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## Laurence THOMAS

### Findings and Recommendations

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The *Coal Mining Act 1925* -

Findings and recommendations of reviewers and mining warden following an inquiry into serious injuries received by Laurence Thomas at Goonyella Riverside mine on 8 march 2000  
Warden's Court of Queensland Emerald 26 february to 1 march 2001.

Before: Mr F W Windridge, esquire mining warden

#### Reviewers:

- Mr Greg Dalliston
- Mr Mel Bell
- Mr Michael Brady
- Mr Alan McMaster

#### To assist:

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

#### Appearances:

- Mr G A Thompson SC (instructed by Mallesons Stephen Jaques) on behalf of the Central Queensland Coal Associates and the registered mine manager
- Mr Caton Mr P J Roney (instructed by Baker & McKenzie (melbourne)) on behalf of Krupp Engineering (Australia) Pty Ltd
- Mr B A Harrison (instructed by Taylor's solicitors) on behalf of Mr Laurence Thomas
- Mr C J White (solicitor of Biggs & Biggs) on behalf of CW Pope & Associates

**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:**

- Inspector John William SMITH
- Leonard Edward BRADY
- Maxwell James CLEWS
- John William McClymont
- Martin Robert GRANT
- Thomas Alan RALEIGH
- Justin Leonard RUSSELL
- Frank THIEL
- Martin Frederick KORTLUCKE
- Alan BONNEY
- Eduard Reiner HAEGEL
- Geoffrey Ross CATON

**Schedule "B" List of Exhibits**

22	Krupp Engineering (Australia) - Independent Inspection of Large Open Cut Machines - Bucketwheel Excavator 1367 - March 1999	Mr G Thompson
<b>No of Exhibit</b>	<b>Nature of Exhibit</b>	<b>Tendered by</b>
1	Bucket wheel excavator Structural failure Report - Inspector John W Smith (Inspector of Mines, Mechanical)	Mr J Tate
2	Incident Investigation Report - Bucket Wheel Excavator Failure - "Interim Report" - BHP Goonyella Riverside Mine	"
3	Letter from Mallesons Stephen Jaques to Mr John Tate dated 23/2/01	"
4	Letter from the Honourable the Minister for Mines and Energy to Mr F W Windridge dated 4/12/00	"
5	Set of 27 Colour Photographs	"
6	Parts of BWE	"
7	Examination of Right Hand Mast Beam Failure - O & K Bucket Wheel Excavator - Date: 7 April 2000 - CW POPE	"
8	Investigation into the failure of the O & K bucket wheel excavator mast at BHP Goonyella Mine - Date: 17 May 2000 - C W POPE	"
9	Synopsis of Inspector Smith's PowerPoint Presentation	"

10	Copy of Facsimile Transmission from Krupp Engineering (Australia) to BHP Australia Coal - Inspection of Mobile Machines - 29/7/1996	Mr G Thompson
11	BHP Goonyella Riverside Review and Testing of Machine Safety Devices	Mr B Harrison
12	Independent Inspection of Large Open Cut Machines - Goonyella Riverside Mine - Bucket Wheel Excavator 1367 - October 1996	"
13	Statement of Len Brady	Mr Tate
14	Statement of David Bowater	"
15	Folio of 27 Colour Photographs	"
16	Statement of Max Clews	"
17	Extract from Operating Manual - Dismantling of Bucket Wheel with Hollow Shaft and Gearbox	Mr G Thompson
18	Extract from Operating Manual - Dismantling	"
19	Colour Photograph of Manometer Settings	Mr P Roney
20	Statement of John McClymont	Mr J Tate
21	Memorandum from REBTEC Calibration Services to BHPC Goonyella Riverside Mine Date: 6 August 1999	Mr G Thompson
23	Copy of Facsimile Transmission from Krupp Engineering (Australia) - Purchase Order No L77359 - Inspection of Mobile Machines - 22/2/1999	Mr P Roney
24	O & K Operating Instructions (i) Copy of Plan 327290 (ii) Electrical Equipment - Schedule of switches	"
25	Wire Rope Visual Inspection Report dated 22 February 1999	Mr B Harrison
26	Goonyella/Riverside BWE - Condition Monitoring Workscope	Mr C White
27	Statement of Jay Allen	Mr J Tate

