REPORT ON PROCEEDINGS BEFORE

STANDING COMMITTEE ON LAW AND JUSTICE

2024 REVIEW OF THE DUST DISEASES SCHEME

CORRECTED

At Jubilee Room, Parliament House, Sydney, on Friday 30 May 2025

The Committee met at 11:00.

PRESENT

The Hon. Greg Donnelly (Chair)

Ms Abigail Boyd
The Hon. Susan Carter
The Hon. Anthony D'Adam
The Hon. Chris Rath (Deputy Chair)
The Hon. Rod Roberts

PRESENT VIA VIDEOCONFERENCE

The Hon. Bob Nanva

The CHAIR: Welcome to the fourth and final hearing of the Committee's 2024 review of the dust diseases scheme. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Greg Donnelly and I am the Chair of the Committee.

I ask everyone in the room to please turn their mobile phones to silent, if they have not done so already. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing, and I urge witnesses to be careful about making comments to the media or to others after completing their evidence this morning. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of the procedures.

Mr ANDREW MARSONET, Project Director, Western Harbour Tunnel, Acciona Construction Australia, affirmed and examined

The CHAIR: Welcome, Mr Marsonet, and thank you for attending today. We commence by offering, if you wish to do so, the opportunity to make an opening statement. Once that's completed, if you decide to take that up, we have members around the table from the Opposition, the crossbench and the Government. If you're agreeable, the way it proceeds is that I offer opportunities for members around the table to ask questions of you and we pass them around in an equitable way. It'll take us through to probably just before 12 o'clock. Does that suit you?

ANDREW MARSONET: Certainly.

The CHAIR: First of all, would you like to make an opening statement?

ANDREW MARSONET: I have a statement to commence with. It's a statement about Acciona. Acciona is a global leader in sustainable infrastructure solutions. Here in Australia, we have evolved from a rich history of local companies—for example, Abigroup and Baulderstone Hornibrook—that have been delivering complex, sustainable and iconic projects, such as the Sydney Opera House, for example, contributing to the growth of this country and the sustainability of Australian communities for over 100 years. The key driver that underpins the company's approach is a culture built on family values. Our CEO here in Australia is the son of the founder of one of the local businesses, and 20 per cent of Acciona's Australian business remains in that family ownership.

This, combined with the global chairman of Acciona being the grandson of the founder in Spain, ensures that these family values are reflected in how we collaborate with clients and local communities to make decisions that are better, are effective and are sustainable. It has long been embedded that we ensure our people are at the heart of our strategy. Our employees—and that particularly includes our blue-collar workforce—are encouraged to think long term when they join Acciona. We want to offer a career beyond the life of a project. Acciona is about certainty, longevity and an opportunity for rewarding careers. We can do this because our business spans the entire value chain, from project concept, design and construction through to operation and maintenance. We develop infrastructure solutions, including across transport, energy and water, all of which we are currently delivering both in New South Wales and across Australia.

From a personal point of view, I've been involved in the construction industry since I was a teenager and have worked in mega and major projects for well over 40 years. My personal values align with the values of Acciona very closely. My father wore a blue collar to work every day, and the recognition that our blue-collar workforce are the artisans and the true people that build our projects is never lost on me, personally. As far as tunnelling goes, Acciona's first major project in Australia was the Legacy Way Tunnel in Brisbane, which commenced in 2011 and opened in 2015, and was undertaken using two large tunnel-boring machines. Acciona was in joint venture on that project with BMD and with Ghella. The principal contractor for the purposes of the WHS Act was BMD Constructions.

Since that time, Acciona has been involved in constructing three other major tunnel projects, all here in Sydney. The first is WestConnex Stage 3A, also known as the M4-M5 Link, of which I am still the project director and was since its inception. Tunnel excavation was completed by roadheaders. It was a joint venture between, originally, Lendlease Engineering—Acciona purchased Lendlease Engineering—and Samsung and Bouygues, a Korean company and a French company. Acciona was the principal contractor for the purpose of the OHS Act, and the systems and processes on the project were based on Acciona systems and processes. The second tunnel was the Sydney Metro Central Tunnelling Package, recently completed. The tunnel excavation was principally by tunnel-boring machines. The head contractor was a joint venture between Acciona Construction and Ferrovial. Acciona was again the principal contractor for the purposes of the Act, and the systems and processes were based on Acciona's systems and processes.

