

I didn't think so, even in my own opinion.

Why not?-- I didn't think anything like this could happen at that time.

Did you consider it?-- No.

And you had had no experience with fires at all?-- No.

Is that right? Did you place any reliance upon anybody else's views, whether they were expressed to you, or not?-- Not that view. No. I placed reliance on men who had more certificates than I had.

Who was that?-- That was the mines inspector and rescue brigade.

Management?-- The management, yes.

So with them making decisions you did not consider your qualifications enough to challenge them?-- No, I did not at that stage.

Well, at any stage?-- No.

CROSS-EXAMINATION:

BY MR. CALLINAN: If you had thought that you were in any danger on the night when you were down near the fire, you would have gone?-- I would have gone out, yes.

Nobody could have kept you there had you thought there was danger?-- No.

Just going back to the Friday evening and the Saturday morning before the fire, did you actually go into the dead end where the fire is believed to have started?-- Yes.

For what purpose did you go in there?-- I went in to get a ladder - a step ladder I had left in there for the purpose of inspecting the top of the wall, and also testing for fire damp.

Did you make any observation and look around?-- I had a look at the wall, and I came out.

How long were you in there?-- I was in there, I would say, from three to five minutes.

You had left the ladder there yourself?-- I had left it there myself for that purpose.

Was it there when you went in?-- No. It was gone when I went in. It was taken out before I got in.

Did you subsequently locate it?-- Yes. I went down to the boys on the bottom wall, and they had taken it before me.

Do you mean at the adjoining dead end - in by or dead end - where the fire started?-- No. 1 wall.

Any raised temperature in the dead end where the fire is believed to have started?-- No, there was definitely nothing at that time.

Nothing abnormal at all?-- No.

When had you last visited in there with your safety lamp?--

3/12 y/9

When I went in for the ladder, and I had the lamp with me.

You tested at that time?-- I tested at that time.

There was nothing abnormal?-- There was nothing abnormal in there.

What was the condition of that wall?-- It was in very good condition.

How do you know that?-- We had done a lot of repair work on that at the beginning of the year.

Had it been effectively repaired?-- Exactly, yes.

We heard some suggestions or criticism regarding the insertion of the testing apparatus into hairline cracks. You will remember my learned friend Mr. Derrington asked you about that. At these places where you applied the testing apparatus, could you perceive that carbon dioxide was leaking through those cracks?-- I would say as the black damp was coming through, I would think that CO would be coming through as well if it was present.

Did you doubt the utility or value of these tests yourself?-- No, I didn't doubt them.

You were perfectly satisfied?-- I was satisfied, yes.

The plastering work that was done on the Friday night and Saturday before the fire - was it well done?-- Yes, it was well done.

Satisfactorily done?-- Correct.

All hairline cracks closed up?-- Yes.

Did you actually look at the work yourself to ascertain?-- I was working on one.

Did you see the other one either being worked upon or after the work was done?-- Yes, I did. I went down to get some more Rochard. We were running out of it at our wall, and I went down just as they were about completed.

You made reference to normal dead-end temperature. By that reference are you referring to the fact that these areas are off the main return, so the air does not circulate in there as much?-- That's right.

Was there anything abnormal at all in your view about the temperature apart from the fact that it could have been slightly raised by carbon dioxide in the dead end where you were working?-- No.

Had you encountered such a condition before?-- Yes.

On a number of occasions?-- On several occasions; not a number.

In other mines?-- Yes, in other mines that I worked in.

You said you had had no experience of a fire in 32 years. Has a fire never occurred in a mine where you have been working in 32 years?-- No.

What about a heating?-- Yes, we have had heatings, but never fires.

How have the heatings been dealt with in your experience?-- They used to put another wall up in front of it and fill it with sand.

Is this a method that has usually been effective?-- That's what we used to do in the other mines I worked in.

I think you said that you had never seen problems in coal lying in a heap. What? In 32 years?-- That is so.

At one stage in your evidence when my learned friend Mr. Given was questioning you, you said that when you first saw the fire it was just a glow at this stage?-- Yes.

Do you recollect that?-- Yes, I do.

There were no leaping flames?-- Not at that stage.

Was the equipment that was down there working satisfactorily - the hoses?-- Yes, it was working satisfactorily.

You said that you played some water on to a door?-- Yes.

It was your impression that this door was a trapdoor in a stopping immediately opposite the dead-end where the fire was?-- Yes.

And you were playing water on it from the intake side?-- Yes.

What was the extent of the consumption, if any, of the door by the fire?-- Well, it had burnt a few - where the cracks were it had just burnt a few little holes in it at that time.

Had you erected some Polyrack there also?-- That was before the fire got that far. There was a little bit of a leak on the top of it. It didn't close - like, about a quarter of an inch. I put a bit of Polyrack on the top of it to stop it getting into the door.

Were you experiencing any fire or burning at that time?-- No, it sort of - a bit came through the crack, and so we played the hose on the little crack and put it out.

That was effective?-- Yes.

Beyond the door then in by the next passage, in by of the position where you have located it immediately opposite the dead-end - I am sorry, out by?-- No, I think it was opposite where the fire was in that area.

That is your impression?-- That is my impression.

You tested the stoppings while you were down there that evening?-- Yes.

They seemed in order?-- Yes.

They had been efficiently stopping before?-- Yes.

And the doors had been operating efficiently before?-- Yes.

Is that so?-- Yes.

Just before you came out, you noticed, I think your expression was, a bit of smoke coming down the intake?-- Yes.

That did not appear to you to be a serious problem? There was not enough of it?-- Not at that time, no.

And during your progress out of the mine did it worsen at all?-- Yes, it became worse. It became thicker.

But one could still breathe?-- Yes, you could still breathe in it.

How often in your experience did Mr. Alex Lawrie inspect underground or go underground in the mine?-- Well, of a morning we used to work on dogwatch, and I have often met Alex on the way down quite often during the week.

How many mine managers would you have worked under in your time?-- I would say roughly about seven or eight.

How would you regard Mr. Lawrie so far as his conscientiousness is concerned?-- I would say he would be very highly rated in my opinion.

Could one go to him with a complaint or a worry without any concern?-- Yes, you could always.

Responsible, was he?-- Very.

Was he conscious of safety measures?-- Yes.

You were asked some questions by my learned friend about stone dusting - stone dusting and the deposition of coal dust. In this return area, was it remote from the working face?-- Yes, it was a long way away from the working face, the return.

Did it seem to you that there was any problem at all regarding the deposition of coal dust in this area?-- No, I would say not.

Was this generally a moist area?-- It was, yes.

Did you have any caking problems with stone dust in the mine?-- Yes. Where it was wet it used to cake up and disappear.

Did that happen in many places in the mine?-- Yes, it did.

There was a machine available for stone dusting purposes?-- Yes.

Was there only one, or more than one?-- There were two in that area, I think, at the time.

Was all this return accessible to the machine for stone dusting?-- No, it was not. Due to the fretting of the ribs you could not get the machine through unless you cleared the whole area for it to travel.

In your experience, was there ever any problem about having this mine management attend to any request or to do anything?-- No, there was no problem in that respect.

Did management appear to you in your experience to be a safety conscious management?-- Yes, very, very safety conscious.

Have you ever worked for one more safety conscious?--  
No, I have not.

CROSS-EXAMINATION:

BY MR. TOWNSLEY: I am not aware whether you did not say at one stage in your evidence that you were not giving particular attention to the stoppings numbered 1, 2 and 3 in the No.5 return?-- We gave it as general - as we walked through,<sup>10</sup> inspected them every time we went through.

I think you also said that was because they were in an area that you had to pass frequently?-- Yes, it was down on the return - in the normal return.

I see. On the Friday night and early Saturday morning they were getting particular attention in fact, were they not?-- Yes, we were plastering them, yes.

You told my learned friend Mr. Callinan that a lot of repair work had been done at the beginning of the year?--Yes.

On all three?-- No, only on No.2.

Only on No.2?-- No.2 wall, yes.

Can you say how often those three stoppings were serviced?-- Not very often that we had trouble with them.

They were not particularly distinguished for trouble?-- No.

Had they been not giving any indication of deterioration?-- No.

Due to pressures on the roof or floor?-- No. There was only the one that we repaired - that one I said on No.2.

That is at the beginning of the year?-- That was at the beginning of the year, was the only one we had trouble with.

But apparently at No.3 on this particular night it had apparently developed cracks?-- A few haircracks in the plaster, yes.

You mentioned that the black damp was issuing through the stopping that night?-- Yes.

When did you first become aware of that?-- That was on the Friday morning.

The Friday morning?-- On the Friday morning.

Were you told that a particular test had been on the Friday morning at that No.3 wall?-- No, I was not told. We went down. That was the wall that - Brian Rasmussen was going to do that one and No.1. He was going to reface it.

Three and one?-- Three and one.

How was the black damp ascertained as having been coming through No.3?-- I picked it up with the safety lamp.

On the Friday morning?-- On the Friday morning.

And it was coming out through the cracks?-- Through the stopping, yes; through the cracks.

Not the floor and not the roof and not the sides?-- No. It appeared to be coming out, I would say, about three feet from the floor. That's where I got the first sign on the lamp.

And on that Friday, what about the other two stoppings, No.2 and No.1? Were they issuing any?-- No, they were clear.

Did such a leak or issuing of black damp through No.3 only rather than the other two indicate anything?-- No, only that this wall used to exhaust.

Did the other two ever show ----?-- No.

.... any exhausting of any gas?-- No.

Was there any other area in No.5 return - say up the dip uphill from this area - where stoppings required service?-- No.

Did you in the normal course make reports in the mine records book concerning these waste workings that you might be checking?-- Yes - no, not actually on the waste workings, but on the conditions of the walls.

Of the walls?-- Yes; and the area in general so far as the roof timber and that is concerned.

That is in the mine record book?-- That would be in the deputy's book.

What about the mine record book?-- I had nothing to do with that.

MR. RAMAGE: I have no questions.

MRS. MARSHALL: I have no questions.

CROSS-EXAMINATION:

BY MRS. REINHARDT: Before you answer this question, Mr. Abraham, I want you to remember that you have placed your hand on that Bible and taken an oath?-- Yes.

In mines that you have previously worked in, these falls of stone, would they be of any difference in the heating of them than in the depth of Box Flat, that is, the mines that you have worked in before are no where near the depth of Box Flat, are they?-- No, that is right.

Would that depth make any difference?-- No, I do not think so.

Another question I would like to ask you, and I want you again to remember-----

THE WARDEN: All right, Mrs. Reinhardt, he knows he is on oath.

BY MRS. REINHARDT: Have you ever expressed the opinion to anyone, after you have had a fall or anything like that, when you have been walking around, that you were sorry you had gone to work at Box Flat?-- No, I never did.

THE WARDEN: The members of the Board of Inquiry will now ask their questions.

BY MR. MURPHY: Was it part of your duties as deputy constantly or regularly to patrol the return air way?-- Yes.

What area in the mine of that return air way did you regularly inspect?-- The complete return.

The particular stoppings in question, that is, three, two and one, as you have described, what was the purpose of those stoppings? What was the purpose of them being erected in the first place?-- They were normal stoppings erected, and we were replacing them.

What were the stoppings erected for?-- To stop ventilation into the old workings.

Do you know if there had been any previous heating or fire behind those stoppings?-- No.

Not to your knowledge?-- No, not to my knowledge.

Where would you expect to find most dust in a coal mine?-- I would say on the roads where the wheels of any vehicles were travelling, such as trolleys and so forth, from spillages.

What type of machinery is used at Box Flat? What type of coal cutting machinery?-- The continuous miner.

Does the continuous miner in the act of cutting coal create very much dust?-- It did create dust, but it was very

very wet during these last three months in both sections.

But in the act of cutting coal when the coal dust was there was there very much dust created by that cutting?-- Yes, there would be a certain amount of dust.

Where did that dust go?-- Into the return.

The return from there on through the air way, would it not be reasonable to expect most dust to be there, in a coal mine, in the return air way?-- Yes. Not most, but you would find quite a bit of it. But if this was wet it would settle on the moisture.

Most dust is created at the coal face; would that be true?-- Yes.

