company from a reactive to proactive approach to safety?

A. I attempted to do that.

10 Q. I'd just like in that connection to pull a document, it's the brochure Ms Basher please?

WITNESS REFERRED TO BROCHURE

Q. Do you recall Mr Rockhouse that you were one of the keynote speakers, in fact along with Commissioner Bell at a mine site emergency management conference in Brisbane in May of 2010?

15

A. Okay. Yep.

Q. Do you recognise the document that's on the screen as the registration materials for that conference Mr Rockhouse?

A. I do, yeah.

20 Q. And if I could just draw your attention please to the third page of the registration materials where it's the agenda for Tuesday the 18th of May 2010.

A. Yes.

25 Q. And at 11.20 your presentation is described so if I could just Ms Basher if possible have that lifted out of the document please. You see that your presentation was about obtaining thorough preparedness in the emergency response plan and I'm not going to talk to you just in the interests of time about all of the bullet points there, I just want to focus on the last one Mr Rockhouse, you were presenting about, "Moving an operation from a reactive to a proactive approach towards safety."
30 Do you see that?

A. I do.

Q. And so when you say that Pike had become a reactive organisation, would you accept that given other senior managers and some directors were aware that you were attending these types of conferences, it was reasonable for them to draw comfort that you would be seeking to address any reactive issues within the organisation?

5

A. No I don't accept that.

Q. If I could just have this document produced as exhibit 48 please?

EXHIBIT 48 PRODUCED – CONFERENCE BROCHURE

10

Q. Now another of your criticisms or the – perhaps a fairer point, one of the issues that you raise in your evidence is that the make-up of the workforce at Pike had people drawn from a very diverse range of backgrounds.

A. Correct.

Q. Do you recall that?

15

A. Correct.

Q. And you criticise Mr Whittall by claiming that he failed, these are your words at paragraph 27 of your brief, "That he failed to realise that Pike had brought people from all over the world." You recall that evidence?

A. I do.

20

Q. You were aware thought that Mr Whittall was involved in recruitment, right?

A. I believe so.

Q. And you know he's Australian don't you?

A. Yes I do.

25

Q. And you would accept wouldn't you that Mr Whittall and the board would have been entitled to draw some comfort and connection with the management of a diverse workforce from your expertise prior to joining the company, wouldn't you?

1150

30

A. No I'm not sure where you're going with that one either.

Q. Well let me ask you whether you recall that just months before you signed the offer letter to join Pike you'd published an article hadn't you

about how to communicate and train and protect a workforce made up of people from different ethnic backgrounds, do you recall that?

A. I've published a few articles in my time, I'm not sure.

5 Q. If I just Ms Basher please to have the article pulled up. Mr Rockhouse do you recognise the document being displayed on the screen as an article that you have written and that was published in April of 2006 entitled, "Safety champions."

WITNESS REFERRED TO DOCUMENT

A. Yes.

10 Q. And do you recall that you talk in this article about how to get a safety message across a diverse team of employees and contractors?

A. Yes.

Q. And so do you recall that your article makes proposals including the use of SOPs and JSEAs?

15 A. That's correct.

Q. And you would agree with me that the development of those types of processes were part of the job description that you accept you took responsibility for at Pike?

A. At that time, yes.

20 Q. If I could ask for this article also to be produced as exhibit 49?

EXHIBIT 49 PRODUCED – ARTICLE BY MR ROCKHOUSE

25 Q. Now you've said in your evidence that Mr Whittall declined your request made on several occasions for additional resources and that's at paragraph 30 of your written brief. And then yesterday in response to questions you said in evidence that, your word was, "Constantly asked for more staff," and that's at 4160 of the transcript. Well which one is it? Did you ask on several occasions or did you constantly ask for more staff?

A. I put my hand up on several occasions, so...

30 Q. Is, "Several," two, three, four? How many is it?

A. I don't recollect...

Q. Did you put your hand up on each of these several occasions to Mr Whittall directly?

A. Yes.

Q. Did you ever present a business case to him?

A. No I'd started to prepare one but I think he nipped it in the bud before it was completed.

5 Q. Well how did he nip it in the bud?

A. He said, "It wasn't happening."

Q. Is that the same business case that you described perhaps starting to prepare when you're answering questions put to you by Mr Haigh?

A. Yes.

10 Q. Did you ever go to Mr Ward and ask him for additional resources?

A. I don't recall.

Q. Now you said in evidence yesterday that you didn't, "All the time," those were your words see the monthly operations reports that were sent to the board and included a section that you initially drafted on health and safety, that's at 4184 through 85 of the transcript, do you recall that please, Mr Rockhouse?

15

A. The final version that went to the board with photographs and everything completed, but yeah, I don't recall seeing that, no.

Q. Well do you recall that each month you were sent the prior month's report that went to the board and asked to update it?

20

A. Yeah but that was only safety and environment.

Q. So you did see the safety and environment part of the operation's report that went to the board?

A. Yeah the safety and environment part, yeah a couple of the pages yeah.

25

Q. And you never raised any concern with Mr Whittall about the safety and environment content that went to the board did you?

A. No I very rarely sort of read it. Ivan was just down the hall, we used to have conversations and...

30

Q. Now you've given some evidence about Mr Whittall telling you not to send safety materials that you were sending to a group email address to Mr Dow, do you recall that evidence?