Of course, we move to the current project, which is the Western Harbour Tunnel. Excavation is undertaken by a combination of roadheaders and slurry shield TBMs. The project was actually delivered in two stages. P1 was undertaken by another contractor. We're delivering the P2 phase. We are the head contractor for the purposes of the OHS Act, and the systems and processes are all Acciona projects processes. Each of these projects prepared a safety management plan, which supported the identification of risks associated with the inhalation of dust and described measures to address these risks. Thank you.

The Hon. SUSAN CARTER: For transparency and for the information of members of the Committee and the witness, I had a lovely conversation with Craig McGrory last night, who is the chief transformation officer. I just wanted to make it clear that I had met and spoken to him.

The CHAIR: Thank you for that declaration.

The Hon. CHRIS RATH: Thank you for appearing today. I was wondering if you could explain to the Committee members what the hesitancy was in appearing before this parliamentary inquiry?

ANDREW MARSONET: Yes, I can. I'm advised that Acciona senior executives understood that the Committee was primarily interested in the whole-of-industry perspective, which is why Acciona suggested that the Committee speak with a representative from the Australian Constructors Association, which represents approximately 17 major contractors in this industry. However, that has been clarified, and I am happy to be here to answer your questions as someone who is involved in tunnel construction within the business.

The Hon. CHRIS RATH: Thank you for outlining the very important projects that you've worked on in Sydney. I was wondering if you could explain more to the Committee what the standard procedures for air quality monitoring would be at those two completed projects and one ongoing project?

ANDREW MARSONET: Certainly. We do virtually daily monitoring of different aspects of the project. I would expect you would understand that the project covers a number of different sites. This particular one on the Western Harbour Tunnel goes from Rozelle all the way across to Cammeray. WestConnex 3A was similarly from St Peters to Haberfield. We constructed them at various sites. Every day we are doing monitoring of some description—air monitoring, static monitoring. We do mobile monitoring; we do monitoring of similar groups. We do different types of monitoring—dust, nitrous oxide, carbon monoxide, diesel particulate. We even monitor for mould. We have a full-time occupational hygienist on the project, plus many of our safety professionals are familiar with and capable of undertaking monitoring. We do handheld monitoring but, more importantly, we do monitoring that's reliable and can be validated offsite using laboratories and can be relied upon.

The Hon. CHRIS RATH: If there were an extremely high level of respirable crystalline silica at one of your sites, how is that reported? Is it reported to SafeWork? Is it reported in real time? What's the process if there is that elevated level beyond the safe level?

ANDREW MARSONET: I think it's important to understand, if you don't mind me answering the question this way, that the nature of the project by excavating sandstone—sandstone is primarily silica. It has a very high proportion of silica—maybe something like 80 per cent. So every single day, every time we engage with excavation tools—whether they be roadheaders, whether they be rock saws or whether they be excavators—we are discharging silica, whether it be on the surface or underground. We do this every day. The key for us is to control and manage the silica—to collect the silica as best we can so that it doesn't impact our workforce and our staff and anyone else that goes underground. We're doing this every day, and we use a number of different techniques. If you're referring to an exceedence—is that what your reference is to?

The Hon. CHRIS RATH: Correct, yes.

ANDREW MARSONET: An exceedence means, if we don't meet the criteria over the length of a shift—some of our shifts are 10 hours; some of our shifts are longer—the workplace exposure standard, if we happen to exceed that, we will report it to SafeWork. But that is done when a person or a group of people have actually been exposed to that level of silica. It doesn't mean, for example, at the head where the excavation is being undertaken, that we're not exceeding it there, because we would be exceeding it at the face. But it needs someone to be exposed to silica, and that happens rarely. When it does happen, we report to SafeWork.

The Hon. CHRIS RATH: In that case with the exceedence, how soon after that exceedence would you pass that information on to SafeWork? Is it a matter of a day or two? Is it longer? Is there information that you are collecting on air monitoring, in particular when it comes to silica, that isn't being passed on to SafeWork, either because it's not required under the law or for some other reason?

ANDREW MARSONET: In terms of exceedences, we have to get the data back from the laboratory, so it's usually not possible to pass it on within a matter of days. It usually takes somewhere between five and seven days to receive the data. I think our obligation is to provide it to SafeWork within 14 days. We do that, definitely. We meet those requirements. We do provide data on all of our monitoring to our workforce, and that data is available for others to review, including SafeWork and our client and other stakeholders. We don't hide from the information.

Ms ABIGAIL BOYD: I understand that for the Western Harbour Tunnel stage two works, you're using both roadheaders and tunnel boring machines. Do you require different types of PPE for those different tunnelling types?

