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David Ronald STRATTON

Findings and Recommendations

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The *Mines Regulation Act 1964* -

Findings and recommendations of reviewers and mining warden following an inquiry into fatal injuries received by David Ronald Stratton at Isa Mines scrap metal yard on 19 June 1997 warden's court Mount Isa 8-20 November 1997

Before: Mr A J Chilcott esquire Acting Warden

Reviewers:

- Mr John Patrick Brady
- Mr William Mead Allison
- Mr Richard Roy Ford
- Mr Malcolm Stewart MacDonald

To assist:

Ms Margaret Maloney, barrister, crown solicitors office for inspectorate, appears to assist

Appearances:

- Mr P H Morrison, QC instructed by Messrs Minter Ellison solicitors for Simsmetal Limited
- Mr A J Glynn, barrister instructed by Messrs Gilshennan and Luton, solicitors for Mr Vincent Collins and Mr David Ruediger
- Mr S Yates, district workers representative
- Mr N M O'Connor, solicitor for Mount Isa Mines Limited
- Mr G C Young, solicitor of Messrs MacGillivrays solicitors for Mr G Stratton, next of kin

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:

- Jayantha Lakshman Maharage

- Senior Constable Darren Martin Murphy
- Raymond Anthony Alex Seymour
- Neville Thomas Burton
- Vincent George Lewis Collins
- David John Ruediger
- James Boyd Pettit
- Murray Graham Pollock
- Terrence Peter Allen
- Lance Frederick Townsend

Schedule "B" List of Exhibits

No of Exhibit	Nature of Exhibit	Tendered by
1	Post-Mortem Report - David Stratton	Ms Maloney
2	Scientific Services - Pathology Report	"
3	State Analyst Certificate	"
4	Report of Inspector Jay Maharage	"
5	Police Photographs (parts A & B)	"
Exhibit A for Ident	Documents prepared by MIM Holdings Limited	"
6	Statement of David Bruce Cameron	"
7	Documents prepared by Simsmetal Limited	"
8	Documents prepared by MIM Holdings Limited(Formerly Exhibit A for identification)	"
9	Original Registered Mine Manager's Report	"
10	Photographs submitted by Minter Ellison	Mr Morrison QC
11	Excavator Specifications	"
12	Video Cassette Transfer from Beta Cam SP	"
13	Report of Senior Constable Darren Martin Murphy (including photographs 1 to 39)	Ms M Maloney
14	Report of Raymond Anthony Alex Seymour	"
15	MIM Security Gate Logs - 29/3/97 to 22/6/97	Mr Morrison QC
16	Weighbridge Records of Truck	"
17	Schedule of MIM R62 Gate - Simsmetal (Entering/Exiting)	"
18	Simsmetal Occupational Health and Safety Procedures	"

Schedule "C" Findings:

We find -

Name of deceased: David Ronald Stratton

Date of death: 19 June 1997

Place of death: Isa Mines scrap metal yard

Cause of death: From the medical certificate tendered:-

1. Cardiac tamponade

Having considered the evidence available, we express our disappointment with the manner in which the initial investigation was carried out by inspector Seymour.

In view of crucial witnesses claiming privilege, we are left with a lack of evidence which has been exacerbated by the fact that inspector Seymour failed to interview certain witnesses adequately on the date in question.

Had this been done, we feel that we may have been better assisted in arriving at our findings as

to the nature and cause of the accident.

Nature of accident:

At approximately 12.25 am on thursday 19 june 1997 Mr David Ronald Stratton received fatal injuries when he was crushed between a Komatsu PC400LC-6 excavator/loader serial number 30074 and the offside of a tri-axle trailer unit, W.A. registration number N 2127.

Immediately prior to the accident Mr David Ronald Stratton, a self-employed contract truck driver, was attending to the tie down straps located towards the rear of a semi trailer unit located at the Scrap Metal Yard; number 3 tailings dam on the Mount Isa Mines lease.

Mr Vincent George Collins a simsmetal plant operator who was in control of a komatsu excavator/loader, was operating this unit in the near vicinity of the rear half of the semi trailer and adjacent to where David Ronald Stratton was working.

Photographic evidence indicates that the rear of the komatsu excavator/loader was reversed into the side of the trailer thereby crushing David Ronald Stratton between the underside of the trailer and the komatsu track.

Cause of accident:

Having regard to the lack of evidence available, we are uncertain as to the actual cause of the accident. However, we are of the opinion that major contributing factors were the absence of appropriate controls that would have prevented the existence of substandard practices, substandard conditions and human error.

Substandard practices include but are not limited to: -

- non-observance of safe work procedures;
- failure to enforce the simsmetal safety instructions for all drivers;
- failure to enforce the komatsu safety instructions for operators.

Substandard conditions include but are not limited to: -

- limited rear visibility for the operator of the komatsu excavator/loader;
- general area lighting;
- rear lights on the komatsu;
- communication systems.

Schedule "D" Recommendations:

The recommendations of the reviewers are as follows:

1. The operator of the komatsu excavator/loader or similar unit shall maintain a twenty-five (25) metre exclusion zone around the machine.
2. A person shall not enter the exclusion zone of an operating machine until they communicate with and receive the approval of the operator. A person shall not enter the zone within the swing radius of the machine unless the engine speed is reduced to idle and the implements lowered to the ground.
3. The mines inspectorate should in conjunction with industry continue investigations into the feasibility and development of improvements in operator visibility and movement warning devices for mobile plant.
4. Machines fitted with modifications that restrict the operators view should be subjected to a risk assessment to ensure that operating practices do not place people at unacceptable risk.

Schedule "E" Report of the Warden:

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

The reviewers and myself commend inspector Maharage for the standard of his report.

We also acknowledge the quality and content of the systems and procedures that have been developed by MIM subsequent to the occurrence of this fatality.

I thank Ms Maloney for her assistance during this inquiry.

I also thank the reviewers and my clerk for their time and assistance during this inquiry.

This inquiry is now closed.

20 november 1997

Last Updated 21 October 2007

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Great state. Great opportunity.