A. I do.

1155

Q. That's at paragraph 226 of your brief and you also believe I think in evidence yesterday you said that Mr Whittall had the group email address changed to remove Mr Dow?

1155

5 A. I believe he instructed either Catriona or Jerry Griffo who used to look after the email distribution list to create. It used to be "Pike company". Just click on it and that's the one I used to send all the information out to. John Dow's address was on that one. And then afterward have words about it. Something was created as "Pike employees" if I recall
10 correctly.

Q. Did you ask why the group email address list was changed?

A. Did I ask why?

Q. Yeah.

A. I knew why.

15 Q. Well did you have any understanding as to whether Mr Ward had said to Mr Whittall that you shouldn't be at that early stage in 2007 communicating directly with the newly appointed chair of the board as part of a generic email list? Do you have any understanding about that?

A. Mr Ward never communicated that to me in any fashion.

20 Q. And do you recall that in the email that Mr Rapley showed to you yesterday, and Mr Raymond has used again this morning. It's ROCK0028 and I don't need it pulled up, but do you recall that in that email Mr Whittall noted that you had failed to accept track changes and had sent a draft alert to the group including the newly appointed
25 chairman?

A. No, I don't recall that.

Q. Do you recall any discussion about whether that may have caused some potential embarrassment for the CEO?

A. No.

30 Q. Now Mr Ray –

A. If it did, it wasn't communicated to me that I can recall.

Q. Now Mr Raymond put to you earlier that the email said all communications with Mr Dow were to be communicated through

Mr Whittall and you agreed with that statement when it was put to you. Do you recall that?

A. Yes.

5 Q. Well the email doesn't actually say that Mr Whittall was going to deliver all communications to Mr Dow does it? Those words don't appear in the email.

A. I don't believe they do.

10 Q. There's actually nothing on the face of that 2007 email that says if you even let Mr Whittall know that you wanted to talk or communicate with Mr Dow, that he would have prevented you from so doing is there?

A. I don't recall.

Q. Now let me just turn to vehicle licences briefly. You mention in your written evidence that with the approval of Mick Lerch you revoked all of the machine operator licences. Do you recall that?

15 A. Yeah. Mick Lerch/Mick Bevan.

Q. And Reg Matthews and George Colligan were engaged to train and relicense the employees and contractors weren't they?

A. Yeah, but it had come out of morning meetings where engineering and production were having big bun fights, yeah.

20 Q. Well do you recall that Mr Lerch arrived at Pike in December of 2009?

A. No, I'm aware that there's evidence somewhere of timeframes but they came and went in rapid succession so I can't say I'm aware of that, no.

Q. Because you don't recall whether Mr Lerch started as the statutory mine manager in January of 2010?

25 A. 2010? That's Doug White. Oh, the specific date I can't recall, sorry.

Q. Well do you recall that before Mr Lerch arrived on site that Mr Whittall was the acting mine manager while Mr Lerch was obtaining his requisite certification?

30 A. All I recall as that we will be required to have a statutory manager in place at the mine so someone would have been fulfilling that role, that function as required by law. Who that was and what times and what dates, I'm sorry I, I just can't recall.

Q. Well let me just, and I understand that you're having difficulty recalling the dates. Let me just bring you to a document, DAO.002.14147.

WITNESS REFERRED TO DOCUMENT DAO.002.14147

5 Q. And these are the operational meeting minutes of a meeting held on the 11th of November 2009, and if I could ask Ms Basher for us to come to the fourth page of those minutes please. There's a section there, "Safety". Do you see it Mr Rockhouse?

A. I do.

1200

10 Q. And just to assist around timing, do you see that in the third bullet point there it reads, "Reg Matthews trainer/assessor with TPP has started onsite reassessing existing machine licenses so that letters of appointment can be drawn up. Once this has been completed he will move forward with the new licenses." Do you see that?

15 A. Yes because we'd cancelled all the operator training, all the licenses yes.

Q. And so this is a meeting, just to help you with the dates, this is a meeting in November of 2009 and I understand you're having difficulty with the dates, but would you accept that there's been evidence to the
20 Commission that at that period Mr Whittall was the acting mine manager at Pike?

A. Yeah, George – I think George was already there, I think Reg came later. Yeah, if you say so, I've got no reason to dispute that.

Q. And so the decision to cancel and reissue the vehicle licence was
25 actually one you made with Mr Whittall not Mr Lerch, right?

A. To the best of my recollection it was with Mr Lerch and Mr Bevan.

Q. Well in the interests of time –

A. Yeah, I'm not sure.

Q. – Mr Rockhouse I will just perhaps for the record refer the Commission
30 to PW22 which shows the time periods in which people held those positions. Let me move on Mr Rockhouse, you said yesterday in response to a question from Mr Rapley, you described a sit down with Mr Goodwin where you say he told you to go and see Mr Whittall if you

wanted him, Mr Goodwin, to focus on safety or words to that effect. Do you recall that evidence?

A. Yes I do.

5 Q. And Mr Rapley asked you whether after you saw Mr Whittall attitudes changed and you said, "No." Do you recall that?

A. Yes.

10 Q. And just to the extent that that answer leaves the impression that Mr Whittall did nothing in response to your concern, I'd just like to draw you to paragraphs 35 and 36 of your brief and perhaps Ms Basher if I could ask please to have ROCK0002/15 brought up?