ANDREW MARSONET: I would say that for the tunnel-boring machine, it's a closed-circuit system. What that means is that the face is never exposed to daylight, if you like. We still require a minimum PPE, including P2 respirators or, in some cases, PAPR if, for example, we had someone—if I may say—like the gentleman next to you or the gentleman over there who has facial hair and we can't provide a seal. The standard

is the same. The exposure criteria might be different at the cutting face, but we still have exposures back where spoil is collected and discharged. It's the same standard.

Ms ABIGAIL BOYD: We heard evidence last December from Transport for NSW that, for roadheaders in recent years, P2 masks were mandatory, but in more recent years technology has improved and Transport for NSW says it's using Versaflo masks now. Do you agree with that characterisation of Transport for NSW's evidence around PPE use for roadheaders?

ANDREW MARSONET: Transport for NSW sees a number of different projects delivered by a number of different contractors. In our situation, we always require masks to be worn, whether the operator is inside the cabin or if somebody is outside the roadheader. I would agree that technology has improved. I've been in this industry since well into last century. Some of the differences, for example, are that roadheaders come with sealed HEPA-filtered cabins that 20-plus years ago they didn't have. Definitely, the protection mechanisms for operators are superior to what they used to be. We still insist on wearing masks for operators inside the cabin because there is always a possibility—a rare event—that a seal might be broken or some kind of mechanical element may occur at a particular moment. The PPE is, if you like, a backstop. It's not the primary protection measure, whereas probably in the past it was the primary protection measure.

Ms ABIGAIL BOYD: Transport for NSW expressly said that Versaflo is used in the Western Harbour Tunnel boring machines. Are you requiring Versaflo or similar masks to the PAPR to be used for your roadheader works in that project?

ANDREW MARSONET: I'm going to answer the question, but I just question the context. The tunnel-boring machines have not been used yet. They're still to be delivered on the Western Harbour Tunnel. So they will be, but they're not there at the moment. What I would say is that, if people choose to use Versaflos—and in some cases they have to. We have certain criteria where Versaflos must be used; we have other criteria where Versaflos are optional. We provide both. As I said, people with facial hair must use Versaflos, because the seal can't be provided. For certain activities, such as blowing dust off or blowing material off the excavated sandstone surface, we would insist on Versaflos. We have both options.

Ms ABIGAIL BOYD: I've got a copy of these. If I can maybe just pass you a copy of these as well.

The CHAIR: What are we looking at here?

Ms ABIGAIL BOYD: What I'm looking at here is a document called *Tunnelling—Cammeray to Waverton*. It's an April 2024 version.

The CHAIR: Can we just get copies for the Committee? They look like they are fact sheets on Transport for NSW letterhead.

ANDREW MARSONET: That's a roadheader. That's not a tunnel-boring machine.

Ms ABIGAIL BOYD: In all of those pictures that we're looking at there, they are all—

ANDREW MARSONET: The photos that are provided, that relate to tunnel excavation, are photos of roadheaders.

Ms ABIGAIL BOYD: You're looking at all of those, and they've all got those—

ANDREW MARSONET: Those picks and those cutter heads.

Ms ABIGAIL BOYD: And in all of the pictures are the P2 masks for all of the people in there. I've also got another one, which is being copied already. This one is from February 2025 and refers to a roadheader. It's got pictures in there that very clearly show workers in just P2 masks in roadheader excavation. Is that the standard for your workers, that they would all be in those P2 masks? You can see in every photo there's only a P2 mask on every single worker.

ANDREW MARSONET: It's not the standard for all workers. Some workers have Versaflos because they're not clean-shaven.

Ms ABIGAIL BOYD: Because they have facial hair.

ANDREW MARSONET: Anyone that has a P2 mask such as that has to be fit-tested. If they're not fit-tested, then they can't use those masks.

Ms ABIGAIL BOYD: The evidence we received from Mrs Kate Cole and from others is that the risk to the worker of only wearing a P2 in any circumstances is high. The pictures in there show that they're only wearing P2 right at the cutting face, rather than Versaflo. It causes me concern that we're hearing from Transport for NSW

that they're agreeing that every worker should be in Versaflo and yet what we have there is very clear pictures that, on your projects, they're not.

ANDREW MARSONET: That's correct. What I would also like to state is those pictures don't show the scrubbers that are also operating at the face. So the—

Ms ABIGAIL BOYD: I understand there's other forms of protection. But, in terms of the mask recommendation, it was very clear, and the statement we got from Transport for NSW was incredibly clear. They acknowledged the risk to workers, and they are requiring all workers to wear the Versaflo.