Would it not be reasonable to expect that all that dust created at the coal face would go into the air way?-- Yes.

Would it not be reasonable to expect that that is where you would find most dust?-- Yes, but with the amount of the wet condition it did not travel very far.

BY MR. MONGER: You said that when you left 6 south to travel up the haulage way for a distance the smoke was thickening and you moved across the cut-through into the conveyor road?-- Yes.

There was still smoke in the conveyor road?-- No, it was quite clear.

Yet when you got to the deputy's cabin it was clear again?-- It was clear on the belt.

Did you go across to the haulage road again?-- No, I did not go over.

From any one that did walk up the haulage way do you know if it was in constant smoke all the way?-- No, I could not say that.

BY MR. ROWLANDS: I want to follow on Mr. Monger's question. You mentioned that you had seen holes on the trap-door opposite the conveyor?-- Yes.

And examined the stoppings on the intake side?-- Yes.

You stated you started to walk up the haulage way?-- Yes.

And the smoke gradually became thicker?-- Yes.

On the plan in front of you, if you look at the stoppings opposite that conveyor, can you locate that spot?-- Yes.

You said you started to walk up the haulage way?-- Yes.

And the smoke became thicker?-- Yes.

Then you came to cross into the belt road?-- Yes.

Had you passed then two doors to your right, double trap-doors? These trap-doors are opposite No. 3 stopping?-- No, I cannot remember them.

Because you said that you went through the cross-cut?-- We went through the cross-cut.

You said you started to walk up the hill?-- Yes.



What I am trying to establish is whether you passed those double trap-doors before you turned into the conveyor road?-- Yes, I remember now.

And the smoke was thicker in front of you coming down?-- That is right.

You stated that the first job you did when being called on duty that night to the fire was to examine the roadways around there to see if they were free of gas?-- Yes.

Did you have an attachment to check for cavities in the roof?-- No, I just had the lamp and I took the lamp along the route in all places I visited.

Were there any cavities?-- No, not there.

BY MR. MONGER: Can you indicate on this sketch just where you saw the fire?-- (Witness indicates on sketch)

(Handed to members of Inquiry)

(Handed to counsel)

MR. GIVEN: The next witness I desire to call is Mr. Lawrie, the manager of the mine. Fortunately or unfortunately I have not got a statement from him. I understand that Mr. Callinan would prefer to lead evidence from him himself. I do not think one can stop that, even if one wanted to, and I am not suggesting that I want to. So I suggest that Mr. Callinan be allowed to call Mr. Lawrie. I have several questions I will wish to ask. These may be covered by Mr. Callinan. So perhaps he could call his witness, and if I want to ask questions perhaps I may be allowed to do so later.

THE WARDEN: Very well.

ALEXANDER EDWARD LAWRIE, sworn and examined:

BY MR. CALLINAN: Your full name is Alexander Edward Lawrie, and you live at 33 Chermerside Road, Ipswich. Is that so?-- That's right.

You are the manager of the mine that these proceedings are concerned with. Is that so?-- That's right.

How long have you been manager of that mine?-- Approximately four years.

What certificates or qualifications do you hold?-- I hold a first-class mine manager's certificate and a diploma in coal mining.

How long have you held those qualifications?-- For the past 12 years.

How long have you worked in the Box Flat Colliery?-- Twenty-eight years in various mines owned by the company.

I will take you directly to the events of the day of the tragedy. You came out to the mine on that day, on Sunday, 30 July. Is that so?-- That's right, yes.

Why did you come out?-- To start the main ventilating fan.

Was there any arrangement about the commencement of operation of the ventilating fan?-- Yes.

What was that?-- Previously, on most occasions Mr. Marshall, the general manager, looked after the fan, but he was not available this Sunday evening, and we arranged during the previous week-end that I would do it.

Was there a practice that either you or Mr. Marshall did that?-- That's right, yes.

Why did either you or Mr. Marshall insist upon doing it?-- There was no particular reason. Either Mr. Marshall or myself were generally around the mine of a week-end at different times.

Was it your practice to go out to the mine at week-ends?-- Regularly, yes.

Why did you adopt that practice?-- To check the fan, check the fan drift, and check property around the surface.

On this occasion, why was it necessary to turn the fan on? Why had it been turned off?-- To the best of my belief, the S.E.A. had isolated the power to the mine.

The S.E.A. were not furnishing power to the mine?-- That is so.

For how long had this situation existed when you went out to turn the fan on?-- I think the power was isolated at 5.30.

On 30 July?-- That's right.

What time did you arrive at the mine?-- Some time after 4 o'clock.

What did you do when you arrived there?-- Well, the power had not been - was not on when I arrived at the fan, and after a short period I went up to the evassee of the fan and smelt the exhausting air.

Why did you do that?-- This was just a normal practice, something I always did, which is a habit.

What were you searching for? What were you looking for?-- Just an opportunity to check the air coming out from the mine.

You smelt the air on this occasion. Did you notice anything about it?-- Yes, I did.

What did you notice?-- Intermittently, I felt that I could detect a slight paraffin smell in the air, very slight.

What is that, or what can that be indicative of?-- In my experience, it can indicate an early stage of distillation; early stage of heating.

Did you turn the fan on?-- Ultimately I did, yes.

Did you keep on smelling the air to see whether your senses had deceived you?-- I ran the fan for approximately 15 minutes.

And why did you do that?-- Well, I wanted my nose to clear, and also I wanted to clear the airway in the mine. I returned back to the top of the fan outlet and again began to smell the exhausting air.

You thought you could smell it again?-- Well, I still wasn't sure.

What did you do then?-- Well, ultimately I convinced myself that the air was not clean. I convinced myself, in any case, that I would travel underground and make an inspection.

Did you telephone anybody before doing so?-- Yes.

Whom did you telephone?-- I returned to the main mine office. I contacted the general manager Mr. Marshall, and I told him the situation. I told him I intended to make an underground inspection of the returns.

Was there anybody else at the mine at this stage?-- Yes, there was.

Who was there?-- The haulage driver.

Who was he?-- William Kingston, <sup>and</sup> a No. 7 deputy.

Who was he?-- Brian Levitt, and an electrician standing by for the pumping shift.

What was Brian Levitt's job?-- He was entering the dip section - dip development section of No. 7.

For what purpose?-- To commence the pumping shift.

Did you have a conversation with him with respect to this smell that you thought you had perceived?-- I did, yes.

What was that?-- Mr. Levitt had left the surface before I had convinced myself that there was something amiss. So I had already returned and found that he was well on his way into the mine at this point, practically at the bottom of No. 7. I had already contacted Mr. Marshall. I then contacted Mr. Levitt on the phone, and told him my suspicions; that I felt that I could detect a slight paraffin smell at the fan outlet. I was not sure, and I told him this. I said I could see no reason why he should not continue duties, but proceed with caution, and at all times keep in contact with the haulage driver.

Did you telephone anyone else?-- I did, yes.

Whom?-- Brian Rasmussen.

Why?-- Well, Brian was the next official coming on shift.

And that shift was due to start at midnight?-- That's right.

Is that right?-- That's right.

Did you make any arrangement with Brian Rasmussen?-- Yes, I arranged to meet Brian within 20 minutes at the No. 7 pit head.

And did you then wait for Brian Rasmussen?-- No.

What happened?-- I returned to my home. I had one of my children with me at the mine. It was only a matter of five or 10 minutes to return home. I was back at the mine at approximately 5.10 - just after 5 o'clock. The previous phone calls, I suppose, would have been around about five minutes to 5.

What about when you got back? Did anybody else arrive when you got back?-- I met Mr. Marshall at the mine office.

Did Mr. Marshall come and then smell the exhaust fan?-- Yes, he had already been to the fan.

What did he say to you about it?-- He told me he couldn't smell anything at the fan, but he did have a cold at the time.

Did Brian Rasmussen arrive?-- Yes.

About what time?-- I left the manager's office and walked to the No. 7 pit head, and Brian was there waiting for me.

What time was that?-- I would suggest about 5.15 or a little later.

Did you ask Brian to smell the fan?-- I did, yes.

What did he say?-- He went to the fan alone. I went into the lamp room to pick up my lamp.

What did he say?-- When he came back to the pit head, he said the air smelt normal to him.

Did you then go down into the mine?-- I then notified the haulage driver that we would be going underground, yes.

Did you in fact go down?-- We did. We travelled to "41".

Which way did you go down?-- Via the No. 7 man and supply tunnel.

MR. CALLINAN: I do not know whether this is a convenient time.

THE WARDEN: Yes, quarter past 2.

The Inquiry adjourned at 1 p.m. till 2.15 p.m.

The Inquiry resumed at 2.15 p.m.

ALEXANDER EDWARD LAWRIE, further examined:

BY MR. CALLINAN: Now remember what I told you during lunch about not speaking too quickly. We were dealing with the situation where you were about to go down into the mine after you first arrived there: remember that?-- Yes.

About what time was it when you were going to go down?-- Approximately 5.25.

You had a discussion with Bill Kingston, the engine driver, before you went down?-- Yes.

The purpose of your visit, what was that?-- To investigate and to make an inspection of the mine.

I think this is common ground: it is a large mine - is that so?-- Yes.

And there were only two of you there to make the inspection, you and Brian Rasmussen?-- That is right.

So did you have a plan as to the isolation of various areas by each of you?-- We did, yes.

Just proceeding slowly, tell me first of all where you went when you went down?-- We entered the No.7 man and supply tunnel and left the rake at 41. We travelled in by through the double doors.

Which double doors are those?-- 41.

The double doors at 41?-- Travelling towards the north through the double doors into the north return.

And then did you proceed along the north return?-- No. We just walked into the return.

And by doing that were you able to isolate any area?-- No, not really.

What did you do then?-- We retraced our footsteps from the north return in a southerly direction through the double doors back to the rake at 41.

Were you together still at this stage?-- We were, yes.

Where did you go then?-- We rode by rake from 41 to 42.

And then what did you do?-- We travelled - we commenced to travel up to stone drive between the two seams, between Wright and the Bluff seam up in No.5. During this walk through the stone drive we discussed our method of isolation of the districts.

What did you arrange?-- We arranged to travel up beyond 35 to the double doors and the Bluff seam, again heading in a southerly direction through the double doors into the return.

Is that what you did?-- We did this, yes.

Together?-- Together.

You proceeded then along the intake in by, is that so?-- After we entered the double doors?

Yes?-- No. We proceeded into the return.

And you were travelling in by, and then you got into the return?-- We travelled approximately 150 feet into the return air.

Then what happened?-- We traced our footsteps back in the normal direction, through the double doors, back into the companion way, into the intake air.

Then what did you do?-- We travelled down with the grade, down past three five, approximately 380 yards down the dip, to six south belt road. Then we again travelled in a southerly direction along six south belt road, then to No. 9 south return, and then travelled again with the air up the return to the first stopping which was examined and found to be in good order.

Then where did you go?-- We travelled then to the belt level of the old two south section, turned into the dead-end and found it full of smoke.

You found the dead-end full of smoke?-- Yes.

What distance had you and Brian Rasmussen travelled since leaving the surface?-- Roughly 500 yards to 41, then 640 yards to 42, approximately 150 yards from 42 to No. 5, 100 yards back up to the double doors, 50 yards through into the return, 50 yards back out again, 100 yards back to three five, 380 yards back to the six south belt road, 40 yards into 9 south return, and approximately 80 yards up to the location of the fire.

How much of this had you done on foot? Perhaps it would be better to tell us how much you did on the rake. Would most of it be done on foot?-- We travelled from 42 on foot. There was no means of underground transport whatever.

How long did it take you to get from the dead-end where you saw the smoke?-- Again it would be only approximate, but I would say approximately 6 o'clock. We arrived about 6 o'clock, I would say.

Brian Rasmussen was with you?-- Yes.

How long have you known Brian Rasmussen?-- 14 years.

Had he been in this pit for 14 years?-- Yes.

Did you respect his opinions?-- Yes, I did.

What did you see? You saw smoke in the dead-end?-- That is right, a heavy smoke haze.

Was the smoke haze in the return at all?-- No.