WITNESS REFERRED TO DOCUMENT ROCK0002

15 Q. And at paragraph 35, correct me if I'm wrong Mr Rockhouse, but you appear to be talking about the conversation with Mr Goodwin that you described yesterday where he suggested you go and see Mr Whittall and then as you say in paragraph 35 you did. I just want to be clear that in the first sentence of paragraph 36 in your written brief you actually went on to say after you'd spoken with Mr Whittall, these are your words, "Not long after this and over a separate issue to Mr Whittall's credit he asked all managers to complete their own departmental safety plans. A timeframe was given at the managers meeting." Do you see that?

20 A. That came a lot earlier that managers were – I was accountable to create the systems and the tools and managers were responsible to implement them and he did on occasion, to his credit, chase up my concerns or complaints or issues and yes I've acknowledged that I believe in the statement.

25 Q. Yes, no you have I just wanted to make sure that we had it in the record.

A. Okay.

30 Q. Now let me turn to another issue, you've given written evidence that the company could've put more investment or a higher priority into gas management around the time Pike transitioned into coal and in relating to tube-bundling, that's at paragraph 32 of your brief. Do you recall that?

A. That's correct.

1205

Q. Now you were right across the detail of Pike's procedures for detecting and monitoring methane during the transition to coal weren't you?

5 A. Oh sorry, what?

Q. You were across the detail of Pike's procedures for detecting and monitoring methane during the –

A. How do you mean I was, "Across the detail?"

10 Q. Well were you aware of the detail about the operation of the methane sensors?

A. No.

Q. You don't recall that at the time you considered the procedures implemented by Pike were global best practice?

15 A. I recall asking if I could go and do a gas certificate and being knocked back.

Q. Let me take you to document DAO.020.00017?

WITNESS REFERRED TO DOCUMENT DAO.020.00017

20 Q. And these are the minutes Mr Rockhouse of a meeting of the health, safety and environment committee held on the 11th of September 2008 and if we could go Ms Basher please to the fourth page of those minutes. Do you see there Mr Rockhouse a heading, "Safety training during the transition to coal."

A. Yes.

25 Q. And if we could just bring that paragraph up please Ms Basher. Do you see that the committee's principal concern was on the procedures for methane monitoring during tunnelling and development of pit bottom facilities and that the minutes record that you're explaining the companies, "Detailed procedures were detecting and monitoring methane levels during all aspects of the tunnelling cycle." Here you describe, the operation of methane monitors, "Which are connected
30 online and in real time report back to the control room in which can automatically isolate power to the face equipment whenever a methane

level exceeds the specified limit. He considers the procedures implemented by PRCL represent global best practice.”

5 A. Yeah I see that but at that time we were tunnelling in stone and they had the real time monitoring set up and I believe whilst I, during my speaking to this point Mr Whittall would've had input to it, in the conversation as well.

Q. Well this meeting was in September 2008 so it was just before Pike struck coal, right?

A. Yeah that'll be right.

10 Q. And there's no mention in your recorded description to the committee about you considering that Pike needs to purchase tube-bundling as a matter of priority is there?

A. No, tube-bundling had already been put into the budget as Doug White's mentioned and my understanding was that once we broke through to coal then the tube-bundling would be purchased and installed.

15 Q. Well this is in September 2008, I don't want to labour this point in the interest of time Mr Rockhouse, but this is September 2008 and would agree with me that Mr White didn't join the company until January of 2010, right?

20 A. That's correct.

Q. So my question just to you is whether you have any recollection, it's not reflected in the minutes, but did you have any recollection of at the time that you were reporting to the health and safety environment committee of the board about the procedures implemented by the company as it transitioned to coal, that tube-bundling was something you covered?

25 A. We hadn't got to coal so it would not have been covered because you've got to be in coal. The planning that I had seen was one of the first things a coalmine usually does when it gets into coal is to set up a tube-bundling gas analysis system. That would be world best practice.

30 Q. Now let me just change topic with you Mr Rockhouse, you had a whiteboard in your office didn't you on which you kept a task list of sorts?

A. My priority list, yes I did.

Q. And at times that board became very filled didn't it?

A. At times it did.

Q. And you wrote a lot of things up on that board?

A. Yeah things to do, priorities.

5 1210

Q. Now would it be fair to say that given the length of that task list there were times that you felt overwhelmed?

A. Definitely.

Q. And very stressed?

10 A. I didn't recognise it as stress at the time because everyone was working very, very hard I thought and diligently.

Q. Well do you recall the occasions on which Mr Whittall actually came into your office and went over that task list with you?

15 A. Yes he came in and mentioned that he had heard about my priority To Do List and there was something like 45 items of or various things that I needed to do and he was coming to edit it.

Q. Do you recall that he actually worked with you to try and reduce the workload that you had?

20 A. I think he crossed off two items and then agreed that the rest I had to do and then went.

Q. So if his recollection is that he actually wiped out many of the items you would contest that?

A. No two, two, two, he wiped out two, and then he acknowledged that yeah the rest of those issues were safety department related.

25 Q. Would you accept that in coming to see you having heard about the fact that you may be feeling overwhelmed, that he was actually trying to help you prioritise your work?

30 A. Look there was another occasion where we discussed getting a consultant in, a mate of his from Australia had worked for BHP or something, and also that field trip. I can't recall the date though.

Q. Would you accept that there were times when Mr Whittall was actually trying to help you better organise your workload?