ANDREW MARSONET: That is not the case on Western Harbour Tunnel, and I will restate that P2 masks are not the primary protection. They are backstop protection that we insist on, and we allow people to wear P2 masks if the fit works. Otherwise, they wear Versaflo. I will also point out that communication is important underground, as it is in any setting, and communication using Versaflos is not easy. Some people prefer to use Versaflos. Other people prefer to use P2 masks because we can still maintain communication and they still provide the necessary protection for the workplace exposure standard.

Ms ABIGAIL BOYD: Can you explain to us why Transport for NSW think that every worker is in Versaflo on that project?

ANDREW MARSONET: On which project?

Ms ABIGAIL BOYD: On the Western Harbour Tunnel.

ANDREW MARSONET: They may have been referring to the P1 project, which was the first stage of Western Harbour Tunnel. I'm speculating here. I'm aware of that, Mr Chairman—that I'm trying to answer a question but I'm speculating that they may have been referring to the P1 section of the project, which was delivered by another contractor.

Ms ABIGAIL BOYD: Could I just qualify. I'm just reading from the transcript from Wednesday 11 December, where Ms Camilla Drover says:

> … the Versaflo technology has only been introduced in recent years. It's being applied for the M6 stage one and Western Harbour Tunnel.

ANDREW MARSONET: That's right. But it could be the P1. You're asking me why we have P2, and I'm saying we don't insist on Versaflo for everyone underground, but we do provide it in certain applications. Certainly, we definitely provide it if people can't have a sealed fitting for the P2 paper masks.

Ms ABIGAIL BOYD: We might have to go back to Transport for NSW. Thank you.

The Hon. ANTHONY D'ADAM: How many workers, direct employees of Acciona, have been diagnosed with silicosis?

ANDREW MARSONET: None, to my knowledge.

The Hon. ANTHONY D'ADAM: Is that because you don't have direct employees; they're employed by one of your partners on the projects?

ANDREW MARSONET: All of our employees on WestConnex 3A, CTP and this project are employed by Acciona. At the moment, we have approximately 250 underground workers employed directly by Acciona.

The Hon. ANTHONY D'ADAM: Any on your previous projects?

ANDREW MARSONET: None on our previous projects, to my knowledge.

The Hon. SUSAN CARTER: Thank you very much for being here. One of the challenges that we've heard other evidence about is a fluctuating workforce. But I understand from your opening statement that Acciona has a fairly stable workforce.

ANDREW MARSONET: Acciona prefers to have a stable workforce, but it still fluctuates.

The Hon. SUSAN CARTER: Following on from my colleague's question, does that give you an opportunity to track health outcomes over time, perhaps better than some other tunnellers?

ANDREW MARSONET: On this project, we have transferred workers from other Acciona projects, as well as from other tunnel projects. Before anyone commences on the Western Harbour Tunnel, they undergo a medical examination and a fitness test. Even if they have worked for us on other projects, we still require a fitness test. Once they pass that fitness test, they're allowed to commence on this project. Even though they have worked for us on previous projects and may be transferring from other projects, we still require a baseline, and then we test that every 12 months, and then we test that again on completion.

The Hon. SUSAN CARTER: I understand there's two different types of tunnelling that's involved in the Western Harbour project. Are there different safety issues for the different types of tunnelling?

ANDREW MARSONET: As far as testing for adequacy or suitability, the tests are the same. We don't distinguish between slurry shield TBM work and roadheader work in terms of exposure, primarily because a lot of the highest areas of exposure can be away from the cutting face—for example, in the spoil areas or even when we're doing cleaning of sandstone or shotcreting or concrete pavement work or drainage work. All of that activity is consistent, irrespective of whether we're doing TBM work or roadheader work. I'd probably state that I'm referring particularly to road tunnels. Metro-style tunnels have a slightly different requirement in some areas, in terms of civil fit-out works. But in road tunnels, which WestConnex 3A and Western Harbour Tunnel are, the exposure is not just at the cutting of the excavated face.

The Hon. SUSAN CARTER: Could you perhaps elaborate a bit on what the different exposure risks are between the metro-style tunnelling and the road tunnelling?

ANDREW MARSONET: I would put it in these terms: A metro-style tunnelling operation is a smaller diameter tunnelling operation, usually around seven metres. It is generally a single track in each direction, and there are cross passages approximately every 250 metres. In terms of the type of tunnelling done in the Sydney Metro and certainly on CTP, it's a precast segment rings, single shield TBM, and the rings have to be in position to allow the next cutting phase. Once those rings are in position, they're effectively sealed tunnels. There's no exposure to the rock or the virgin material behind them. There's very little water inlet. It's very much a sealed, clean system. That's also true on our TBM section, although the diameter will be much larger, at nearly 16 metres. The methodology, in principle, is the same. We'll have a clean tunnel for that 1.5 kilometres under the harbour.