What was the seat of the smoke haze?-- There was thick smoke haze from the roof down to about 3 feet 6 inches from the floor, quite stationary, no turbulence, no movement.

Could you see in so that you could discern what was causing the smoke haze?-- No, not at that stage.

What did you do?-- We travelled along the low side under the smoke, 10 to 15 feet, and I located a small fire.

Were you able to breathe as you came in?-- Yes, under the smoke.

Did you go in on your hands and knees?-- That is right.

What did you see? How big was the small fire?-- About three to four square feet in area.

Were there any flames?-- No.

Where was it located in relation to the rib?-- About three feet six inches to four feet from the floor in rib 4 approximately 20 feet from the return passageway.

What was the closest you could come to this source of incandescence?-- I could not get any closer than about 18 to 20 feet from the ~~heat~~.

Did Brian Rasmussen look at it?-- He did.

Did you and he have a discussion?-- Yes.

What did you decide?-- We discussed the method of dealing with the situation.

What did you decide?-- After discussion, we decided we would go to the surface.

Why did you decide to go to the surface?-- We considered the amount of work necessary to handle the situation. It generally takes too long without help. We definitely needed help.

Why did you think you needed help?-- We intended to damp the air down, ventilate the level, clear the smoke, and the fire would have to be shovelled out. At least two fire lines would have to be run, and keeping in mind that we had no underground transport, we would have to run up and down the trunk system and pick up hoses one at a time. We roughly calculated that it would take well over an hour to set up the work, and then that would not have been any help to us. So it meant just a quick assessment of time. We knew we could get men to the mine in minutes; in 10 to 15 minutes we could have men there, five minutes run to the surface, and get back to deal with this situation quicker than if we handled it ourselves.

Did you in fact go to the surface?-- Yes.

What time did you arrive at the surface?-- I would say approximately 6.25.

Had Mr. Marshall left when you got there?-- He was not there. He had left, yes.

What did you do yourself when you got back?-- I immediately went to the main office and contacted Mr. Marshall. I told him that we had found a small fire underground.

Did you see any difficulties about handling this fire if you could get men there to help you?-- Not at all, no.

You contacted Mr. Marshall. Did you ask Brian Rasmussen to telephone anybody?-- Yes.

And did he in fact telephone?-- I took a file from my office, and Brian commenced to carry out phone calls on another phone.

To get more men?-- Yes.

Did you ring anybody else, apart from Mr. Marshall?-- I did, yes.

Who else did you ring?-- Mr. Hardie, inspector of mines.

Were you able to locate Mr. Hardie?-- No, not on the first phone call.

How many telephone calls did you make to try to locate Mr. Hardie?-- One more.

Was he there?-- No. I contacted friends of Mr. Hardie's as well as my own that I knew would get word to him.

They were to get word to him?-- Yes.

Why did you contact Mr. Hardie? As I understand it - correct me if I am wrong, and no doubt I will be - you have got 12 hours to report a fire to Mr. Hardie. Is that what your understanding of the law is?-- At any time there is any difficulty with anyone or anything I consider necessary, I contact - I would contact him forthwith, immediately.



Did you respect Mr. Hardie's views and assistance?-- Certainly, yes.

Did men, in due course, start to arrive?-- They did, yes.

And what time did you think you had a sufficient team to go down?-- Well, actually we contacted two teams; but the first team, in my opinion, would have left the surface approximately at 7 o'clock, or very soon after.

Had Mr. Marshall arrived at this stage?-- Yes, he was with them. He led them in.

How many men went in on the first team?-- I would say five.

Mr. Marshall is the general manager of the company?-- That's right.

Is he an experienced miner?-- He is, yes.

Do you defer at all to his views? Do you respect his opinion?-- Certainly.

You are the mine manager, but had you any qualms or worries about Mr. Marshall leading a team underground?-- No, not at all.

Mr. Marshall led the team in, and what did you do?-- I was going with them, of course, naturally, but just as the rake was leaving I had a telephone call with the managing director.

That is Mr. R. McQueen?-- That's right. Mr. Marshall said they would go without me. I followed them down.

That was Mr. J. McQueen?-- Yes.

Did you, in due course, then go down yourself?-- I did, yes.

What time did you go down on this second occasion?-- Well, from my memory, to the best of my belief, we were ready to leave the surface at approximately 7.30.

Did you speak to Mr. Hardie before you went down?-- I did, yes.

What was the nature of that conversation? We have heard evidence from Mr. Hardie. Is that, in substance, what you recollect the conversation to be?-- Yes, I recorded a small fire underground. I told him we had men working on it.

Did you mention the word "unimportant"?-- Never at any time, no.

Did you give him to understand that you thought you could handle it properly?-- Yes.

You went down. At about what time did you arrive near the fire on your second trip?-- I would have been to the fire before 20 minutes to 8 - quarter to 8.

Were there any changes when you got there?-- Yes.

What were they?-- I was surprised when I got to the fire - I immediately left the rest of the men and headed straight to the fire. I walked straight up to the fire and when I arrived there Lloyd Jones was putting water on the fire.

You say a hose had been run out?-- He was only hosing the fire, but the fire had broken out again closer to the corner of the pillar. In my opinion, the situation was not out of hand. I was not unduly alarmed. There was not a fire; it was just a glow; the coal was glowing. I felt the situation could worsen.

What did you decide to do at this stage?-- I stayed there approximately 10 minutes with Lloyd and discussed it with him. I was afraid the fire would probably come under the influence of the ventilating current. It wasn't at this time, but I thought that it would. I discussed this with Lloyd. Immediately after - about 10 minutes or so - I came back from the fire through the trapdoor at 6 South Belt Road, back into the return and up to the hydrant. I think Mr. Marshall was attending to one of the hydrants.

Mr. Marshall had been supervising this operation at this stage, had he?-- I think Mr. Rasmussen was supervising the actual work at the fire and Mr. Marshall running an additional water line.

An additional water line was being run?-- That is right.

What did you do then? You had a discussion with Mr. Marshall?-- Yes, I did that.

And did you and he take a decision regarding the mine's rescue brigade?-- Yes.

What was that decision?-- The decision was made that we would try to have a foam plug assembled on the level in the quickest possible time.

That was the only place that had a foam plug and they were the only people trained to use it?-- They were the only people I knew who had a foam generator.

The members of that brigade?-- That is right.

Did Mr. Marshall decide to remain down there?-- Yes, he did.

You decided to go up?-- Mr. Marshall suggested I go up and alert the rescue team.

Before leaving did you give Mr. Abraham any instructions?-- I did, yes.

What were they?-- I went and found him and I told him to keep a constant patrol on stoppings between intake and return.

You went to the surface; is that so?-- I did, yes.

What time did you arrive at the surface?-- Some time after 8 o'clock.

Did you contact the Mines Rescue Brigade?-- I did, yes.

About what time did you get on to them?-- 8.15, I would say, approximately - could be a little bit later.

Did you speak to Mr. Hardie at this stage again?--  
No.

After a time did Mr. Merv. Jensen and Mr. John Roach arrive at the mine office?-- Yes, a very short time, as a matter of fact.

And while you were waiting for them did you do anything about a plan?-- Yes, I did.

What did you do?-- I prepared two tracings.

Were you again called to the telephone?-- I was, yes.

And did you have a conversation with Mr. R. McQueen, the director of the mine-owner company?-- That is right.

Either while you were talking on the phone or shortly afterwards, did you receive a message from anybody regarding the fan?-- I did, yes.

What was that and from whom did you receive it?-- I was still speaking on the phone and Mr. Roach came to the office door and said that Tom Marshall wanted the fan wound back but not stopped.

And what did you think about that, about that situation, about carrying out that suggestion or request?-- I gave it some thought but I carried out the request.

Why did you give it some thought?-- I would have preferred to have had direct contact with underground while the fan was being wound back.

Did you respect Mr. Marshall's request - if it did come from Mr. Marshall?-- Yes, certainly.

Is this the position: that a quantity of air had to be passing into the mine because there were men there; is that so?-- This is right, yes.

And was it reasonable or relevant to have a quantity of air passing over the fire?-- Yes.

Why?-- You must maintain positive ventilation. This is the way I considered it, anyway.

To take away gas?-- Yes. It is important to maintain positive ventilation over the fire.

These are reasons for having a supply of air fed into the mine; but is there any reason to reduce the supply of air?-- If there is adequate air going over the fire, in my opinion it can be reduced, yes.

Why would you want it reduced?-- It must have been the opinion of the organisation underground, and also to try to prevent the spread by fanning of the air.

The fanning of the fire by air?-- Yes, certainly.

It seemed to you that this was a compromise?-- That is correct.

Of having too much or too little; is that so?-- That is right.

Did you in fact reduce the fan?-- I did, yes.

You wound it back?-- Yes, I did.

To what extent did you wind it back?-- I set the fan back at 200 amps, approximately 3 inches of water gauge.

And how many cubic feet of air per minute does that produce?-- That would have reduced the total quantity to approximately 200,000.

Then did you telephone anybody?-- I did, yes. I travelled back to 43/55 underground haulage - that was the nearest phone to the fire - and asked for Mr. Marshall, and I was told that he had left the area, that he wanted the fan wound back.

Had you already done it?-- I had already done it, yes.

Then did Mr. Hardie arrive?-- No, Mr. Hardie had arrived previous to this - before I left the office in the first place.

Then did you speak to him for the first time?-- I came back to report to Mr. Hardie immediately what had taken place.

Mr. Hardie has already given evidence regarding events which occurred after that time?-- That is so.

I am not asking you with respect to Mr. Hardie's opinions, but you heard Mr. Hardie's evidence; is that so?-- I did, yes.

And you heard his account of the events which occurred subsequently?-- That is right, yes.

Do you depart in any way so far as observations of what was taking place are concerned?-- I can't recall anything, no.

In any event, you are here to be cross-examined if anybody wants to take issue on those matters?-- Yes, I understand.

By the way, when you went down for the first time, had you inspected any of the stoppings?-- In what area - anywhere in the mine?

No, in the vicinity of the fire?-- Yes.

In what area were they?-- I inspected No. 1 first on the No. 2 South Road.

Were any of them deficient in any respect?-- Not in my opinion, no.

Was there any double door that attracted your attention?-- Yes, the double doors at phone 35.

What attracted your attention to that door?-- It was my belief that that outside door would not have been open-----

No, I am asking you when you went down on the first occasion did you do anything at that double door?-- Yes, I went through it.

And what did you do when you went through it?-- I inspected the return going through, came out again and closed it.

When you were down with Mr. Hardie did you see anybody playing water around a door in the vicinity of the fire?-- Not at all, no.

You did not see that?-- No.

There has been reference by Mr. Abraham this morning -

you would have heard that he said that water was being played around the trapdoor in the passage immediately beside the dead end where the fire was?-- Yes.

In fact, to the best of your recollection, is there a trapdoor there?-- No.

Where is the trapdoor?-- In the cut-through above.

The cut-through above - that is up dip?-- That is right, yes.

You did not see any men playing water on that door?-- No.

Wherever it is located?-- That is right, at any time.

Mr. Hardie has told us of that first trip when you went with him; did you go to the office?-- That is right, yes.

And was there a consultation at the mine manager's office?-- That is right.

Mr. Hardie was there, Mr. Marshall, yourself, Merv. Jensen?-- That is right.

Who is he?-- Assistant Superintendent of the Mines Rescue.

Lennie Rogers?-- Yes.

What position did that man hold?-- Team captain, mines manager.

Was Mr. Brian Rasmussen there?-- Yes.

Pat Farrell?-- Yes.

All of these people were present at the deliberations?-- That's right.

A decision was taken to go down again to try to investigate the source of the smoke that was coming into the intake air?-- That's correct.

Did Mr. Marshall lead that team down?-- Yes, he did.

Accompanied by mines rescue brigade people?-- That's right.

You did not go down on this occasion?-- No; I stayed working on the plan.

Did those men return?-- They did, yes.

There was a further discussion?-- That's right.

We have heard from Mr. Hardie how further trips were made. Did anybody dissent from the various decisions which were taken and implemented?-- No. They were unanimous decisions.

Did anybody express any reluctance at any time to go down?-- Not to my knowledge, no.

