



- [Mining & safety home](#)
- [Mining, exploration & petroleum](#)
- [Geoscience & resource information](#)
- [Safety & health](#)

[Mines home](#) > [Safety & health](#) > [Mining safety & health](#) > [Investigations, inquiries and inquests](#) > [Mining wardens inquiries](#) > Michael GOLDSTAR

Michael GOLDSTAR

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 serious injuries received by Michael Goldstar at Mount Isa Mines limited lead mine on 20 december 1999
Warden's court of Queensland Mt Isa 13-16 june 2000

Before: Mr F W Windridge, esquire Mining Warden

Reviewers:

- Mr J Brady
- Mr T Hood
- Mr R Beattie
- Mr K Singer

To assist:

Mr J Tate (instructed by crown law office) on behalf of the mines inspectorate and counsel assisting

Appearances:

- MR G Mullins (instructed by Messrs Maurice Blackburn Cashman) for Mr Michael Goldstar
- MR G Fill (Solicitor of Messrs Conroy & Conroy) for Transfield Pty Ltd
- MR N O'Connor, principal legal adviser for Mount Isa Mines for the registered mine manager, Mr Tom de Vries
- MR P McGarvey, district worker's representative

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:

Wednesday, 14 June 2000

- Hermann Hans FASCHING
- Reima Tapio RAIJAS
- Laurence Keith WATTS

Thursday, 15 June 2000

- Michael GOLDSTAR
- John Edward LENNON
- Arthur Edward EGAN
- Bradley Colin Kenith BELLERT
- Norman Grant ALLAN
- Johnathon Lyle WHITE
- David Mark PLANT
- Robert John HAMMOND
- Tom de VRIES

Schedule "B" List of Exhibits

Exhibit No	Nature of Exhibit	Tendered By
1	Letter from the Honourable Tony McGrady received 2 May 2000	Mr J Tate
2	Report of Investigating Officer Hermann Fasching	"
3	Mine Manager's Report	"
4 (a)	17 Colour Photographs (Set 1)	"
4 (b)	4 Colour Photographs (Set 2)	
4 (c)	21 Colour Photographs (Set 3) *extra photographs enclosed*	
Exhibit "A" for Ident	Additional Material from MIM	"
5	Accident Report Overview	"
6	Statement of Reima Tapio Raijas	"
7	Statement of Laurence Keith Watts dated 21/12/99	"
8	Statement of Laurence Keith Watts dated 23/12/99	"
9	Colour Photograph marked by witness Watts	Mr G Mullins

10	Statement of Michael Goldstar	"
11	Statement of John Edward Lennon	Mr J Tate
12	Statement of Arthur Edward Egan	"
13	Statement of Bradley Colin Bellert	"
14	Copy of diagram marked by witness Bellert	Mr G Fill
15	Statement of Norman Grant Allan dated 21/12/99	Mr J Tate
16	Statement of Norman Grant Allan dated 23/12/99	"
17	Piece of railway line from scene of accident	"
18	Statement of Johnathon Lyle White	"
19	Statement of David Mark Plant	"
20	Statement of Robert John Hammond	"
21	Training System Manual - Lead Mine	Mr N O'Connor
22	Additional Material from MIM (formerly Exhibit "A" for identification)	"

Schedule "C" Findings:

We find -

Name of injured: Michael Goldstar

Date of injury: 20 december 1999

Place of accident: J59 south drive, 19 level haulage Mount Isa Mines Limited lead mine

Nature of accident:

At about 1520 hours on Monday, 20 december 1999, Mr Michael GOLDSTAR, a boilermaker in a track maintenance crew sustained serious injuries when he fell from a modified flat bed rail car.

The accident occurred in the J59 south drive, 19 level haulage in the Mount Isa lead mine.

Immediately prior to the accident, Mr Goldstar was seated on a toolbox which was mounted to the flat bed rail car. He was a member of a six man crew who had recently completed their assigned tasks and were in the process of travelling back to the plat.

The flat bed railcar was being pushed by a Gemco battery powered locomotive unit No 76.

Mr Goldstar was observed by some members of the crew to fall from the rail car as the unit passed over points No 22 of the J59 drive.

Mr Goldstar's lower left leg was crushed between the rail track and the leading wheel of the locomotive.

Members of the crew rendered immediate first-aid before Mr Goldstar was transported to the surface and subsequently to the Townsville base hospital. Three days after the accident a surgeon amputated his lower left leg.

Cause of accident:

From the evidence presented to the Inquiry, we are of the opinion that -

- The unit supplied and in use at the time for the transport of men and materials was inadequate for the tasks being performed.
- The system of work employed at the time enabled the transport of man and materials in a manner that exposed persons to unacceptable risk in that: The seating on the flat bed rail car was in fact the lid or top of the mounted tool box and therefore did not offer comfortable seating.
 - Mr Goldstar slipped or tripped and fell to a lower level while adjusting his seating position.
 - Scrap steel and other rubbish was present beneath the feet of the crew members.
 - There was no effective barrier, guard or constraint that would prevent a person falling from the rail car.
 - The persons employed in these activities and their supervisors failed to recognise the hazards and to take effective action to control the hazards associated with the transport of man and materials.
 - The procedures covering the transport of man and materials were not widely known nor practised by the persons involved.

Schedule "D" Recommendations:

The recommendations of the reviewers are as follows -

1. In circumstances where personnel are to be transported by rail, a fit for purpose personnel or personnel and equipment carrier must be used.
2. A process is to be established that will address the hazards associated with the 19 level haulage system. This process should include:
 - A review of the operating procedures;
 - Appropriate training and assessment;
 - Regular internal audits.

Schedule "E" Report of the Warden: (Section 42(3)(a))

On 20 December 1999, Mr Michael GOLSTAR received serious injuries whilst performing work at J59 south drive on 19 Level of the Mount Isa Mines Limited lead mine.

The Isa mine is owned and operated by Mount Isa Mines Limited (MIM). The mine is a base metal operation which mines copper, silver, lead and zinc ores. Some processing and smelting is conducted on lease. As part of the operation, some works and services at the mine have been contracted out. One of these contractors is Transfield Construction Pty Ltd (TRANSFIELD). Mr Goldstar, the injured person was an employee of this contractor or a business unit thereof.

The appointed Manager of the Mount Isa lead mine under Section 27 of the *Mines Regulation Act* at the time of the incident was Mr T De Vries. Notwithstanding any contractual arrangements between MIM and Transfield, the registered manager has the supervision and control of all work to be performed by such contractor (Section 37- *Mines Regulation Act 1964*).

The members of the inquiry panel have conducted a site inspection of the accident scene on 19 level. They have also viewed the electric battery locomotive unit number 76 and platelayers'

mancar unit number K8. These were the units involved in the incident.

A number of witnesses have been examined over the past two days and 22 exhibits including statements and reports have been admitted into evidence.

Findings as to nature and cause: (Section 42(3)(b))

The reviewers have delivered their findings as to the nature and cause of the accident. I concur with and adopt those findings.

Having heard the oral evidence given at the inquiry, and having examined the documentary evidence tendered at the inquiry, I am not of the opinion that there is any cause to take or recommend any action under Section 45 of the Act in relation to the holder of any certificate, licence or authorisation under the *Mines Regulation Act 1964*.

I thank Mr Tate for his assistance as counsel assisting, and those legal representatives who appeared for various parties at the inquiry.

Finally, I thank the reviewers for their assistance at this inquiry.

The inquiry is now closed.

16 June 2000

Last updated 20 October 2007

© The State of Queensland 2013.

Great state. Great opportunity.