In the roadheader section, the primary support is through rock bolts and shotcrete. It's a drained tunnel, so it still allows water ingress, which comes from joints in the sandstone. That water needs to be managed. Equally, during the rock bolting process and during other processes, a lot of water is used for dust suppression and for lubrication, and that water invariably turns into mud. We spend a lot of time making sure that the mud doesn't track through the tunnel. We provide blinding concrete all the way through the tunnel, which is a little different to what most contractors do, but that's in order to manage mud and keep the tunnel clean. Today's mud is tomorrow's silica dust, if you like, back behind the excavation, so we spend a lot of time on cleaning. That kind of exposure to the rock that is in roadheader tunnelling doesn't exist necessarily in metro or TBM tunnelling.

The Hon. SUSAN CARTER: I understand very little about road tunnelling, so could you explain what blinding concrete is and what its purpose is?

ANDREW MARSONET: Certainly. From our perspective, we use blinding concrete to provide additional safety, quality and cleanliness underground. In my former life—this is not an Acciona response, Mr Chairman, if I can say that.

The CHAIR: Certainly.

ANDREW MARSONET: I worked for a company that constructed the Sydney Harbour Tunnel, and on that particular project—we talked about standards before—the standards were different, and probably on more recent tunnels as well. When large, 30-tonne dump trucks go up and down, fully laden—30 tonnes up and down on sandstone—it wears the sandstone away and you end up with overbreak and mud. So what we do, once we complete the bench, is put a 100-millimetre blinding concrete, unreinforced, and we use that, if you like, as a temporary roadway. But it also seals the sandstone underneath and stops the mud being produced as the trucks drive over it.

That means that, away from the excavation, we've got a much cleaner tunnel. That's all done in service for cleanliness, definitely. It also provides a superior ride for the operators of the vehicles. It means we have reduced maintenance and reduced repairs, and it helps us maintain the best possible environment underground. And, of course, road tunnels are generally three lanes wide. They have that shape that was shown in the members' distribution. If you look at the heading and bench shape, you can see it's more of a horseshoe. It's often referred to as a muffin top, and that shape is more amenable to allow cars in three lanes and to allow ramps in caverns et cetera to merge and diverge, whereas a rail tunnel is much more linear in its operation.

The Hon. SUSAN CARTER: We have heard evidence that underground is a very complex environment. Could you talk about some of the complexities of how you would go about managing a safe environment underground?

ANDREW MARSONET: Yes, that's a very good question. Obviously, looking after the lungs and the health and wellbeing of our workforce is critical. Other elements that we need to look after include fire and life

safety. For example, we don't allow any petrol vehicles underground—any petrol fuel. We don't allow any EVs underground. We try to minimise the risk of fire.

The Hon. SUSAN CARTER: So if there's no petrol and no EV, what's your fuel?

The Hon. ROD ROBERTS: Diesel.

The Hon. SUSAN CARTER: Diesel. Sorry, my colleague has answered that question.

ANDREW MARSONET: Yes, we use diesel because it's not flammable and not prone to explosion. Fire and life safety is a big example. Another key area—by the way, I could go on and on about all of the risks underground, but it includes separating people and plant. We have a lot of large vehicles underground, including dump trucks, but we also have concrete agitators that deliver shotcrete and concrete, and we have a number of other trucks that deliver a number of other goods. We have rough-terrain Manitous, which are forklift vehicles, and that kind of thing. We separate people from plant to reduce that chance of interaction. Those are some areas. Lighting is another area. We provide self-rescuers in case of fire, and they're at regular points. We have call points underground so that, if there is any kind of slip, trip, fall or something, workforce can contact someone and get immediate assistance. We have tunnel trackers so that we know exactly where everybody is in any part of the tunnel. These are just some of the examples.

The Hon. SUSAN CARTER: In terms of your internal processes, as well as providing data to SafeWork NSW, who internally reviews results from industrial hygienists and keeps an eye on what's happening internally in the company?

ANDREW MARSONET: We have a dedicated occupational hygienist who works on the project full time. We have a safety team led by our safety director and, of course, we have tunnel managers, project managers, a design and construction director and myself. All of us review. We also have a regional hygienist who comes in and reviews our results.

The Hon. SUSAN CARTER: My question really is, how often is it being reviewed and at how senior a level is it being reviewed?

