

S U C C E S S S



AN ANATOMY OF A DEATH: LESSONS LEARNT FROM THE DAVIS CORONIAL INQUEST

QUEENSLAND MINING INDUSTRY HEALTH AND
SAFETY CONFERENCE – 7 AUGUST 2007

Cameron Dean
Senior Associate
#1482473

Hayden Small
Solicitor



McCULLOUGH ROBERTSON
lawyers



Background

- **Foxleigh Mining**
- **Korn Bulk Haulage**
- **New Horizon Safety & Training**



Legislative Requirements

Coal Mining Safety and Health Act 1999 (Qld)

- **Operator obligations – Section 41(e):**
 - **must ensure the Site Senior Executive for the mine:**
 - (i) develops and implements a safety and health management system for the mine; and**
 - (ii) develops, implements and maintains a management structure for the mine that helps ensure the safety and health of persons at the mine**



Legislative Requirements (cont'd)

- **Operator's obligations – Section 41(f)**
 - **must audit and review the effectiveness and implementation of the safety and health management system to ensure the risk to persons from coal mining operations is at an acceptable level**



Legislative Requirements (cont'd)

- **Site Senior Executive – Section 42**
 - must ensure the risk to persons from coal mining operations is at an acceptable level
 - must develop and implement a safety and health management system
- **Contractor's obligations – Section 33(1)**
 - a 'contractor' and a 'person who supplies a service at a coal mine' have safety and health obligations at a mine



The Two Safety Systems

Foxleigh Mining

- **Foxleigh Integrated Management System**
- **Transport Principal Management Plan**
- **Standard Work Procedures**

Korn Bulk Haulage

- **Black Coal Competency**
- **Road Train Driver's Licence**
- **Foxleigh and CapCoal Inductions**
- **Korn Induction**
- **Korn Plant Safety Check List and Defect Form**
- **Pre-start Checks**
- **Regular Servicing**



Systemic Failures – New Horizon

- **Drafted plan by reference to other plans, the Act and Australian Standards**
- **Did not consider Foxleigh Mining's plan or Standard Operating Procedures**
- **Risk assessment was not developed by the workforce in breach of section 10 of the CMS&H Regulations**
- **The Korn system was still in draft at the time of the incident**
- **New Horizon conceded they were on a steep learning curve and had never previously drafted a Safety Management System**



Systemic Failures – New Horizon

Points to consider:

- **Is your current system still in draft or has it been finalised?**
- **Has the system been drafted by someone who is competent?**
- **Has proper consultation been engaged in, as required by the Act and Regulation?**
- **Has the system been kept up to date to keep pace with legislative changes and changes in mining operations?**
- **Has the system (including as amended) been properly implemented by notification and training to employees?**



Systemic Failures – Foxleigh Mining

- **Little oversight of day-to-day application of systems to ensure compliance**
- **The systems did not integrate Standard Operating Procedures that applied to contractors**
- **The system had not been kept up to date**



Systemic Failures – Korn Bulk Haulage

- **Inadequate training**
- **Failure by staff to be familiarised with contractual and statutory obligations**
- **Inadequate follow-up of reported defects**
- **Failure to properly identify hazards and, as a result, implement procedures**

Recommendations for Addressing Systemic Failures

- **Select contractors carefully – check skills/competencies**
- **Factor in appropriate lead in time**
- **Use one safety and health management system**
- **Control contractor activities – communication and auditing are paramount**