- 5 A. To better organise my workload? He could have done that by approving trainer/assessors, he could have done that by going up and to the workshop and saying, "Stop work, put your tools down, do all your JSEAs now." Could have done that in so many different ways but he didn't.
- Q. Well let's just stay with the time that he came to your office, and I think you've now recalled a second occasion as well, and I understand that you may have a different view on what more he could have done, but would you at least accept that on those occasions he was in fact trying to help?
- 10 A. He came down, he said words to the effect, "I just love knocking off lists that people make." He wiped out two of them, shook his head and disappeared again.
- Q. Do you recall, Mr Rockhouse, discussions with Mr Whittall in which he raised with you matters concerning the efficiency of your work?
- 15 A. The efficiency of my work?
- Q. Yes.
- A. Can you expand on that?
- Q. Well do you recall him ever coming to see you with concerns that you weren't always working efficiently?
- 20 A. I think that during one of our conversations when I was talking to him about perhaps getting some more assistance, trainer/assessors on each shift and that type of thing, he spoke to me about life balance.
- Q. Do you recall Mr Whittall ever needing to raise with you matters around perhaps your organisation levels?
- 25 A. No.
- Q. Do you recall Mr Whittall ever coming to speak with you about a concern that you may be having difficulty setting your priorities?
- A. No.
- 30 Q. So if Mr Whittall recalls those conversations, you just think he's wrong?
- A. Yes I do.
- Q. Now there's been evidence or you've given evidence that you resigned twice. Did you ever resign to Mr Whittall?

A. Yes.

Q. When was that?

5 A. I think the first time was over a PPE issue or contact. In an email he said that I'd demonstrated unethical behaviour or something and that email went to the CEO.

Q. When was that?

A. I have no idea.

Q. Was there another time when you recall resigning to Mr Whittall?

A. Yes.

10 Q. When was the second time?

A. It was after that. I don't recall.

1215

Q. Was it separate and apart from the time that you recall resigning to Mr White?

15 A. Yes it was and that may be the occasion where we'd had a discussion about getting – because we had a lot of consultants at Pike. A lot of external experts coming in and I was quite keen to get some external assistance and we'd had a discussion. As a consequence of that resignation to see if there was a way forward because he didn't want me to go.

20 Q. So if Mr Whittall doesn't recall you ever actually resigning to him, your evidence would be that you disagree with him, is that right?

A. Yeah, I believe so, yeah.

25 Q. Now let me change topic again. It's your evidence, isn't it, this is in paragraph 14 of your brief, that almost everyone had the right safety attitude and intent to start with, but you saw that attitudes to safety changed over time. Do you recall using those words?

A. Yeah, after we got onsite.

30 Q. And you are generally familiar with some of the evidence that's come before this Commission about the bypassing of safety devices and other safety related matters that have arisen here in this courtroom?

A. Yes I'm aware of that.

Q. And in fact it's your evidence isn't it, that you've been devastated to learn post-explosion that there were serious safety lapses and unsafe practices occurring underground, right?

5 A. I had two sons underground on that day. I wouldn't send anyone into an unsafe place and I most certainly wouldn't send two of my own boys. I've only got three. So I don't know where you're going with it.

Q. Well I think we're about to agree Mr Rockhouse.

A. Okay.

10 Q. Because I'm going to ask you whether you would agree with me that decisions to bypass safety devices or override features were made by men working underground?

15 A. I can't comment on – the decision – this is the whole thing with the human factors, why do people, smart people do the things that they do. I think that's too narrow you've got to look at it in the wider context and I think I've described that by way of the pressure.

20 Q. I understand your point around why people do it, but I'm just asking you about whether people did it and my question is to you, is whether you would agree with me that those decisions to bypass safety devices or override safety features were choices that men working underground made?

25 A. I'd be looking wider at what made them, you know, made them make those decisions. I, yeah, multiple causation, I wouldn't – that's one part of it. You know, these things are not one single cause, usually they're multiple causes and there's a raft of contributory factors that need to be examined and that's why it's so important for this Commission to consider them all.

Q. And accepting that Mr Rockhouse would you still agree with me –

THE COMMISSION ADDRESSES MS SHORTALL

CROSS-EXAMINATION CONTINUES: MS SHORTALL

30 Q. Do you believe Mr Rockhouse that the workers who made those choices bear some responsibility for the safety failures at Pike?

- A. No I – I'm not into the blame culture, never have been. I'm into the – where did the system let these guys down. You know 29 good men are dead, my son included, you know the system of work has failed here. I'm not going to blame individuals, sorry.
- 5 Q. Well in your evidence yesterday you described –
- A. Well they've paid the ultimate price, so, you know.
- Q. In your evidence yesterday you described that following the explosion your son Daniel started telling you what was really going on underground at Pike. Do you recall that?
- 10 A. Yes I do.
- Q. And he told you about people putting plastic bags over gas sensors, didn't he?
- A. Yes I do.
- Q. And using explosives to apply stone dust?
- 15 A. Yes I do.
- 1220
- Q. And that contractors were going underground without being inducted or getting some safety documents?
- A. No I don't think he told me that, I don't think he'd be aware of that but I
- 20 heard that's, I think I heard that after the explosion on the radio or something, yeah.
- Q. Did your son Daniel tell you that he knew about those unsafe practices before the 19th of November 2010?
- A. No.
- 25 Q. So he learnt about them post event?
- A. Yeah that's why I was so devastated that we had one hell of a row over it. I couldn't believe it, I was gobsmacked.
- Q. Well let me just put it back again, just in case the question was misunderstood. Did your son Daniel tell you that he knew about these
- 30 unsafe practices before the 19th of November 2010?
- A. Did he know about them?
- Q. Yes.
- A. Yes.