ANDREW MARSONET: By way of example, I spoke to our hygienist on Monday of this week. We review it very regularly. We have fortnightly internal formal meetings. We have weekly safety debrief reviews, and I have a fortnightly meeting, for example, with our safety director. But I literally sit about as far away as the chairman is from myself, so a lot of informal discussions take place. It's a constant, real-time interaction on any matter, including hygiene. We also have to worry about mould and stuff like that as well.

The Hon. ROD ROBERTS: Thank you for coming this morning. Most of my questions have been asked by my colleagues, so I'm just doing some mopping up here, I suppose you would say. You said—this is me paraphrasing, not putting words in your mouth, so correct me if I'm wrong—when there's a new project or new staff come on board, they get medical examinations before they start. How far do those medical examinations extend? Do they look into respiratory things? Are there chest X-rays? Are there—

ANDREW MARSONET: CT scans? Spirometry?

The Hon. ROD ROBERTS: CT scans. Thank you, I had a mental blank. Do you provide those to start with so you have a baseline on where your employees are at?

ANDREW MARSONET: Yes. For example, I've been chest X-rayed. Everyone is chest X-rayed. We rely on medical professionals. We engage an independent medical team to do all of our pre-start medical examinations. Sometimes they will recommend further testing, depending on how the potential employee appears. So we leave it to the medical professionals to decide if further testing is required—CT scans or spirometry or, in fact, any other test.

The Hon. ROD ROBERTS: My only other question at this stage is, we've talked about the rare occasions—I think you said—there's been exposure levels and you've reported to SafeWork and that. What do you do internally with the staff if there's been an exposure level? Do you inform them? Do you then arrange for those people to go and get another medical examination as a result of that exposure that you're aware of? What happens in those processes?

ANDREW MARSONET: We certainly inform them, and we inform them promptly. We rely on our occupational hygienist in conjunction with our professional staff in safety to advise if we need to do further testing. Usually, the exposures are very limited in terms of duration, so I can't recall us having to send anyone away for further testing for that small-duration exposure and for the level of exposure. Where we particularly focus on is how do we eliminate that exposure going forward. That's where we provide a lot of energy and attention, and we may change our processes and procedures to provide extra protection to ensure that there's no further exceedence.

The Hon. ROD ROBERTS: Is there a protocol or a safe operating procedure booklet, or whatever? Is there something in place that says if we have an exposure above a certain level, we automatically engage medical professionals to check our staff? Is there some sort of guide?

ANDREW MARSONET: I don't think it's automatic. I think it's reviewed and it's decided on a case-by-case basis.

The Hon. ROD ROBERTS: Your evidence, I think—again, correct me if I'm wrong—is that hasn't been required previously, to your knowledge?

ANDREW MARSONET: To date, on the Western Harbour Tunnel or on WestConnex 3A, and I don't think so on CTP.

The CHAIR: I've got a small number of questions. Returning to the projects that you were helpfully able to go through at the start of your statement, the M4-M5 Link project is a completed project, but there is still some ongoing—

ANDREW MARSONET: We're in what's called the defect liability period. There are no works going on.

The CHAIR: Those projects that are currently on foot and being executed are the Western Harbour Tunnel project stage two and the Sydney Metro West project central tunnelling package, as described in a document I've got here. Those are the two projects currently on foot?

ANDREW MARSONET: And the CTP project excavation has completed. It's basically in the demobilisation phase.

The CHAIR: With respect to the Western Harbour Tunnel project stage two, you are the principal contractor?

ANDREW MARSONET: Yes.

The CHAIR: With the Sydney Metro West project central tunnelling package, you've got the Acciona-Ferrovial joint venture. Does that mean that you both act—the organisations or businesses—as joint principal contractors? Or is there, out of those two, a principal contractor that exists?

ANDREW MARSONET: I think I said that Acciona—it definitely is; I've got it written here—is the principal contractor on that project. And Acciona was the principal contractor on the WestConnex 3A.

The CHAIR: In terms of projects—and we're talking about perhaps the ones completed but, more to the point, those two that are currently on foot, notwithstanding the tunnelling is completed in one of them—can you explain the use of remote controlled roadheaders? Were they used with the M4-M5 Link project at all, by remote control?

ANDREW MARSONET: No, this is a new initiative that we've introduced on Western Harbour Tunnel in conjunction with our roadheader supplier, Sandvik, which is an Austrian company. We have trialled what we call tele-remote. We have trialled it in a section of tunnel excavation at Cammeray, and we're now trialling it in a section of tunnelling down at Rozelle. This is new technology. This involves an operator sitting in a sealed room, a bit like a small, underground ATCO-type shed—sealed. They have in front of them about eight video screens, together with other telemetry coming from the roadheader, and they literally operate the roadheader from that room. The roadheader itself is probably in the order of 100 to 150 metres in advance of them at the cutting face. This is the first time it's been trialled anywhere in the world.

