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Brett Grant DUFFIE

Findings and Recommendations

[[Schedule A](#)] [[Schedule B](#)] [[Schedule C](#)] [[Schedule D](#)] [[Schedule E](#)]

The *Mines Regulation Act 1964* -

Findings and recommendations of reviewers and mining warden following an inquiry into fatal injuries received by Brett Grant Duffie at Selwyn mine on 23 november 1996 warden's court 14 august 1997

Before: Mr A J Chilcott esquire Acting Warden

Reviewers:

- Mr J P Brady
- Mr W M Allison
- Mr R R Ford
- Mr A E McMaster

To assist:

Ms D Silvester, barrister, instructed by crown solicitors office for inspectorate

Appearances:

- Mr M A Drew, barrister instructed by Messrs Connolly Suthers, solicitors for Jodi-Anne Thompson (widow of deceased) next of kin.

Mr G Mousley, district workers representative.

Mr J Bond, barrister instructed by Messrs Allen Allen & Hemsley, solicitors for Arimco Pty Ltd.

Witnesses examined: refer transcript and [schedule "a"](#)

Exhibits tendered: refer transcript and [schedule "b"](#)

Findings: refer transcript and [schedule "c"](#)

Recommendations: refer transcript and [schedule "d"](#)

Report of mining warden: refer transcript and [schedule "e"](#)

Schedule "A" Witnesses examined:

- Christine Janet McClure
- Christopher Paul Skelding
- John William Howe

- Peter Alphonso Sanford
- Russell Charles Lissa
- Simon Jenje
- Peter Anthony Webber
- Louis Douglas Geisel
- Jeremy Steven Hayllar (telephone link)

Schedule "B" List of Exhibits

No of Exhibit	Nature of Exhibit	Tendered by
1	Statement of Christine Janet McClure	Ms Silvester
2	Statement of Christine Janet McClure	"
3	Preliminary Report - Christopher Paul Skelding	"
4	Report - Christopher Paul Skelding	"
5	Police Photographs	"
6	Police Report	"
7	Post-Mortem Examination Report - Form 10	"
8	Post-Mortem Examination Certificate - Form E	"
9	Analyst Certificate	"
10	Statement of Jeremy Steven Hayllar	"
11	Managers Report	"
12	Statement of Richard Angus Wills Statement of Alistair J Skey Statement of Keith Noy Statement of Darren Grossi Statement of Geoff Barling Statement of Wallace Andrew Wheatley	"
13	Toyota FL'93 - Specification Manual	Mr Drew
14	Booklet - Industrial Truck Operators	Mr Bond
15	Statement of Peter Alphonso Sanford	Ms Silvester
16	Statement of Simon Jenje	"
17	Statement of Peter Anthony Webber	"
18	Statement of Louis Douglas Geisel	"
19	Factual Plan - Selwyn Project	Mr Brady

Schedule "C" Findings:

We find -

Name of deceased: Brett Grant Duffie
Date of death: 23 november 1996
Place of death: Selwyn mine

Nature of accident:

Brett Grant Duffie was fatally injured at about 6-00 pm on saturday 23 november 1996 when the toyota 025FD25, 2.5 tonne industrial truck (forklift), unit number S140FL02 which he was operating, overturned on the rear access roadway between the warehouse and the maintenance

workshop.

From the evidence adduced it would appear that the forklift operator lost control of the unit shortly after crossing a slight depression or spoon drain which crossed its path.

Two witnesses reported unusual clanging sounds, most probably caused by the bouncing behaviour on the unit as it travelled along the roadway. This bouncing behaviour was reported by two witnesses and tyre scuff marks on the eastern side of the spoon drain indicate that the unit's tyres were not in continuous contact with the road surface.

Photographic evidence indicates that this motion became progressively worse until the unit rolled onto its right side.

Duffie was thrown out of the unit and was crushed by the cabin roof structure.

Cause of death:

From the medical certificate tendered:-

1(a) Multiple injuries

Cause of accident:

We have concluded that Mr Duffie lost his life due to the following causal factors:-

- The unit was not fitted with a restraining device of any kind and as a result he was thrown out of the operator's cabin when he lost control of the vehicle.
- The evidence would strongly suggest that the forklift was travelling at an inappropriate speed for the prevailing road conditions.

Schedule "D" Recommendations:

The recommendations of the reviewers are as follows:

1. Forklift trucks must be equipped with a restraining device such as a seatbelt regardless of the date of manufacture which will restrain the operator within the safety cage of the forklift in the event of a rollover.
2. Forklift trucks used on mine sites must be suitable for the terrain the machine is to be operated on. Small narrow machines are undesirable for use on rough, unsealed surfaces.

Schedule "E" Report of the Warden:

I concur with the findings of the reviewers as to the nature and cause of the accident.

I thank Ms Silvester for her assistance through this inquiry. I would also like to express my sincere thanks to the reviewers and my clerk for their time and efforts during this inquiry.

This inquiry is now closed.

14 August 1997

Last Updated 21 October 2007

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Great state. Great opportunity.