Q. Did Daniel say anything to you about whether he has any reason to believe that any of the men underground on the 19th of November 2010 had been involved in putting plastic bags over gas sensors?

A. Can you say that again, he's – what sorry?

5 Q. I'll put it to you again. Did Daniel say anything to you about whether he has any reason to believe that any of the men underground on the 19th of November 2010 had been involved in putting plastic bags over gas sensors?

10 A. I don't recall, I, sorry I don't, I, that day I lost the plot I really did. I couldn't, I was just, it blew me completely away. I really shared the vision of making that place the best new mine in the country and I couldn't believe that people would do that.

15 Q. And I understand that's your evidence Mr Rockhouse, just to avoid any confusion, I just want to put to you, I'm not talking about the day of the 19th of November, I'm talking about subsequently when your son came to you and told you and you were devastated to learn about these unsafe practices underground and my question to you is whether he said anything to you about whether he had any reason to believe that any of the men who were working underground on the 19th of November
20 2010 had been involved in putting plastic bags over gas sensors?

OBJECTION: MR DAVIDSON (12:22:52)

CROSS-EXAMINATION CONTINUES: MS SHORTALL

25 Q. Do you recall from Steve Ellis' evidence in Phase Two that at the time of the 19 November 2010 explosion he had instructed some of the men underground to undertake contingency tasks like stone dusting?

A. My recollection of the 19th of November is there was no water to the pit, that they were doing other work, Dan Herk told my Daniel to grab a juggernaut and go down and get some gravel because they were gonna tram the ABM back and there was a pothole and Dan Herk didn't want
30 to get it stuck and that it needed some gravel.

Q. Let me just perhaps put this question to you Mr Rockhouse, when Daniel spoke to you post-explosion about the unsafe practices

underground did he say anything to you about whether he had any reason to believe that any of the men underground on the 19th of November 2010 had been involved in using explosives to apply stone dust?

5 1225

A. I don't recall that conversation word for word so I can't really, and that was a long time ago and it's been one hell of a year so I can't answer that with any accuracy or clarity sorry.

10 Q. Now in response to questions from Mr Rapley yesterday you said that some of the information you've acquired about unsafe practices underground came from and these were your words, "other family members and the stories they have to tell about their loved ones –

A. Yeah through their briefs.

Q. Is it anything beyond what you've read in those briefs Mr Rockhouse?

15 A. Media, yeah there's been a hell of a lot of speculation what the actual cause of the explosion was and verifying the importance of getting back in there and all these delays, you know. Those boys deserve to come home. They deserve a decent burial.

20 Q. And just to be clear, because I just want to make sure I understand your answer. When you mentioned yesterday that some of the information that you'd acquired had come from other family members, you're referring to what you've seen in their written briefs that have been filed with this Commission, is that right?

25 A. Yeah, and conversations with them over the last year. It's, we've stuck together, it's been brilliant, and they've accepted me even though I was one of the senior managers, which I felt was quite incredibly humbling. I felt humbled by that.

30 Q. Well in those casual conversations have you heard that any of the men underground on the 19th of November 2010 had been involved at all in the bypassing of safety devices or overriding of safety features?

A. I, I prefer not to go into that.

Q. Why?

A. Because I don't know for sure.

Q. What don't you know for sure?

A. Whether or not any of the Pike 29 were involved in such things. What, you know, you hear things in the street second-hand, third-hand, fourth-hand, stuff that's embellished. I'm not going to speak ill of the dead, I'm not going to go there, sorry.

5

Q. I'm not asking you actually to speculate Mr Rockhouse, and I accept that this is delicate. But I feel that I need to put it to you given who I represent.

A. Fair enough, yep.

10

Q. In the conversations that you've had with family members, I'm not asking you to speculate about what you may have heard in the media or on the street, but in the direct conversations that you've had have you come to understand that any of the men who were underground on the 19th of November 2010 may have been involved, and I use "may" intentionally. May have been involved at any point in the bypassing of safety devices?

15

A. Not to my recollection no.

Q. Now let me change topic Mr Rockhouse. I've only got a couple of minutes left. Mr Raymond asked you earlier if you felt intimidated by Mr Whittall. Do you recall that?

20

A. Yes I do.

Q. And you responded with words to the effect that you didn't feel that at the time but when you look back you must have been. That's what my notes reflect. Is that consistent with your recollection?

25

A. Yes I think it is.

Q. And Mr Raymond put a series of questions to you and these were his words not yours but he referred to a "boy's club" whether you're in or out, and he asked whether you consider yourself now to effectively have been a victim of workplace bullying, do you recall that?

30

A. I do recall that yes.

Q. And you accepted all those suggestions when they were put to you today didn't you?

A. Yes I think I did.

Q. And so I'd just like to go back to the pre-19th of November 2010 period and strip out at least for the moment the hindsight component, and if I could ask Ms Basher if we could just bring up the email about Mr Whittall's appointment as CEO. My question to you Mr Rockhouse is whether you recognise this email exchange and it reads from the bottom to the top, as an exchange that you initiated on the 14th of September 2010 at 3.47 pm when it had been announced that Mr Whittall was going to be appointed CEO of Pike River effective in early October. Do you recall initiating this email exchange?