The CHAIR: You've said the Cammeray trial is completed, essentially, and now the Rozelle trial is currently taking place. With respect to that trial, when is the plan for the evaluation—and ultimately consideration, I suppose—about whether such technology or equipment that is able to be operated remotely going to be made? As you described in answering one of your earlier questions from a member, standards are differing—my words—and improve over time, because obviously you were speaking about the example of the Sydney Harbour Tunnel on how things have changed. I suppose I'm trying to ask, is this a trial with an intention that this will lead to—is there consideration that this would be made permanent technology in the tunnelling work you do?

ANDREW MARSONET: I think, as a principle, from an Acciona perspective—and I would imagine also an industry perspective—we always see automation, innovation, robotics as the way forward. My personal preference would be not to have any worker underground from the point of view of exposure to various types of risks, including dust, but also those other risks that we've talked about before—fire and life safety and mobile plant interactions. We're on a journey with the tele-remote. We are definitely preparing reports. The manufacturer is preparing a report. We're working very closely with the manufacturer with these trials. And also the operators and users of the system—we've sought their feedback.

One of the biggest issues that we currently face is getting the wi-fi bandwidth to be able to operate not just one roadheader. If we think about it going forward, we need to operate multiple pieces of equipment using a wi-fi system. Can we physically get the amount of bandwidth and capability? That's one area that we've noticed is an issue, and we'll definitely work on ways of improving that. But I think it's a journey; it's not going to be resolved within the period of the Western Harbour Tunnel. We would expect that, over time, manufacturers working together with contractors—particularly for Acciona, for example, we are very much focused on how can we take that risk away going forward. We've been able to do it with a reasonable degree of success with shotcreting and with rock drilling for rock bolts. It still requires people to be underground, but they're not, if you like, right at the face; they're working five or 10 metres away. To work 100 metres away is the challenge for us. Probably, long term, it would be good to be able to operate them from the surface. I'm future-speculating here, but we've got to start somewhere.

The CHAIR: I have another question that is related. There's obviously a movement of standards, going back to the earlier comment you made about looking back at the Sydney Harbour Tunnel and what was practised there, if I could use that word, in general terms, and what now is practised in tunnelling in 2025. Obviously, legislation evolves over time and standards reflect whatever that evolution is. In general terms, that would hopefully be always an improvement in the standards around occupational health and safety. But clearly in the case of Acciona—and this is not a criticism but an observation—you've indicated that you're trialling this to see how it goes so that it can be evaluated. Does Acciona, as a large international company, draw on practices that it has inside the business in other jurisdictions and potentially pick up standards that might be better than what's here in Australia and use that to inform them about how to run their operations with respect to tunnelling here in Australia?

ANDREW MARSONET: Definitely. We look at not only overseas but we look in other industries. We look in other contractors as well. We're always trying to do better and go up the hierarchy of control and try and eliminate or come up with engineer controls and do things with more automation, with surveying, with other different types of works where we can take people away from the activity that's happening in and around the excavated face, or anywhere else for that matter. We do it with lifting and we do it with some of the automation works with paving and those types of things. We are always looking for different methods and improved methods and we do draw on our overseas experience as well as our local experience.

The CHAIR: In the context of "importing" here to Australia what is technology and practices which are in advance of current requirements, legislatively or regulatory, when that is imported and put into place, it obviously sits above what is the minimum standard, if I could use that general phrase. Does Acciona engage or is there any requirement to engage with the regulator about the fact that you're organisationally, as a company, exceeding the standards and therefore you are obliged, or as custom and practice, to inform the regulator that you're exceeding the standards, or do you just implement it? I don't impugn anything in terms of the word "implementation". In fact, if it's exceeding standards, that would be, on face value, a good thing. But do you actually have that engagement with the regulator so the regulator can have some eyes into what are these new potential enhanced standards?

ANDREW MARSONET: We definitely do. I'll do it by way of example. First of all, with the blinding concrete, which has made a huge difference in terms of reducing dust load underground. Secondly, with our boot washers outside of cabins. Our workforce cleans their boots and then they go inside the cabins and work in soft shoes and then they exchange. These kinds of things. We invite SafeWork regularly to the project. I've personally had two sessions this year with SafeWork to explain what we do and take them underground. We're very happy to share our experiences and our knowledge and how we address managing a whole raft of issues, including reducing silica exposure to our workforce. We're very happy to share that with SafeWork, and we have done so and we do so. We also share it with our client Transport for NSW, because safety is everybody's business, as we say.