Had somebody done so, what would your attitude have been?-- I most certainly wouldn't have allowed them to go underground. They would not have been asked to go underground if they didn't want to go.

I am not going to deal in detail with a lot of events which have been canvassed. How many trips down did you make that evening before the explosion?-- Four trips.

What time did you get to the surface on the last trip? Can you give us an approximation?-- I can't, really, no, I'm sorry. I just can't.

These unfortunate parties who went down - was it your intention and plan to follow them down?-- Yes, it was.

In the normal course of events, how soon after them would you have been down?-- I was filling sandbags at the surface, and my intention was to go down when the rake was available to take supplies to these men.

These filled sandbags - how imminent was the completion of that work?-- There were quite a few bags ready to go.

Would it have been finished in half an hour or ten minutes?-- If the rake would have come back and available to travel underground, we would have taken sandbags underground we had filled immediately.

Did you yourself have any reservations about going down again?-- No, none whatsoever.

Passing over some of the events for the time being, after the explosion a decision was taken to close down the mine completely - is that so - next day?-- Yes, that's right.

How long did that work take?-- About 6 p.m. on the Monday evening.

Until about 6 p.m. on Monday evening? You heard evidence from Mr. Hardie yesterday that had a different method of sealing off these areas been adopted - that is, a method of sealing off at the pit heads - had that been adopted, would there have been more or fewer men in the path of the explosion?-- It is my belief there would have been a lot more.

Would that work have been completed more quickly or more slowly than the work which the men had gone down to do?-- It would have taken longer to seal on the surface than underground, 10

Did you understand the steps that you were taking to be conventional steps and usually effective steps in this sort of situation?-- I did, yes, at the time.

Do you feel yourself competent to express an opinion as to whether this was a coal dust explosion or a distilled gas explosion, or a combination of both?-- Possibly coal dust could have played a part, but to what extent I wouldn't be technically qualified to say. 20

Before the explosion, and for a period of some months before it, what was your practice about going underground?-- I travelled underground every day, six days a week.

What was your practice regarding waste workings?-- I examined waste workings practically every day - portions of waste workings practically every day.

We have heard some evidence from Mr. Abraham about work that was undertaken on the Friday evening and Saturday morning before the explosion. Were you aware that that work was going to be done?-- Yes, I was, as a matter of fact, yes. 30

Did you have confidence in Mr. Abraham and Mr. Drysdale to effect this work properly?-- Yes, I did. Very competent men.

On any of the occasions when you were down in the mine that evening, and indeed at any time during that evening, when you were receiving reports from people from time to time, did you think that an explosion could occur?-- No, I didn't. 40

Why did you not think that?-- Well, there was no evidence to support it - this line of thought.

Would you have let men go down if you thought there was going to be an explosion?-- Never. "o.

Would you have gone down yourself had you thought there was going to be an explosion?-- Certainly not. 50

Would you have made a plan to follow very shortly after the men who were down there to go down yourself had you thought there was going to be an explosion?-- I would have called the men out of the mine.

There have been some questions about stone dusting in the No.5 return. What was that return like so far as the deposition of coal dust was concerned?-- In the area of the fire? 60

Yes?-- I would say there would be no new deposition of dust in the area of the fire for many years. It was too far away from the working faces.

There have been questions by Mr. Murphy from the panel suggesting that or asking whether in fact the return air ventilation system would have brought coal dust from the working faces and deposited in this return?-- Yes, that's right. 70

What do you say about that?-- I agree with Mr. Murphy that the majority of the dust would have been deposited in the return, but not back as far from the working district as this particular location.

Why would that be?-- It is too remote. I think it is about - you can work it off the plan. To the nearest working continuous miner is a distance of about 1800 yards - over a mile away. I can't see dust being carried back that far.

What was the position with respect to moisture, first of all, near working faces?-- Box Flat was an exceptionally wet mine throughout. The air of the return was saturated. Any single roadway in the return was naturally damp. Any dust would have oxidised in the old areas, and, what is more, it was caked.

Was this return airway accessible for the stone dusting machine?-- No. I would say no.

Did any union official or any mines inspector or anybody at all ever complain to you regarding the matter of stone dusting or the presence of coal dust in the return airway?-- Never.

Did any union officials have a practice of coming to you if they had complaints about a matter?-- Certainly, yes.

Did you have any practice in relation to any requests or suggestions by Mr. Hardie? How would you receive any suggestion that Mr. Hardie would make?-- I was in constant contact with Mr. Hardie from time to time. At least once a week we have discussions.

How often did Mr. Hardie visit the mine?-- At least once a week.

Had there been previous heating at Box Flat within the four years before the fire?-- Yes, there had.

Where did that occur?-- In the top level of No.2 South Section.

About how far from this fire would that be? Just make us an estimate?-- I would say approximately  $7\frac{1}{2}$  to 8 chains away.

Did that have any features in common with the fire which you saw when you first observed it?-- I would say no association whatsoever.

But did it have any features in common? Did it seem similar in appearance?-- A similar set of circumstances, yes.



How did you deal with that?-- The heating was in a dead-end and it was necessary - I suppose 150 feet back from the actual heating the whole roadway was full of smoke again. We had to ventilate the road track again - ventilate and shovel the coal out piece-meal. It wasn't a fire actually. It was a heating.

Were the coals glowing red?-- No, not until we started to turn them over and put air there, and in the meantime we took a water hose with us as we ventilated and cleared the smoke and carried the water forward, and when we reached the heating we shovelled the coal out piece-meal - it was only a small job - and wet it with the hose.

Did you deal with it satisfactorily?-- Yes, certainly.

Did you report it to Mr. Hardie?-- Yes.

And did Mr. Hardie come down?-- He did, yes.

Did you record that fire in the mine records book?-- Yes, I would have, in the record book.

Can we locate-----?-- 1969 some time. Yes, there it is (indicating).

MR. CALLINAN: I tender this.

Ex. 14

(Admitted and marked "Exhibit 14".)

BY MR. CALLINAN: Did you have to handle this fire in a similar way to the one which you handled in August 1969?-- Yes, I would say so, yes.

How was your Board of Directors so far as safety measures were concerned? Did they adopt a niggardly attitude or approach?-- No. They gave us the full equipment - all material and equipment as required.

Were you ever rejected when you asked them for something to improve the safety of the mine?-- No. I would say never.

Are you aware that some samples of material were taken, presumably material deposited about the pit head after the explosion - various pit heads?-- Yes, I know these samples were taken, yes.

How many were taken, do you know? Perhaps if you just designate the areas?-- Yes. There was a sample taken from the auxiliary fan; there was one taken from the No. 7 coal transport; and there was one taken from No. 5 conveyor tunnel.

And these were subjected to analysis?-- That is right.

The third one you mentioned?-- The No. 5 conveyor tunnel.

On that evening in question, how did you regard yourself so far as directions or requirements by Mr. Hardie were concerned?-- Under the circumstances I thought that any decisions management would have made, Mr. Hardie could have countermanded them. He was an inspector of mines.

And would you have regarded yourself as subject to and bound to obey any directions by him?-- I would have. It didn't come to this, but I would have, yes.

Did you know any of these unfortunate men who perished?-- Yes, I knew most of them.

Had you known any of them for many years?-- Yes.

Were any of them friends of yours?-- Yes.

Called you by your Christian name?-- Yes.

And you did the same with them?-- Yes.

I will ask it - somebody else will: would you have let your friends go down there-----?-- No.

.....if you thought there was any danger?-- No.

What was the staff at the mine? What numbers were employed before the explosion?-- 230 men.

And how many are there now?-- Approximately 80.

What was the water supply situation and the fire hose situation like underground?-- I would say first-class.

Did you attend to its maintenance yourself and keep observation over it?-- Yes. During my general routine inspections I made sure fire equipment was kept up to date, yes.

By the way, there is one other matter: the fan at this mine, it was usually run 24 hours a day, 7 days a week?-- That is right.

And had this anything to do with comfort and working conditions?-- Try and maintain environmental conditions underground, yes.

Were there two previous occasions upon which the fan had been turned off prior to this explosion for similar periods?-- That is right.

Can you tell us those occasions?-- I think the most previous occasion would have been a fortnight before the accident. Previous to this it would have been possibly months<sup>40</sup> six weeks - something like that. I couldn't quote the exact date. There were other times too.

We have heard some evidence about samples of road dust that were taken before the explosion. Do you know where those samples were taken?-- I do, yes.

Where were they taken?-- Some samples were taken in the No. 7 - north section of No. 7. Those samples were taken in areas that hadn't been stone dusted more or less as an exercise for the students. Some samples were taken in No. 5 tunnel.

Did you understand this to be a training exercise?-- That is what I was told at the time, yes.

Do you know how many qualified people there were there when the samples were taken?-- No, I don't.

I think you were going to tell us the dates the fan was off on previous occasions?-- I can't do that.

Were they in fact turned off twice within a couple of months of the explosion?-- Yes. I would say, yes.

For what periods were they turned off?-- I would say a similar period of time to this; possibly a little shorter.

That is, 9, 10, 11 hours?-- Yes, something like that.

Were they turned off because you wanted them turned off on the previous occasions?-- I have no personal contact with the S.E.A. whatsoever.

The S.E.A. turned off the power?-- I have no knowledge why the fan was being turned off, apart from being notified that the power would be off on a particular day.

Does that apply to the three occasions?-- Up until the time of the accident, yes.

Was any heating observed after the fan had been off on these two previous occasions?-- I didn't receive any such report.

And were any abnormal conditions noticed after these two previous occasions?-- I would say, no.

A letter was tendered earlier in this Inquiry from Mr. Bailey, who I understand is deputy, or deputising - filling in for Mr. Hardie whilst this Inquiry is on. You have seen that letter?-- I have read that letter, yes.

It sets out that compliance with stone dusting regulations and testing will be enforced?-- Yes.

Had you received any intimation of a similar request or requisition at any time prior to the receipt of that letter?-- No.

THE WARDEN: It is a question now as to the order.

MR. GIVEN: Perhaps it would be most convenient if I asked a few questions I wish to add, sort of in examination-in-chief, and then the gentlemen could cross-examine?

THE WARDEN: Yes. It is just that I am not too sure how it should go in the circumstances; but if you would like to go now, well and good.

EXAMINATION-IN-CHIEF:

BY MR. GIVEN: On the subject of stone dusting, stone dusting procedures had been carried out at the mine prior to the explosion?-- Yes, regularly.

"Regularly", you said?-- Yes.

Was there any schedule laid down or standard laid down whereby you would be able to judge whether you had done enough in a particular place - or just what was the set-up?-- The programme was laid down by the day-shift under-managers largely.

The normal procedure is that we stone dusted of a week-end on the Saturday shift, normally in the working districts close to the working places. Back dusting was carried out not as regularly as stone dusting in the working districts, but back dusting was carried out to a set programme on trunk routes and travelling routes throughout the mine, and these routes had been stone dusted.

Is there any standard testing laid down in writing by which one can determine the adequacy of stone dusting?-- No, I can produce no such records.

I am thinking in terms before the event. Were any requirements specifically laid down as to how much stone dusting was to be done and whether it could be tested to see whether it was adequate?-- No.

Do you know of any way in which tests can be carried out to determine the adequacy of stone dusting in the passages?-- I am aware of the normal procedure by roadway sampling.

Was any roadway sampling carried out by the mine within recent years?-- No.

Another matter that was raised by another witness concerns the sampling of gases in the mined areas. Were any procedures carried out as a routine with regularity to test for gases?-- Yes. At any time when any work was to be carried out on a stopping the set procedure was the Draeger tube test taken for CO, mainly, and the replacement of bricks, and any such maintenance.

That is when work was to be carried out?-- Prior to the men working on the stopping.

I do not know whether it is desirable or necessary or not, but apart from the occasions when maintenance work was required were tests ever carried out for gas behind stoppings?-- Air analysis.

Any sort?-- We have taken air analysis from time to time, yes.

Why would that come about?-- We had a section once, suspect. It proved to be all right. But we took an air analysis before it was completely sealed.

Where you suspect something is wrong or when you do not suspect anything wrong, is there any regular procedure for checking for gas in case anything is wrong?-- I think that is a good line of practice.