5
10 A. I do.
1230

Q. And you write to Mr Whittall, "Hi Peter..." I'm reading from the document, "Just wanted to wish you the warmest congratulations to your new role as CEO."

15 A. Yes.

Q. And then Mr Whittall responds just one minute later, he responds back to you, "Thanks Neville if my health starts to suffer I will call you in. I appreciate your ongoing support as always. Peter." Do you see that?

A. Yes. Yes I do.

20 Q. And then you respond to Mr Whittall, 16 minutes later, on the 14th of September at 4.04 pm, I'm just reading the top part of your email because I think the balance of it relates to a separate issue you are reporting on, but you say, "No problems mate, always here to help. I must say it will be a challenge. I think that you will do well because you know your stuff, but she will be a big job mate." You see that?

25 A. Yes.

Q. That was your immediate reaction at the time –

A. I wouldn't say it was immediate reaction, there were several managers that were surprised that Mr Whittall was appointed CEO.

30 Q. But you still chose to send him an email and engage in this exchange, didn't you?

A. I think most people did, if that was the decision of the board, fair enough.

Q. Well you would agree with me wouldn't you Mr Rockhouse that there's nothing here that would suggest to Mr Whittall that you were feeling intimidated by him?

A. No not in this communication no, nothing at all.

5 Q. Now you would accept wouldn't you that your evidence is particularly critical of Mr Whittall?

A. I believe it is yes.

10 Q. And in that connection you talk in your brief and you've talked today about a meeting in early 2010 at which you say Mr Whittall had a go at you in front of the management team, right?

A. That's correct.

Q. And that meeting was certainly before the email that we just discussed where you congratulated Mr Whittall for his appointment?

A. That is, that's correct.

15 Q. Now whatever Mr Whittall's view of that meeting, you came away feeling embarrassed and humiliated didn't you?

A. In front of my peers, yes, and I didn't think it was a good look with all the department heads there.

Q. And you didn't like being made to feel that way did you?

20 A. I'd never actually experienced that in my entire career, no.

Q. And especially not being humiliated and embarrassed so publicly?

A. I'd agree with that.

25 Q. And would you accept Mr Rockhouse that your evidence in this Phase, criticising Mr Whittall is an opportunity for you to publicly humiliate and embarrass him back?

A. No.

EXHIBIT 50 PRODUCED – EMAIL FROM MR ROCKHOUSE TO MR WHITTALL

QUESTIONS FROM COMMISSIONER HENRY

30 Q. Now Mr Rockhouse I've just got a couple of questions for you, they're mainly concerned with management aspects.

A. Okay.

Q. You mentioned that the thinking on health and safety, the process safety issues as against personal safety issues and so on hadn't permeated, I think the words you used were, they hadn't permeated the industry?

5 A. Not that I'm aware of. May have done so in Australia but not that I'm aware of in the New Zealand context no.

Q. It seems from a layperson's point of view, quite extraordinary because those concepts have been around we were told for a long time?

A. Yes.

10 Q. Can you give us any suggestions as to why they may not have permeated?

A. No I know they're embedded in the aviation industry and no I can't help you there I'm sorry. But, based on Dr Callaghan's evidence I totally agree that they would be very useful in the coalmining industry both here and overseas.

15 1235

Q. So would you suggest we have a look at for example the aviation industry to see examples of how that might work?

20 A. Yes I'd suggest that the legislation in New Zealand, the performance based nature of it is very ambiguous and when you get it into high hazards industries, you do need more regulation irrespective of what people say or do and I definitely believe human factor, process safety is the way to go.

Q. A separate point, are you aware of the concept of doing employee surveys of employee attitudes, market surveys?

25 A. Yes that's part of you know, safety development cultures step yeah, behavioural based safety that we –

Q. Well I was thinking even more generally the question of surveying employees as to how they're feeling, what confidence they have in management?

30 A. Yes.

Q. How they regard things, which gives you a more scientific basis than soft communications?

A. Yes.

Q. Did Pike ever do anything like that?

A. No employee surveys were ever completed or even contemplated to the best of my knowledge.

5 Q. And next point, there's two more points. Management information systems, when I was listening to you it struck me that there may be a management information system problem here in a more general sense in that had the management information systems at Pike been mapped so that you could see how information flowed and where it went to? I'm not just thinking of safety aspects but the whole process?

10 A. No but that would've been very beneficial to have considered that and I think that could be one of the learnings out of this as well to adopt those principles.

15 Q. And final point is just on your budget, I mean part of the job of the company CEO is to make sure that to the extent they can, that resources are applied and that big document that you were given actually spells out that the job of the CEO amongst other things is to ensure that adequate resources are provided to ensure that health and safety objectives and plans are achieved and you wouldn't expect anything else.

20 A. No.

Q. What was your budget for health and safety?

25 A. In the first budget that we did it was around 800,000, the next budget we had money left over, it reduced each year to I believe the last budget that I put in was about half a million dollars, but we were doing the training through the polytechnic and mine's rescue. We were tapping into funds available through ITOs, extractive industries, so when we did the original budgets we had to calculate full cost courses but then with Government subsidies applied that meant that we had excess.