The CHAIR: I don't expect you to have necessarily read this, but it doesn't matter for the purposes of the question. There was evidence given at the hearing on 2 May from Ms Camilla Drover and Mr David Mullins from Transport for NSW. Both of them are in different roles. On page 47, going onto page 48, it makes some reference to some work that is being done by the University of Newcastle. Do you have some direct knowledge about what they were referring to? If you do, are you perhaps able to elucidate from the point of view of the company that—I don't know whether you would call it a trial but at least that investigative work that's being undertaken.

ANDREW MARSONET: I have some knowledge of that. I'll perhaps preface the question that the Acciona Samsung Bouygues Joint Venture did some research with the University of Wollongong around silica during the, I'll say, 2018, 2019 and 2020 research work that we funded. In relation to the research that you're referring to there, I understand that Transport have made an application in conjunction with icare for a grant to work with the University of Newcastle. We are not, as Acciona, a party to that request for a grant. But what we

have agreed with Transport for NSW is to make the Western Harbour Tunnel project available for the purposes of that research, if the grant does get approved. We're certainly very supportive of any research and we will be actively working with Transport and the University of Newcastle should that research go ahead.

Ms ABIGAIL BOYD: Just following up on the line of questioning from earlier, are you able to provide us with details of how many workers you have at each of the Transport for NSW sites and how many PPE—what do I want to know? I want to know how many of the Versaflo systems are available in each of those locations.

ANDREW MARSONET: Do you mind if I give you an approximation, as opposed to a detailed number?

Ms ABIGAIL BOYD: Feel free to take it on notice if that's easier.

The CHAIR: That means you can take it away and inform—

ANDREW MARSONET: In terms of the numbers, I can take it away. What I can say in terms of the provision of your thrust is Versaflo versus P2 masks. Is that—

Ms ABIGAIL BOYD: Yes, I just need to know how many Versaflo there are.

ANDREW MARSONET: There would be a large number of Versaflo. I'll take it on notice to give the exact answer, but there are many crews that only use Versaflo.

The CHAIR: I have one final question. The Hon. Rod Roberts raised the assessment of potential new employees entering the employ of Acciona in tunnelling work. You might be able to comment on this more broadly. Obviously, the work done by those involved in tunnelling work is quite specific and skilled work. I imagine there is a cohort of workers who might be described as tunnellers here in Sydney—and perhaps beyond Sydney—who engage with the company and work for the company. Is there a requirement—this is just to help us understand, given that people move from contract to contract. You explained how the company itself requires testing at the commencement point or before they actually start.

ANDREW MARSONET: And during, and at the end.

The CHAIR: And during, and at the end—this is starting to get to my question specifically. As they enter the organisation, or are potentially working for the organisation, is there a custom of practice or a requirement that they bring with them and present details of their experience and perhaps even their medical conditions, such as they might be? In other words, does the information travel with the worker as they move through projects to give that full continuity of their experience as tunnellers? Particularly in the context of what we're doing here, there are matters to do with exposure or potential diagnosis. Do you start with a blank sheet of paper and make that assessment at the point of considering employment, or does the information that they might bring help inform your understanding of that individual worker?

ANDREW MARSONET: It's a very good question. I would say that we treat everyone the same in terms of the pre-employment medicals. We obviously are aware that there are experienced people. You don't just put people on a roadheader or a robo-drill or something like that. People's experience is very important, and their CV is very important. Their medical records are their own. We don't have rights to their medical records. If you like, we have to re-establish—actually, as Acciona, we don't see the medical records of the worker or potential worker.

That's why we engage a third-party medical professional. They understand what our requirements are and they address those requirements during the pre-employment medical and beyond. I guess if someone turned up with their medical details, we'd probably have to say we're not allowed to look at it because they're private, and we probably wouldn't rely on it. But we do rely on their experience and their knowledge. Of course, the other element of all of this is education. What I would also say is that over the decades there's a lot better worker education around the risks of silica and the long-term impacts. It's in the vernacular and in the language, and it's part of what we do on a daily basis, and that's a good thing.

The CHAIR: Thank you very much. The insights that you've been able to provide have been very helpful. A small number of questions have been taken on notice, and our secretariat will liaise with you over the return of those. We appreciate you making yourself available.

ANDREW MARSONET: Thank you for the opportunity.

(The witness withdrew.)

The Committee adjourned at 12:00.