What is the system of checking when you have no reason to suspect that anything is wrong?-- We have been relying on the Draeger tube tests.

That is when it seems that some maintenance work is necessary?-- No, just when there is the opportunity, if bricks at a stopping have to be replaced, for example, and that is a good chance to test the atmosphere behind the stoppings.

Unless there is apparently some damage to a stopping do you see any merit in the suggestion that regular tests should be carried out for gas behind the stoppings?-- Yes, I think it would be a good idea.

Is that sort of thing done?-- No.

As I understand it, a sample which was taken out of the mine during the preceding week before this explosion was part of

a general exercise by the Mines Department?-- That is right.

Not only in relation to Box Flat but generally in relation to mines in Queensland?-- That is right.

That was not carried out at your request?-- No.

Apart from this particular occasion have you any knowledge of any tests for gas in the roadways? Have you any knowledge of tests of the air for gas in the air being carried out by the Mines Department in Box Flat?-- Return, and so on?

Any tests at all?-- Yes. During the inspections of the mine inspector we took return air readings. That is a regular procedure.

How frequently would that be?-- We took our own as well as this.

I appreciate that. I am thinking of the Mines Department. How often would they come in independently and check?-- That is hard to say. Every time Mr. Hardie entered the mine a mine inspection was carried out, a gas examination.

With the safety lamp?-- No, with the detector.

Do you know of any occasion when samples were taken away for laboratory testing and chemical analysis, testing either for gases or dust or other undesirable material?-- I cannot recall any gas tests being taken away apart from during the dusting programme.

In the preceding week?-- Yes, some tests were taken.

But apart from that?-- No, I cannot recall the Mines Department taking any samples away.

Either for testing for gas or dust or anything at all?-- No.

I take it you saw this yourself, but the suggestion is that in the vicinity of where this fire broke out there was a deal of loose coal on the floor?-- Are you talking about the rib fall or coal that has been referred to as a fall?

We have some evidence which indicates that in the vicinity of where this fire took place there was loose coal on the floor?-- Yes, there was loose coal on the floor.

As a layman all I was trying to indicate was that there was coal on the floor?-- Yes, certainly.

First of all, is that commonplace or extraordinary?-- I would like to qualify this about the coal and it could take a few moments. This dip in particular which you refer to as the return was driven many years ago. It was terminated right at the spot where two level leads to 2 south. There was stuff that deposited on that wall. I do not know how long the dip stood there blind; it could have been 15 years ago. In 1960 the continuous miner was introduced to Box Flat. The first location for this work was to develop No. 2 south section. This was started from the bottom side. The header was driven up on the floor and it was only holed through. This dip on top had coal dropped out of this dip from the level below the bottom, overcast 18 feet high. It was 18 feet in the Bluff seam. This dip had been driven down on the 18 feet route. When the continuous miner cut through a canch was cut three or four feet high. I suggest it was left there to contain mud and water that was in the sump on the top side. That canch was always left there. They only

cut out just a cliff of coal between the old dip and the new connection and this was this canch. - Loose coal would have stood there for 12 years. You walk down the dip, over the canch, and down the other side.

BY MR. MONGER: What rib are you talking about?-- The 10-foot rib.

BY MR. GIVEN: May it be that there was loose coal on top of the canch?-- There was loose coal; there is no doubt about that.

An important matter for this Inquiry is whether it is a good thing or a bad thing. Is it harmful?-- I suggest it was left there to perform a particular duty at the time, probably to hold back a little bit of mud, slurry and water to keep it clear from the workings, and that sort of thing in some workings on different horizons when these took place.

Do you say that is a source of danger?-- No, never at any time.

There is one final matter. I do not think we have any direct evidence of this at the moment, but we know that three of the gentlemen who died on this night were Messrs. Williams, Cobbin and Drysdale?-- Yes.

As I understand it, those gentlemen were, just prior to the explosion, working some little distance, may be 30 feet or thereabouts, down from the entrance to No. 5 conveyor tunnel?-- That's right.

We have not any direct evidence so far, I think, as to why those men were there; what they were doing there. Can you help us?-- Yes, they were breaking up rails, actually. There were a few pairs of rails, and they were undoing the rails to make way for a stopping to be erected.

In fact, a stopping was going to go in there?-- Yes.

And that is what the men were engaged on, and do you know that of your own personal knowledge?-- Yes, I was there talking to them. I just walked away from there a few minutes previous.

These tests which were taken by the Mines Department during the week, or the samples taken during the week preceding this mishap, you gave some evidence as to your belief as to where the samples were taken from?-- Yes.

According to my instructions at the moment, there were quite a number of samples. Were you physically present when any of the samples were taken?-- No, I was not. I was there when the samples were collected. As a matter of fact, I helped them prepare them, but they had been taken when I met up with the samples.

You helped them prepare them. Where was this, above----?-- No, underground.

It may be of importance in the result to find out precisely from where this sample was taken?-- No, I cannot help.

THE WARDEN: Do you wish to defer your cross-examination, Mr. Derrington, until after other counsel have examined?

MR. DERRINGTON: You could say that it has been of some disadvantage previously in having everybody else going after me.

THE WARDEN: I thought that with this particular witness you may like to go last.

MR. DERRINGTON: It is certainly going to mess up the arrangements at the Bar table. I am prepared to go ahead to avoid confusion.

THE WARDEN: The arrangements are subject to change at any time. If there is any particular reason why you should cross-examine after or before another counsel, I am only too happy to allow you to do so.

MR. DERRINGTON: This question was raised initially when you decided that I should go first.

THE WARDEN: This is a case where Mr. Callinan wanted to call and examine this witness. I am giving you the opportunity of changing the order with this witness.

MR. DERRINGTON: I do not feel that I am in a position to make any further submissions beyond what I did originally.

THE WARDEN: Well, you can go now.

CROSS-EXAMINATION:

BY MR. DERRINGTON: You know that it is not being necessarily suggested that you let men go down knowing that there would be an explosion?-- Yes.

And that the question that is being raised is whether you gave enough attention to the danger of an explosion?-- Yes.

You realise that this is another issue, do you not?-- Oh, certainly, yes.

So that when you were asked would you have let these people go down had you known there would be an explosion, there is still another question, is there not, whether you paid enough attention to the dangers?-- Yes.

You appreciate the point?-- Yes, certainly.

Would you tell us what you know about the dangers that arise where there is a fierce fire underground and recirculation occurs? Would you tell us all you know about the dangers?-- I am fully aware of the potential danger of recirculation.

Would you mind telling us what you know-----?-- In recirculation you have the types of combustion coming off a fire. By some reason or other, they are passed through to the intake area and recirculated again across that same fire, with an igniting source. If dilution is not adequate, this mixture will mix with air and can become explosive.

And do you not think that there is a high degree of probability that that is what in fact occurred on this evening for the initial explosion?-- No, I don't.

What do you see as being a greater probability than that, that caused the initial explosion?-- Well, keeping in view all the reports that we received from the rescue captains there from underground that there was a reversal of air down the new process drive, smoke travelling down the "42" drive, smoke backing up the No. 5 tunnel, it is my opinion that there has been some interruption of the ventilating circulation underground in No. 5 tunnel which could have involved generated gases.

But the ventilating system had already been disrupted when the recirculation began, had it not?-- Up to a point. No, it had not been disrupted. We had leakage air from return to intake - between return and intake.

You mean it was leaking from the return into the intake?-- That's right, yes.

That is recirculation, is it not?-- Yes, certainly, up to a point.

That is what was taking place when everybody evacuated the mine?-- Yes, but what degree of recirculation? In my opinion, it was leakage air. We did not, in my opinion, have a full volume exhausting from return to intake.

But you have heard evidence that there were clouds of smoke even on the first occasion of recirculation?-- Yes, I was there. I viewed this mine, but only up in the area above the "35" haulage way. The movement is not brisk. It is quite slow. There are a lot of old roadways, a lot of dead ends. I believe there was a concentration of smoke in that area, and I must agree it was quite dense back at "35", and below "35" the last time that I was there the smoke was about 3ft. 6 from the roof, and there was still a fair bit of visibility, and nobody could



say that the whole roadway was full of smoke. I base this opinion on that outside trapdoor.

Which outside trapdoor?-- Of the double doors. I can't see any way that that door could have opened.

You know that men tried to go up to that trapdoor to close it subsequently?-- Men tried to go to the trapdoor to investigate the source of the smoke.

And that was on the next trip down, was it not?-- Yes.

And they could not reach there because of the dense cloud of smoke, notwithstanding their breathing apparatus?-- I was with them.

That is the situation, is it not?-- They were reluctant to go into the smoke, yes.

Because of the density of it?-- Yes, certainly, yes.

You see there was obviously severe recirculation at that stage, was there not?-- No, I am not going to say severe recirculation. I could not agree with that.

To what extent, in your experience, are you able to permit of recirculation before you consider that there is some potential danger?-- Well, this is a hard question to answer.

In that case, as it is a hard question to answer, when there was some recirculation why did you not then recognise the danger?-- Well-----

Before you answer that, can I point out that from your answer I take it that you do not know what amount of recirculation is necessary? Is that it?-- I know that the amount of recirculation necessary to cause an explosion is when a certain mixture, an explosive mixture mixed with air will explode; basically that.

May I take it that you say you do not know the extent of recirculation?-- The amount of smoke travel?

Yes?-- No, because I could not measure the quantity of air flowing in the splits.

In the circumstances, you did not know whether a dangerous mixture of gas and air was building up even in the initial stages?-- I did not know, but in my opinion I did not think it would be.

You did not know, but you had an opinion about it?-- Certainly I had an opinion about it.

Without any knowledge, how could you have such an opinion?-- I knew it would be 100,000 cubic feet per minute travelling down the two trunk airways.

MR. MONGER: You can quite easily have an opinion on something like this without having further knowledge.

MR. DERRINGTON: I beg to disagree, with respect.

BY MR. DERRINGTON: If you had no knowledge of the density of smoke that might be necessary to indicate a build-up, how could you form an opinion? I mean, if it were a mere wisp, one might understand that-----

MR. CALLINAN: I object. We are getting further and further away from questions. We are getting statements.

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A.E. Lawrie

My learned friend should, with respect, simply ask questions. The preface to each question is getting longer and longer. I object to that form of questioning.

MR. DERRINGTON: And the interruptions are getting more numerous. I would take cause with the number of interruptions I have been getting in my cross-examination.

MR. CALLINAN: This is certainly the first objection I have had cause to make. I am being very patient about this matter.

MR. DERRINGTON: I appreciate my friend's patience.

THE WARDEN: Just put the question.

BY MR. DERRINGTON: I want to make it clear so that we can get to the nub of the point, and that is why I am explaining my question, so that we do not have a lot of dressage?-- Certainly.

You understand that?-- Yes.

You appreciate that if there are wisps of smoke you would say that one does not worry about that much, but when you have dense clouds of smoke how could you say, without knowledge, that you could form an opinion in relation to that?-- We had full knowledge of the amount of air flowing in the fan and the main airway, and this has a big bearing on the amount of concentration of gas. In my opinion, the air was travelling to the bottom of the dip, splitting north and south, and dilution would have been adequate at this stage.

But how can you say it would have been adequate when you told me that you do not know how much in the way of recirculation would be necessary to constitute that - perhaps I can short-circuit this whole question. Do you concede that it is a real possibility that there was an initial gas explosion here?-- I think there was, yes.

Do you concede that that must have been caused by recirculation?-- No.

If there were a gas explosion?-- No, I do not.

How do you say that it might have been caused otherwise?-- I have already explained my opinion, I think.

Pardon my density; it might be as dense as the smoke. I just did not understand what you were driving at, other than the possibility of recirculation, you see?-- I will try to explain it again.

Yes?-- The reports we received from underground at the last moment were that air was travelling in the opposite direction to which it should have been travelling. Smoke began to travel down 42 drive, also down 41 drive, crossed Measure's Drift, back into No.7. Also smoke backed up in the No.5 tunnel to the surface. Now, if the ventilating currents were travelling in the right direction, I can't account for this, but there must have been some interference in the ventilating system underground.