Q. Is that 500,000 approximately, is that health, safety and training?

30 A. Yes.

Q. Do you know what the health and safety component of that is?

A. To be honest I couldn't give you an accurate idea of...

Q. We can ask you later.

A. Yeah there will be copies of the budgets, there must be, everything was cloned by the police so that information would be available.

QUESTIONS FROM COMMISSIONER BELL:

5 Q. I've just got a few questions, firstly to do with the relationship with the regulator with the inspectors.

A. Yes.

Q. You've testified in your evidence that you originally accompanied the inspectors when they visited the mine?

A. Yes.

10 Q. But then you were no longer taken on these inspections.

A. That's correct.

Q. Why was that?

1240

15 A. When Kobus Louw was the mine manager if I was involved in all of those but mostly surface and the tunnel was still in stone and if anything happened and any bookings were made then I'd go with Kobus and it was Michael Firmin in those days. Usually site walk-arounds, audits, mostly surface stuff or into the tunnel in stone and then successive managers that stopped happening.

20 Q. Do you think it's important for the safety and health manager to accompany a mines inspector on visits?

A. Oh yes, definitely, and an employee representative as well just as it is in Australia.

25 Q. Just on another part of your statement, paragraph 267. Mr Firmin issued a couple of improvement notices I think at the coal prep plant I think?

A. Yep.

Q. But then you make a statement that they never came and basically talked to you again?

30 A. Who?

Q. The inspectors never came back and spoke to you again. Do you know the reason for that? I mean it just struck me as odd that they did issued

improvement notices and they never interacted again, or did I read that wrong?

A. No. The improvement notices as I recall, I was with them on that day and I think that they were issued at my prompting to be quite honest, just to send a bit of a message to the contractors in the area to smarten up, and then yeah they didn't really – I recall Kevin Poynter at one time sticking his head into my office to introduce me to a couple of people from head office in Wellington and apart from just seeing them or bumping into them I didn't have a lot of interaction after that, no.

10 Q. Any reports or any matters the inspectorate raised, was that put up on a notice board at the mine so everyone could see what had been said by the inspectorate?

A. Not the health and safety notice board because I maintained that. I couldn't say for any clarity any other notice boards but not the one that I managed anyway.

15 Q. I've just got another matter. With the hydromining SOPs were you involved in creating those?

A. The very early sequencing and cutting to an extent that, yes we were but then that changed because my role had changed and but Michelle Gillman and I were involved in the first lot, yeah.

20 Q. So who was the subject expert then, who was providing that information for you to develop those?

A. I had Lance McKenzie, Peter O'Neill, Matt Coll, yeah and others that I can't, yeah but there were a few. Mostly Spring Creek guys.

25 Q. Mr Oki Nishioka actually testified that he'd never met you at all. Is that correct?

A. Oh no. I'd seen him around and I knew that is a world renowned hydro expert and I'd said giddyay to him a few times, but yeah I didn't have any real interaction with Oki.

30 Q. Just on HPIs, High Potential Incidents, they were being collected, I understand at Pike or do I understand wrongly?

A. Yeah you've, no they weren't.

Q. Do you agree with the concept that HPIs are a better indicator of catastrophic events, rather than something like LTIFR?

A. Yes I do.

5 Q. Do you think if those HPIs had been collected or reported, particularly things like methane exceedences –

A. Yes, yes.

Q. There would have been a better pointer towards...

10 A. Well the trend analysis and the overall picture of what you believe's happening and what's actually happening, yes I do, I fully support that, yes.

Q. And finally, I just saw the photographs that Ms Anderson raised of the FAB. It was a very untidy looking area to be used for a refuge, if you like, with stone dust bags and brattice lying around the place?

15 A. Yes and that was an ongoing issue with that area and I believe the rescue chamber which we tried to get brought in but never eventuated, yeah, it never happened.

1245

QUESTIONS FROM THE COMMISSION:

20 Q. I wanted to have a better sense of the situation you found yourself in when you were employed by Pike in developing the safety management system. Had you developed a safety management system from scratch before?

25 A. Yes, yes when I first came back from Australia I had all these qualifications and New Zealand was a – way behind so yes I'd done that small, medium and large companies and government departments as well.

Q. So this was your first time with a high hazard industry?

A. Yes. Well police is pretty high hazard as well, so I did work with them for seven years. Yeah.

30 Q. We've now seen your job profile as a result of the questions from Ms Shortall was there any prescription provided to you as to what the health – the safety management system was to comprise?

- 5 A. No it was described to me that in an early KPI and by that I mean probably the first or second lot of KPIs that I got, that we needed to have a fully auditable externally auditable system in place and I suggested the ACC accredited employer system based on international Australia/New Zealand standard and that's how that was sort of born really.
- Q. So the board, the CEO, nobody gave you an outline of what was expected, what the system should comprise?
- 10 A. No that – there were – parts of other systems that people had brought with them from various countries and that was collected on a database and so you could tap into that resource and often we did, we had hybrid procedures that we adopted. But no exactly what you're saying that was never prescribed to me, no.
- 15 Q. You've been asked about the document, exhibit 47, of which you say you got about 60 or 70 pages. Who is Rob Storey?
- A. Rob Storey used to work in the mines inspectorate, he worked in the mines, he became a health and safety consultant.
- Q. So do you say you didn't use that material?
- 20 A. No what I'm saying is that what I got was only part of that material and no one could find any electronic back-up, it had not been signed off or authorised by anyone, so I didn't have it all, so I started from scratch more or less.
- Q. But did use, you say, some other material that people had brought with them from other mines?
- 25 A. Yes, yes there is a – on the P drive there was a file called, "Other companies," and it had different procedures and information contained in that and so I used information from there.
- Q. And do you know where they were from? Were they from Australian mines?
- 30 A. Australia, South Africa, mostly Australia and South Africa, yeah.
- 1250