What does that suggest to you?-- Possibly a fall in the roadway.

Such a possibility then was a very real possibility in view of the severity of the fire?-- I don't think the fall would have been near the fire, personally.

Irrespective of whether it would have been near the fire, such a possibility existed?-- Yes. I must say "yes" to that question.

And, of course, that being the case, the whole ventilation system could be destroyed, could it not?-- It is possible but not in all circumstances. Very seldom would you have a fall which would block the airway. I have never seen it happen.

It could partially block an airway sufficiently for a fire such as this to disrupt the recirculation; is that not so?-- Yes.

Quite apart from that it may be that besides the fire there could be burning timbers and you could have a severe fall and falling timbers on the fire?-- I doubt this very much.

Why?-- Because the roof 200 yards above the fire was in an 18 foot parting. I think any person who has ever worked in Box Flat will indicate the quality of the roof on this particular parting. It has never fallen. It wouldn't fall except for exceptional circumstances.

What about under circumstances of a severe fire?-- Undoubtedly. It will stay up without timber.

What was it timbered for, do you know?-- It was necessary to timber it when the men were working in it, yes.

This is an opinion on your part to avoid the prospect that there was a fall in the vicinity of the fire; is that right?-- No, this is my honest belief. I am trying to tell the truth and give you an accurate opinion of what I think.

In any case, whichever way the fall occurred, you concede that the possibility of a fall was a very real possibility in those circumstances?-- I didn't consider it beforehand.

How can you possibly say that this was due to a fall if the possibility of a fall blocking the airway, completely or sufficiently, is very remote and yet the prospects of a build-up of gas is so high? How can you place the former above the latter?-- I wouldn't say the chances of a fall were so remote. I didn't say that.

If they were not so remote, you should have realised it; is that the situation?-- We didn't consider it.

You did not consider it?-- No.

And on the other hand I suggest to you that the prospects of an explosion from gas, in view of the ~~non~~ circulation, was a higher probability?-- Circulation?

Or recirculation?-- No, I wouldn't say a higher probability. I would say a possibility.

How can you calculate that if you do not know the quantity of recirculation that would be necessary? You cannot, can you? I know the amount of air.

You know the amount of air?-- I am confident of the amount of air flowing in these trunk roadways. This is a very important part of this whole question.

I suggest to you that when any recirculation of any noticeable degree commences to occur, it is of primary importance to remove all men from the mine at once?-- Is that your opinion?

I am suggesting that to you as a matter of the fundamental recognition of safety practice?-- No. This wasn't the whole idea of the campaign. We were trying to do something about this recirculation.

I know you were trying to do something about recirculation to save the mine, were you not?-- Yes.

What I am asking you now is - have you answered that last question?-- Yes.

I am asking you about your approach to the question of the danger to themen involved from the recirculation, you see. I want to know to what extent you agree with the proposition that as soon as significant recirculation occurs, men should be removed - got out?-- If recirculation is becoming a dangerous situation as considered by mine officials, inspectors and people in authority, yes.

And when do you say recirculation becomes dangerous?-- In certain circumstances where you have not adequate air for dilution.

Is that the only circumstance?-- No, circumstances where the percentage or where the mixture from inflammable gas and air can become explosive. I would say, yes, that it is time; the men would have to be withdrawn.

And you do not know whether the quantity of smoke on this occasion would lead to that percentage?-- No, we did not know the quantity of gases in the smoke either.

So you did not take any steps to seek anybody else's opinion, did you?-- We did not discuss this at any of our conferences.

You did not?-- No. I will be honest about that.

If you have a gas explosion, of course, that can lead

also to the danger of coal dust being thrown up; is that not so?-- Yes, certainly.

And you would expect the gas explosion to be in the vicinity of the fire if a gas explosion is to take place; is that not so?-- Yes.

And if there is a fierce fire burning, the tendency, of course, is to dry out any coal dust which may be in the general vicinity; is that not so?-- Yes, I would agree that is so.

And particularly further up the return?-- Yes.

So that the coal dust is put into a dry state and it is easily thrown up into the air and it is easily ignitable; is that right?-- That is a possibility, yes.

Not only is it a possibility but it is an obvious consequence, is it not?-- No, I wouldn't say that, no.

That is if there is coal dust about?-- If there is coal dust about.

That is an obvious consequence?-- It is a possibility.

Can you suggest any other possibility?-- No.

The situation is more highly dangerous if no stone dusting has been carried out; is that so?-- I would agree on that issue, yes.

When was the return air way in No. 5 tunnel last stone dusted?-- There are certain areas of returns being regularly dusted, but in the remote areas they have not been dusted in my time.

That is in the last four years?-- That is right, no practical way of doing it.

Have you heard of a Canton stone duster?-- No.

A stone duster where you can take out some bricks from a stopping and poke the nozzle of the stone duster up into an area where there is a fall and so forth - you do not know that one?-- No.

Have you heard of men stone dusting manually?-- Yes, I have.

Nothing has been done like that in this area?-- It wouldn't be effective 80 feet high. You would have to get stone dusters up over supports, in crevices so high that you couldn't have hand-dusting.

You did not take steps to hand-dust parts of the mine; is that right?-- No. The men would have to carry dust on their backs for hundreds of yards. These roadways travel for 25 or 30 yards - some of these roadways.

Yes, I appreciate that; as far as you know some areas might not have been stone dusted for 10 years or more?-- I would say they would have been stone dusted within 10 years, particularly in 6 south and 2 south areas.

Why?-- I stone dusted down there myself.

What area?-- 2 south section.

That is more remote than this particular part, is it, because I think you indicated that these areas have not been stone dusted in the years you have been there - in the four years you have been there?-- Yes, I agree with that. When I stone dusted this particular area, I was working in that area in 1960 - 1961. I spent eight years in another mine - in another tunnel, and I haven't been back in that tunnel since. I couldn't give any accurate estimate of what was done since then.

It is a fact, is it, that it might not have been stone dusted in the last ten years?-- I would think it has been done but I am not sure.

Give us your reason for that; we do not want half suggestions?-- All these sections down there, I think, were stone dusted when production sections.

How long ago was that?-- First of all, in the present sections, 18 months ago; No. 8 has proceeded back, I suppose, 12 months for each section-----

Let us take 2 south; how long ago was it worked?-- No. 2 south was completed in 1963.

No. 6 south would have operated very soon after?-- It was a big section, 6 south. It would have worked about two and a half years, I would say.

During which no stone dusting might have been carried out in the area of the fire at all?-- That's right, yes.

Yet there would have been working for all of that period with the mechanical miner in No. 6 south?-- Yes.

Involving the carriage, presumably, of a fair quantity of coal dust?-- The deposition of coal dust, yes.

Up that period?-- Yes.

Could you explain why you did not have coal dust samples taken as provided by the regulations?-- Yes, I can. I knew they were required to be taken.

You knew why?-- Yes, certainly.

For safety?-- Yes.

Would you tell us why you did not have it done?-- I knew it was accepted in the district, and that samples weren't being produced anywhere, and we never, ever produced any at Box Flat or any other mine, to my knowledge, in the area.

Did you ever raise the question of safety yourself notwithstanding that other people were not doing it?-- I have always considered myself to be very safety conscious in all aspects.

In view of the fact that you do have such safety-consciousness as you have just granted yourself, would you mind telling us what you did about this matter of safety in view of the fact that it was not being applied?-- We assured that continual stone dusting programme was carried out.

Not in this area?-- Not in this area, no.

In view of the fact it was not being carried out in this area - and you say because of some difficulties - why did you not take samples in this area, for example, just for your own use as to safety, and apart from regulations?-- This is something we never got to. We have been carrying out return maintenance over the last three or four years. I have never got around to taking samples. As a matter of fact, when this programme started I was very pleased about it.

What programme? This testing programme that was started just recently?-- Yes.

In view of the fact that you were so pleased about it, why did you not institute it yourself as required by the regulations?-- We had nobody trained in the mine to do the job.

You were the manager, and you were responsible, were you not?-- I accept that responsibility.

You could have had someone trained, could you not?-- Yes.

And you did not?-- No.

And you just have no reason for it. The only reason is that nobody else did it?-- We continued to carry out a programme of stone dusting.

Not of this area?-- Not in this area.

You knew it had not been stone dusted for quite some time?-- Yes. The roadways were not accessible.

They were accessible, were they not, for testing?-- Yes, certainly. Travelling roads, yes.

Certainly, men walk up and down them from time to time. I think Mr. Abraham was the man who regularly walked up there, was he not?-- Two or three times a week.

He could have taken tests, or somebody else could have taken tests?-- Yes, certainly.

It is not a difficult process to take a sample of air for testing, is it?-- Air?

Yes?-- No.

For coal dust - to take a sample?-- Roadway dust?

For roadway dust - an air sample for analysis for coal dust content?-- No. It is a job for a trained person, but it is not a difficult job.

Men could be trained quite easily to do it?-- Yes.

And while we are speaking about trainees, these people that you said that you understood were being trained and who took these samples the week before the explosion, do you understand that they were all qualified scientists?-- No, I didn't. Some of them would have been; I know that.

They were in training to a certain extent, but they were qualified scientists?-- Yes. This may be the case.

So you did not mean to suggest that they were college students, or anything like that?-- I didn't try to suggest that. What it was put to me as - that these people would be trained as trainees to take samples.

Under the direction of qualified people?-- Yes.

Who were supervising them on the spot?-- Most certainly, yes.

Would you tell us or confirm there were no test holes for air in the stoppings in the relevant area? Is that right?-- I believe this is right, yes.

From what I understood, the closeness of your inspection, you had seen these stoppings?-- Many times.

You would know-----?-- That's right.

I am wondering why you qualified it. Would you agree that it is a most inadequate method of testing merely to hold the apparatus near a crack in a stopping to take a test as to what is going on?-- I have held a Draeger tube against a solid brick and got a test.

Would you agree that the proposition that you put the Draeger tube against a solid brick and got a test means that it might work some times and it might not work many times?-- It works every time.

You say it works every time?-- Yes.

Do you mean to say if you wanted to test the air in a sealed-off area by holding the Draeger tube against a solid



brick you could take a proper test?-- No. I would say that I have done this, yes.

Do you say that the test has been adequate?-- This test has happened.

Do you say that the test was adequate?-- To detect CO, yes.

So if CO is there, you might achieve a positive result on your test, but if you do not get a positive result on your test, it does not necessarily mean that CO is not present. Do you agree with that?-- Yes, certainly.

So, in fact, the test is quite inadequate, is it not? It might work sometimes?-- Yes.

Is that right?-- Yes. And it is desirable to have test pipes in the stoppings.

Not only test pipes on the stoppings, but test pipes in any wall inside?-- Yes.

And there was no such thing here, was there?-- No, because these were not fire-walls. Let me qualify this.

I was going to ask you about this?-- I would say the majority of the stoppings in the pit would have test pipes installed. I can't give any explanation why there is no pipes in those three stoppings. There's test pipes elsewhere in the mine, but I can't give you a definite answer why they are not in these three particular stoppings.

Are you sure that those walls had nothing to do with heating?-- As far as I am concerned, they were not.

Do you know?-- Yes, I know, yes.

Do you know why they were put there?-- Yes, I do.

Why?-- Again, I have to refer to the plan. Originally the return air travel road up to No. 1 dip, around the first - this originally was stopped off. The return air came up this way (indicating). The return air came up through here and around here, and back out and up that way in a big dog's leg. This area within this was very faulty, and it became increasingly hard to maintain it as a travelling road. The second way out, we did maintain the travelling road, but it got to the stage where we had a few falls, and got to the stage where it wasn't able to bring men out the second way out, so a resealing programme was carried out, and reconstruction of this roadway down section 6 South was finished, and air was recoursed along the 6th Belt Road, and stuff was knocked out here (indicating), and the air carried straight up again to return.

I suppose the simple answer is that they are airway stoppings to direct the return airflow?-- To seal off waste workings.

There had been a fire further up in No. 2 South?-- Yes.

Heating?-- Yes, heating.

In 1969?-- Yes.

The air was sealed off?-- No. It was dealt with.

Was the sealing-off due to the heating?-- No.

Not at all?-- Not in my opinion.

Do you know of any occasion when there was any burning around any of those seals that were originally put up?-- That particular heating was against the seal, yes. That is the one I have already discussed.

And it burnt around the seal?-- No, that didn't burn around the seal. There was heating on the outside right across the bricks at the top side.

So it was outside the original sealed area?-- Yes.

And it was inside this freshly-sealed area?-- Yes.

So you had evidence of the possible existence of heating in that area?-- Yes, certainly.

Was the occasion that you smelt this fire stink at the fan on the afternoon when you turned the fan on the first indication at all of any suggestion that you might have had of a possibility of any fire up there?-- I didn't suspect fire at any time.

Was it the first indication that you ever had?-- Yes.

Mr. Stumer had spoken to you, had he not?-- Yes.

Tell us about what Mr. Stumer told you concerning what he smelt in the No. 7 -----?-- Mr. Stumer reported to me one Monday morning he picked up a funny smell, to use his own words, when he left the rake. I received this telephone call in the office at a quarter to 8. I think the wagon would have left the surface at 7.30. I immediately travelled underground. I was in the area by 8 o'clock. I examined all stoppings between intake and return, and I carried out an examination of north and south returns, and everything was in order. I came back to Mr. Stumer and had a discussion with him, and the only smell I could smell in the area that wasn't normal was a chemical smell from a 12-foot length of Fennaplast belt which had been installed on the dog-watch shift on the Sunday night.

When was this?-- I would say approximately a month.

Before the fire?-- Yes.

Did he tell you that he thought it was a fire stink?-- No, he didn't.

Did he not tell you that he suspected a large fire?-- No, he did not.

I suggest that he did. Did he tell you that when you went down with him? Did he tell you he thought it was coming from "up there", and he pointed to a section of the roof of No. 7?-- No, he didn't.

You say he did not make that suggestion?-- He wasn't there when I went down.

You spoke to Mr. Stumer down there, did you?-- Yes. He come back later.

He pointed it out to you where he thought the smell was coming from?-- He pointed it out to me where he left the wagon.

Did he point out to you where he thought the smell was coming from?-- No.

Not at all?-- No, he didn't. He pointed out to me where he left the wagon where he smelt it in the main intake airway.

I am suggesting to you that he pointed to the roof and said, "It seemed to be coming from there"?-- Yes - no, I deny that.

And I am suggesting to you that you said, "It can't be coming from there. It is impossible. There's 80 feet between the two seams"?-- I don't recall this. I don't recall having this conversation.

Do you deny this, or is it that you can't recall it?-- I deny it, yes.

I suggest to you that the place where he pointed out was in the No. 7 seam below the area that was sealed off in No. 2 south?-- Yes, it would be.

Is that right?-- Yes, in No. 2 dip. That's up there (indicating). I can pinpoint exactly where we were standing.

Do you have any knowledge of a conversation that he subsequently had with Mr. Roach?-- No.

Mr. Roach was the under-manager, of course?-- That is right.

And no report was made to you by Mr. Roach concerning a claim by Mr. Stumer about this smell?-- No. I had a conversation with Mr. Roach and Mr. Grulke the same day, both under-managers. I reported that I had a report of a strange smell from Mr. Stumer. They kept the area under close surveillance to try to find out what it was. They reported to me the same afternoon the only smell they could detect was a chemical smell from the new belt.

Do you say you have no knowledge at all of his speaking to Mr. Roach at a later stage closer to the fire?-- No, I haven't.

In June, I understand the time to be?-- No, I have no knowledge of this whatsoever.

Anyhow, it seems to be common ground that Mr. Stumer spoke to you about a smell, and he said it was coming from a particular area which was below the area where the fire turned out to be?-- Yes.

And the mine at that particular spot was not pillar over pillar in No. 2 South, was it - in the two tunnels?-- Yes, I think it was.

At that particular spot?-- Yes.

Pillar over pillar?-- Yes, 6 south down, yes.

I am talking about 2 south?-- Yes. Mr. Stumer worked on 6 south. This is the other supply road. Mr. Stumer worked on the 6 south supply road in No. 7, the transfer point.

No. 2 south, is it pillar over pillar in respect of 5 and 7 or not?-- From a certain distance down, from 6 south down, yes.

Certainly not in respect of the area where the fire turned out to be?-- No.

It was not pillar over pillar there?-- No.

When Mr. Stumer referred to this smell, did you take atmospheric tests for analysis?-- No, but the under-managers did.

Mr. Roach?-- Mr. Roach and Mr. Grulke would have, yes.

They took atmospheric tests for analysis? And is any record kept of that?-- No.

Was a sample sent to the laboratory in Ipswich for analysis?-- No. I wouldn't know. No, that wouldn't have been, no.

What would have been done with the samples for analysis?-- 10  
The deputies would have kept a close watch on the air and the safety levels, but the under-managers would have carried out Draeger tube tests.

No sample for analysis was taken?-- No air analysis?

Yes?-- No.

It would have been, would you not agree, of some degree of importance in those circumstances to take a sample of air for analysis?-- I had two competent men watching the situation, 20  
and I received no further report from Mr. Stumer or anybody else.

Would you not agree that it would have been desirable to have taken an air sample for analysis?-- Not at that stage, no.

When the recirculation was occurring, I would presume that you would regard that circumstance as being such as to indicate the desirability to take an air sample for analysis?-- 30  
Yes; but this was impossible on a Sunday night. We couldn't have anything analysed quick enough, could we?

Couldn't you?-- How could we?

Could you not have asked for some urgent action from the laboratory?-- It is quite a lengthy process, air analysis.

How long does an actual analysis take if done urgently?-- 40  
Well, I am not a chemist. I suppose there could be more expert witnesses in the room who could probably answer that question better than myself.

Do you know?-- Yes. I have carried it out. It would take quite some time.

What do you mean by "quite some time"?-- A matter of hours. 50

How many hours?-- I don't know.

That could have been going on while other efforts were being made to do something?-- We don't have the facilities at the mine to carry out this work.

But there is a laboratory in Ipswich, is there not?--Yes, there is.

Would you doubt the co-operation of the laboratory in an emergency like this?-- No, I wouldn't doubt that, no. 60

Incidentally - I think Mr. Given got it from you - but it is clear, is it not, that you kept no record at all of the areas stone dusted in the mine?-- I kept weekly records when stone dusting had been carried out; but not particular areas that were stone dusted, that is right.

Neither particulars of areas that were stone dusted, nor 70

any particulars of the amount of stone dust used?-- No, that is right.

How much stone dust was purchased by your company in the last 12 months?--We were depositing approximately three and a half to four ton a month.

How much was purchased in the last 12 months?-- Forty-odd tons, I think.

How much would the "odd" be?-- I wouldn't have any idea.

You did get the figure for Mr. Hardie, did you not?-- I think I did give Mr. Hardie a figure, yes.

But you have no idea now?-- I have no connection with accounts or anything like this. I wouldn't have a clue.

But you did in fact deliberately find out the figure for him?-- Through the store, yes.

And you cannot tell us now?-- Not exactly. I would say 40 ton.

In relation to the circumstances of the afternoon of the fire when you smelt this smell in the fan house, you subsequently had a discussion with Mr. Evan Phillips of The Miners' Federation, did you not?-- Yes, I did.

And you had some discussion about the events of that afternoon?-- I can recall having a discussion with Mr. Phillips in the office, yes.

And he asked you some questions about what had happened: is that not so?-- He could have, yes.

Well, it might refresh your memory if I suggest to you, tell you, that the terms of it went in this way - I cannot give you the exact terms or the words used, but it was certainly close to this in effect: you told him that when a heating was first suspected - he asked you when a heating was first suspected, and you said you thought you detected a smell of fire stink on the fan house prior to the power being restored - did you tell him that?-- I don't think I would have used the words "fire stink", no.

As I say, I cannot use the exact terms?-- No. That is all right.

Did you tell him that when the fan had started you detected a definite smell?-- No, that is not right. The smell was less, as a matter of fact.

And that you immediately notified your superior, Mr. Tom Marshall?-- That is right.

I suggest to you that you did in fact tell Mr. Phillips - whether it was merely an inaccuracy or not - that you detected a definite smell when the fan was turned on?-- I did not, no.

In fact you did confirm the smell that you had detected after the fan was turned on, did you not? Isn't that the effect of your evidence?-- Intermittently, yes; very faintly. As a matter of fact, never at any time was I sure. When Mr. Rasmussen couldn't smell it and Mr. Marshall couldn't smell it, I thought maybe - I wasn't quite sure of my grounds.

Most importantly, Mr. Phillips asked you were you able to

locate the seat of the fire?-- Yes.

Did he not?-- Yes.

And you said, "Yes, we knew where it was"?-- Yes.

Did he then say, "Were you actually able to pin-point it?" - did he not?-- I don't recall this, no. I was in a state of shock. It could be the truth, but I don't recall ever discussing this with him at all.

You recall a discussion?-- Yes; in the office. I think a lot of union officials were there.

I am suggesting to you that your answer was, "Yes, we went right up to it", in answer to the question, "Were you definitely able to pin-point it?" You said, "Yes, we went right up to it, and at that time it was this size," and you indicated with your hand?--Yes.

Do you remember that?-- No, I don't, no.

You do not?-- No.

Might you have said that?-- I am very doubtful, because I couldn't get right up to it.

I am suggesting to you that that is what you told Mr. Phillips anyway. Are you denying that?-- Yes, I do.

What is your opinion as to the extent to which there was a coaldust explosion on this occasion?-- I think that any coaldust that was in the path of the flame would have been consumed; but to the extent of the part coaldust played I would not like to say. I am not qualified and it is not within my province to answer a question like that.

You say you do not know whether there was or not? You are not venturing an opinion?-- I prefer to answer that way, yes.

If there was no coaldust explosion and it was purely a gas explosion it would certainly indicate the danger that might arise from a gas explosion; is not that so?-- Yes.

Which is obviously very tremendous, anyway?-- Yes.

Dealing with the particular question that has been raised earlier in cross-examination, it was suggested that if there is a fall from the roof a lot of coaldust would be put up in the air; is that right?-- That again would depend on the circumstances.

Do you say it is not necessarily so?-- Yes.

Would you think that it would probably be so or not?-- Yes. In a heavy weathered roof I think that would be so.

Is that the situation where the fire occurred?-- No.

You do not suggest it would not be correct that if there was a fall of coal around the area of this fire-----?-- Under certain circumstances I would answer yes.

I am speaking about the area where the fire was?-- The roof immediately above the fire was quite sound.

Further along in the area affected by the gas explosion?-- Up 300 yards it could have been. I suggest that.

Do you think a fall there from a gas explosion or even a fall without a gas explosion could throw a lot of dust into the air?-- Bearing in mind you are dealing with the roadway below the bottom overcast, 10 feet high or 12 ft. 6ins. wide, I doubt if a fall from that height would create coaldust such as that.

Are you suggesting that any fall that would put a lot of coaldust in the air - that that is not a valid proposition?-- Not any fall.

If heavily weathered?-- If it fell far enough, yes.

In this particular case?-- No.

You say it is not a valid proposition?-- No.

You would agree with the proposition that if the area is properly stonedusted then even a gas explosion is far less likely to cause a coaldust explosion?-- Very much less likely, yes.

And might in fact prevent a coaldust explosion at all?-- Yes, it might.

That is the purpose of the stonedusting, is it not?-- Yes.

The sealing of the mine at the entrances need not have been done by men erecting the walls in the tunnels, need it?-- The sealing of the No. 5 area?

The sealing of all of the tunnels?-- Underground?

No, not underground; the sealing of them need not have been done by men entering the tunnel at all?-- No, but this would have been the conventional method used.

As Mr. Callinan pointed out in his examination-in-chief with you, he asked you questions and you gave the right answers-----

MR. CALLINAN: I object.

MR. DERRINGTON: I am sorry; I did not mean to be offensive.

BY MR. DERRINGTON: It is an obvious answer that if there are going to be stoppings of a number of walls erected inside more men would have to go into the tunnel?-- At the surface?

Yes, at the surface?-- Yes.