- Q. I would imagine that in designing system such as this you had to make a lot of what might be called policy like decisions about the style of the system, the level of prescription that it would contain, is that right?
- A. Yes that would be fair to say I guess, yes.
- 5 Q. So who would you go to if you wanted to discuss matters such as that?
- A. Usually, the relevant departmental manager. I worked very closely with those guys, especially in the initial development stages of management plans and risk assessments and that sort of stuff because each one of them had a different idea of the way in which it should be done so you'd
- 10 tweak up appropriately.
- Q. Aren't those people what Commissioner Bell has just called, "Subject experts"?
- A. Subject matter experts, yeah.
- Q. Who understand the technical details, what I'm getting at, is if you wanted a second view about how to develop the system from a health and safety perspective as from your discipline, who would you go to? Is there anyone?
- 15 A. Not, yeah in New Zealand there probably is –
- Q. Well I don't want a general discussion, did you go to anyone?
- 20 A. No, no I didn't.
- Q. So was there anybody within the company above you to whom you could go and use them as a sounding board or were you pretty much on your own?
- A. Oh I tapped in to early mine managers, their knowledge, their skill sets and for mining operation stuff. I had to trust that they were giving me
- 25 correct and accurate information and I was guided by that information.
- Q. You said a moment ago to Ms Shortall that you were keen to get external assistance, was your phrase but it didn't happen. What did you have in mind?
- 30 A. Well just, in the Australian context of bringing what they actually do at a practical level into New Zealand so the auditing and how many people should be in the safety department, roles and responsibilities of trainer assessors because I wanted to have the ability of utilising these people

to do underground audits and training. So I'd see such a person as a support mechanism potentially.

1253

5 Q. Did you look at any developed systems that existed for other New Zealand underground mines?

A. I had access to parts of systems from other coal mines in Australia and I had access through Mines Rescue to rescue management plans and other information through that contact and I utilised that information in consultation with them as the subject matter experts.

10 Q. Looking back, was it appropriate, a good idea that you developed a system in a situation that you've really just described, or did you need more in the way of help in doing it?

15 A. At the time I believe that I was developing world class systems and that's been acknowledged by several people now. I think I needed more support in implementing them and having some "teeth" if you like to ensure full implementation and conformance to those standards.

20 Q. Just one other smaller topic. I just want to have a sense of your perception of the board health, safety and environment committee. I know you only went to about three meetings. Was there an agenda before you went?

25 A. Yes, I seldom saw that and I didn't always see the minutes either, so I do believe I received one lot of minutes, my recollection, maybe in a draft format, but I don't recollect ever seeing the agenda because I often recall talking Ivan Liddell and he'd be able to verify this, the environmental manager, what do they want, what are we supposed to be taking, that's why I'd take a whole heap of documents, so, yeah.

1256

30 Q. You've anticipated my next question. Were you asked and directed as to what was to be examined and what you needed to provide for their consideration?

A. No that's why I took so many different documents to show them what we were up to.

Q. How long did the meetings last for, from your perspective?

A. My perspective, an hour, hour and a half sometimes, maybe two maximum then I'd go back to work and environmental – sometimes environmental would go first or I'd go first, but yeah, I didn't stay the whole day.

5 Q. And can you give us a sense of the atmosphere, how were they conducted? What did they consist of?

A. Well Professor Ray Meyer, John Dow, Peter Whittall, Ivan was sometimes there or he'd come later when his bit was on. Go through stuff I'd done some presentations on accident stats, yeah, it didn't really appear to me that it was following a set agenda per se. A cursory look at what was going on.

10

QUESTIONS ARISING - NIL

WITNESS EXCUSED

COMMISSION ADJOURNS: 12.59 PM

INDEX

NEVILLE JOHN ROCKHOUSE (RE-SWORN)	4277
CROSS-EXAMINATION: MR RAYMOND	4277
CROSS-EXAMINATION: MR HAMPTON	4292
CROSS-EXAMINATION: MS ANDERSON	4304
EXHIBIT 44 PRODUCED – PHOTOGRAPHS	4310
CROSS-EXAMINATION: MR HAIGH	4311
CROSS-EXAMINATION: MS SHORTALL	4314
EXHIBIT 45 PRODUCED – OFFER OF EMPLOYMENT	4320
EXHIBIT 46 PRODUCED – FACSIMILE DATED 5 SEPTEMBER 2006	4320
EXHIBIT 47 PRODUCED – HEALTH AND SAFETY MANUAL	4328
EXHIBIT 48 PRODUCED – CONFERENCE BROCHURE	4338
EXHIBIT 49 PRODUCED – ARTICLE BY MR ROCKHOUSE	4339
EXHIBIT 50 PRODUCED – EMAIL FROM MR ROCKHOUSE TO MR WHITTALL	4356
QUESTIONS FROM COMMISSIONER HENRY	4356
QUESTIONS FROM COMMISSIONER BELL:	4359
QUESTIONS FROM THE COMMISSION:	4361
QUESTIONS ARISING - NIL	4365