In those circumstances would you not agree that it is completely unnecessary to put a large number of men in that particular spot when it could be done by bulldozing dirt into the tunnels from above?-- Is this an opinion for the future?

For any time?-- Certainly for the future.

Why not then?-- Because it was the conventional way for closing off, with brick stoppings.

Even when there is danger of an explosion?-- Yes. During the closing-off programme I believe this would have been carried out.

Would you think that if you had realised there was a high danger of a coaldust explosion you would have still done that?-- If I had realised there was any chance of any explosion I would not have done that.

Do you say that if you had realised it you would have done it by bulldozing?-- I do not know how I would have done it at that time of night. This is the traditional method, by stopping.

Is that the method that is carried out when there is danger of an explosion?-- It is the method that has been carried out in mines when there are underground fires, yes.

Is it the method that is carried out when there is danger of an explosion?-- Whilst there is an underground igniting source I suppose there is always that remote chance; but that is the method that is carried out, yes.

If there is recirculation would you agree that the danger of explosion becomes higher than if there is no recirculation?-- Yes.

Do you say that it is the traditional method of sealing off fires in the district when there is danger from recirculation of an explosion?-- I would say yes.

You say yes?-- Yes.

Where have you seen that done?-- I think every mine that



has been sealed off in the district has been sealed off with brick stoppings.

When there has been recirculation?-- I don't know.

That is what I am asking you. I asked you to take into consideration danger from recirculation?-- I cannot answer the question. I do not know all the circumstances in other mines.

In other words you do not know whether stoppings that have been erected, that you referred to as the traditional method, have been done in circumstances of danger or not?-- I do not know.

Do you have any knowledge from your reading or studies or otherwise of other mines being sealed off by having the entrances sealed with dirt, with inert matter?-- Not to my knowledge.

You do not know of any cases?-- No.

In New South Wales mines where that has been done?-- I have never worked in New South Wales.

You have not even read about it, apparently. I asked you to refer to your knowledge from other sources?-- No, I have not heard about it.

If you had required earthmoving equipment urgently that night you could have arranged it, could you not?-- Possibly we could have, yes.

The company itself has scoops and loaders?-- The company has two end-loaders.

Anything more?-- The company operates two open cuts, and there is earthmoving equipment in the cuts which does not belong to the company. It belongs to the contractors; but through the open-cut connections I suppose it could have been arranged.

The men who went down on the last occasion and who were killed underground contained many men who had not seen the extent of the fire; is not that so?-- This might have been the case. I cannot say yes or no to that question.

Do you know if all of the men were experienced in fighting mine fires or not?-- No, I do not know that, either.

I take it that there was no analysis of the gas behind the seals in this particular area where the fire occurred?-- That is right.

When you first saw the fire you had to get in at a very low level?-- Yes.

And you had to stay well back from it?-- Yes.

You were only able to get in about 2 feet?-- No, further than 2 feet.

I did a quick calculation. I understood you to say the fire was about 20 feet in and that you could not get closer than 18 feet in?-- I was pressed up against the wayside roof.

You moved in more than 2 feet?-- Yes.

Was it giving off smoke?-- Yes, the whole dead end was full of smoke.

Right down to the floor?-- No.

Are you able to swear that the fire did not extend further, that there were not other outbreaks of fire further back towards the seal?-- No.

You do not know?-- No.

Did you take any temperature readings of the air when the fire was burning?-- No.

Not at any stage?-- No.

Are you able to give any information as to the barometer readings before and after the fire? Would there be records of those?-- Before the fire, yes.

And they could be made available, could they?-- Yes. I have not seen these, but the deputy would have made out a report showing the barometer readings, on the deputy's report.

Look, I just might have to qualify one thing here. I think the deputy's report book was destroyed in the explosion. This may not be possible, I am sorry.

This evening do you think you would be able to endeavour to locate it?-- Yes, if it is there. I can't if it has been destroyed.

MR. DERRINGTON: Mr. Callinan will make an endeavour for me.

MR. CALLINAN: Yes, I will have a search made.

BY MR. DERRINGTON: What was the type of stone dusting that was used in the main?-- Stone dusting machine?

No, the material?-- Pulverised limestone.

Was there any particular brand?-- I wouldn't know. It is got from different sources, but I wouldn't know.

It was just pulverised limestone in the order that you put in?-- I didn't order it. The under-manager ordered it through the stores. I wouldn't know.

You are satisfied that it was all pulverised limestone?-- Yes.

Would you mind just referring quickly to the extent of the coal seams in No.5, particularly in the area concerned?-- What do you mean by the extent?

I was afraid you might ask that. I do not know. It is something that I need to get from you. Would you describe the thickness of it?-- Oh, certainly. It is the Bluff seam. It is 33 feet thick.

This is in the area of the fire?-- Yes. Most of the workings on the top site of the actual fire area had been worked by scraper loaders and hand methods in the old days. The bottom ten feet of the seam was developed, and the top eight feet dropped as top coal.

Yes?-- Now, beyond the No.2 South Section continuous mining started. The panels were developed on the 18-foot roof, and bottom coal extracted in retreat. There is not much more I can say about it.

Can you tell us the analysis of the coal? Do you know that?-- Not offhand, no.

Do you have records of it?-- Yes.

Would you be able to produce them for us tomorrow?-- Yes.

MR. DERRINGTON: Would you provide them for us?

MR. CALLINAN: Yes, certainly.

BY MR. DERRINGTON: What are the measurements of the tops and the bottoms left in the mine?-- The bottom ten feet was in the main development. They extracted an additional 8 to 10 feet - usually about 12 feet of top coal left behind.

And what was the depth of coal on the bottom?-- Ten feet.

The roof and floor were obviously then both coal?-- No. the floor was stone.

Oh, I see. I am sorry. That is my lack of expertise that misled me there?-- That was where the depth of coal was carried out in the bottom part of the seam on the stone floor. We were on the stone floor, ten feet of coal, and 8 feet of top coal of the coal roof.

From the time that the recirculation developed, how many times were men sent down below?-- On three occasions.

What is your view of the desirability of notification of the check inspectors in the circumstances of a severe fire like this?-- Yes, I think it is desirable.

When discussions were being held, that you say reached unanimous results relating to what action should be taken, I take it that at all stages you were recognised as being the person in charge?-- Well, by the Act I am responsible, but it didn't come to that. Everybody had their say, and it was a unanimous decision.

Irrespectively, were you not still recognised as the person in charge?-- By the Act, yes.

In respect of the reduction of the speed of the fan, did you have any doubts as to the desirability of it?-- I was concerned about it.

Did you have any doubts as to the desirability of it?-- No.

Doubts, I say - doubts?-- No, no doubts, no.

No doubts whatsoever?-- No.

Did you feel that it might affect the pressures involved inside?-- I felt I would like to have been speaking to somebody on the actual site of the fire.

Why?-- To ensure that positive ventilation was maintained to support complete combustion and carry the deposits away from the men working in the area.

Did that statement raise a doubt in your mind whether or not the ventilation should be reduced?-- No, I believe that under control readjustment of air can be reduced without detriment, yes.

The fire, of course, was quite a blaze, was it not?-- Yes, it was a blaze, yes.

And it was burning timbers and doors?-- I didn't know anything about the doors burning.

It must have occurred to you that doors could be burnt in such a fire?-- I didn't know anything about this.

Whether you knew that they were being burnt, you knew that the doors were timber, did you not?-- Yes, certainly.

You knew they could be burnt?-- I knew timber could be burnt. That is elementary.

Yes, that is elementary. Did you believe that the change of pressure by reduction of the fan could have had some effect on that?-- No, I didn't at the time.

Do you believe now that it might have?-- No, I believe that there was adequate air going over that fire.

Do you believe that there is any undesirability in the change of pressure?-- No, I don't.

Do you know if the company purchased some bentonite shortly before the fire?-- Yes.

What was the purpose of that?-- Sealing off a water leak, actually.

A water leak, was it?-- Yes.

It had nothing to do with the fire?-- No.

Is it usually used for water leaks?-- We have used it on several occasions previously.

You have indicated that the last time the men went down you were going to accompany them later?-- Yes, those are the last words I had with Brian Rasmussen, yes.

You heard Mr. Hardie give evidence yesterday; do you recall whether he said that the instructions were that the rake was to be left down there for the purpose of any hasty retreat?-- He told me that later, yes.

You could not have gone down if the rake was going to be left down there?-- I didn't know that at the time.

You could not have gone down?-- No, definitely not.

Would you mind telling us the very last conversation that you had with Mr. Roach before the explosion?-- Yes, certainly. Mr. Hardie was speaking on the 'phone to John and I spoke to John for a very brief moment. He said to me the smoke was starting to come down the new process drive. He said, "It's not bad. I think I can get a screen up O.K.." I don't know what he had said to Mr. Hardie previous to this. I said, "If you can erect a screen, that will be good." At that moment Mr. Hardie spoke to me and said I was wanted at No. 5. I said, "John, I have to go to No. 5 tunnel. Keep in touch." He said, "Right.", and I put the 'phone down.

That is all that was said?-- Yes, that is all that was said.

You mentioned samples were taken from the auxiliary fan in No. 7 coal transporter and No. 5 coal conveyor belt; by whom were they taken?-- They were taken by an experienced man.

Would you mind telling me by whom?-- I didn't see them being taken but they were taken by Mr. Marshall as far as I know.

As far as you know?-- Yes, as far as I know.

You mentioned the fan had been turned off twice in a couple of months prior to this particular fire?-- Yes.

If there had been a heating occurring behind the seals, the fact that the fan had been turned off previously without an adverse result would not exclude the possibility that the change in pressure might have some adverse result on this occasion; would you agree with that?-- Would you repeat that question, please?

As you have indicated, the fan was turned off previously on two occasions without any adverse result?-- Yes.

That still does not exclude the possibility that there was heating going on behind these seals, does it, which did not manifest itself until it gradually progressed?-- There was no evidence to support heating behind the seal.

Whether there was evidence or not, if there was heating behind the seal going on, the fan having been stopped on two previous occasions does not necessarily exclude that the heating was going on?-- No.

If there was such a heating that had not progressed to that stage?-- No.

A simple answer?-- That is right, yes.

I must put this to you: that along the No. 5 air return there were heaps of coal from place to place along that return on the roadway?-- In what area do you mean? This is above the fire.

Could I perhaps take it a little further by putting this to you: a Mr. Peck at some time previously had been put on the job of cleaning No. 5 return?-- Yes, he reconstructed the main travelling road, yes.

But he did not complete it by any means, did he?-- No.

Is that right?-- This is the area below where the fire was.

He had been taken off quite some time before the fire?-- That's right, yes.

And he had not gone anywhere near completing the cleaning-up of the return?-- Yes. This is a project we had underway.

You had not progressed underway for well over a year?-- Yes; only on a spare-time basis. That is correct.

Nothing had been done for well over a year?-- Yes. This is not right. Retimbering had been done regularly.

I am speaking about cleaning-up of the falls?-- Possibly no falls had been cleaned-up in that time; that's right.

Are you able to tell us whether the sealing blocks on the seals were on their edge or on the flat?-- The top wall was.

These are the relevant seals?-- Nine inches, on their flat.

What instructions did you give when you were at the fan house in relation to Mr. Levitt's going below?-- I told Mr. Levitt before the fan started - I already told Mr. Levitt to let the men clean out before he went underground.

Did you say how long he was to stay underground?-- Ten to 15 minutes.

From the time the fan was turned on?-- Yes.

Is there any provision that men are not to work underground within two hours of the turning on of the fan?-- This is right. So far as deputies are concerned, they can go under with the air. That is working men. The fan must run for two hours preceding any working shift.

Preceding any working shift or preceding any man going?-- No. The deputy can go in.

What do you say as to the desirability of this: to have provision in advance for the sealing of the stone drives from one level to the other?-- Quite a good idea.

In that case, of course, you would have been able to seal them very rapidly, would you not?-- Yes.

You would agree that would be a reasonable precaution?-- Certainly.

THE WARDEN: This is an opportune time to finish. We will resume at 10 a.m.

The Inquiry adjourned at 4.34 p.m. till 10 a.m. the following day.