28	O & K Australia Pty Ltd - Final Repair Notes & Drawings	Mr G Thompson
29	Copy of Facsimile Transmission from BHP - High Dump Rainfall Data - 20 March 2001	"
30	(i) Photocopy of Handwritten Letter dated 26/11/84 - Tom Raleigh (ii) Version of Sketch Plan showing gusset detail	Mr P Roney
31	Pencilled workings - T Raleigh - November 1984	"
32	Extract from Expertise Bucket Wheel Excavator GY 67 - Dr Freidemann - 1985	"
33	Purchase Order No. G137085 BWE System - Annual Inspection Inspection - O & K Machines - Goonyella Mine - 3 April 1984	Mr G Thompson
34	Plan of Bucket Wheel Excavator - Justin Russell	"
35	Krupp Engineering (Australia) - Independent Inspection of Large Open Cut Machines - Bucketwheel Excavator 1367 - March 1999	Mr P Roney
36	Plan of Bucket Wheel Excavator - Frank Thiel	Mr G Thompson
37	Colour Photographs depicting cracks - Martin Kortlucke	"
38	Bucketwheel Information	Mr P Roney
39	Colour Photograph of Manometer	Mr P Roney
40	Letter from WBM Pty Ltd to BHP Goonyella Riverside Mine dated 31/5/99	Mr B Harrison
41	BHP Incident Investigation Guide Issue 1, March 2000 (ICAM) BHP Minicam Investigation Guide Issue 1, March 2000 (ICAM)	Mr G Thompson
42	Record of Interview - David Raymond Bowater - dated 1/11/2000	Mr J Tate
43	Record of Interview - Maxwell James Clews - dated 1/11/2000	"
44	Statement of Laurence Thomas	Mr B Harrison

45	Correspondence re: Mr Laurence Thomas	"
46	Written Submissions BHP Australia Coal	Mr G Thompson
47	Written Submissions Krupp Engineering Pty Ltd	Mr P Roney

### **Schedule "C" Findings:**

We find -

Name of injured: Laurence Thomas

Date of injury: 8 march 2000

Place of accident: Goonyella Riverside mine central Queensland

### **Nature of accident:**

On 8 March 2000 at 3.15 am, Mr Laurence Thomas received serious spinal injuries while working on night shift at Goonyella Riverside Mine. The incident occurred at the Bucket Wheel Excavator (BWE) operating in Ramp 13, Strip 8, North Red Hill.

### **Cause of accident:**

The BWE experienced a major structural failure resulting in the counterweight collapsing followed by the bucket wheel. The operator's cabin then fell to the ground. Mr Thomas, who was in the operator's cabin, was injured as a result of the cabin crashing to the ground due to the failure of the cabin support system.

### **Contributing factors:**

The cabin support system was loaded beyond its design parameters due to a catastrophic failure of the main support frame.

The failure of the main support frame was brought about by a number of factors, namely -

- The design of the termination points of the stiffeners added after a previous buckling of the main support frame in 1984 induced increased localised stresses that ultimately led to cracking and fatigue failure of the main support frame.
- The inspection regime was less than adequate in that the critical nature of the stiffeners and termination points were not recognised.
- There was less than adequate, planning of the inspection process
- There was less than adequate access to critical areas.
- The inspections failed to observe the presence of cracks adjacent to the stiffeners in the upper section of the support frame.
- The lack of quality control of the inspection process.

### **OTHER ISSUES OF CONCERN:**

In our opinion the evidence disclose a number of issues of concern which whilst not considered to be major contributing factors, nevertheless warrant some attention by the respective parties.

Less than adequate transfer of information between operators, supervisors, the mine site and contractors including -

- Critical information relating to change;
- Scoping of inspection requirements.

- Lack of information relevant to changes on the Manometer settings.
- The maintenance of travel routes for emergency access.
- Perceived lack of independence of the DME investigation. A statutory investigation should not be restricted by confidentiality agreements with the party under investigation.
- Lack of performance testing of brake systems upon which the safety of persons relies.
- The registered mine managers report was not finalised.

#### **Schedule "D" Recommendations:**

We recommend that -

1. Major structures inclusive of modifications and repairs shall be subject to stress analysis by Certified Structural Engineers to identify critical elements.
2. Critical elements to be monitored and the results audited to ensure continued effectiveness. Visual inspection alone will not meet this requirement. The monitoring shall take into account the age and duty cycle.
3. The results of critical element inspection need to be audited for compliance with the scope of work.
4. Where suspended operators cabins form part of plant, risk management processes need to be used to minimise the risk of injury to operators in the event of uncontrolled movement of the cabin.
5. Where practicable permanent access should be provided to allow inspection for all critical structural elements.
6. The newly introduced Coal Mining Safety and Health Regulation 2001 contains a number of requirements for the safety of persons working on or near plant that were not previously a requirement of the 1925 Act and regulations. Compliance with these Regulations should be assessed as soon as possible to ensure that mine management systems conform to them as a minimum.
7. Persons required to perform major roles in incident investigation need to have risk assessment and accident investigation training.
8. Incident reports need to include all relevant information including causal analysis.

#### **Schedule "E" Report of the Warden:**

On 8 March 2000, Mr Laurence Thomas received serious back injuries when the operator's cabin of a bucket wheel excavator (BWE) fell to the ground when the BWE suffered a catastrophic structural failure and collapsed, the counter weight and the bucket wheel hitting the ground with some considerable force. In effect, the BWE was rendered inoperable and is unlikely to be put back into service.

A number of witnesses have been examined over the past four days and some 47 exhibits consisting of reports, photographs and statements have been admitted into evidence.

#### **Findings as to nature and cause:**

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

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

Finally, I thank the Reviewers for their assistance at this Inquiry.

#### **Closing comments:**

Due to changes in legislation, this is the final Inquiry to be conducted by the Warden's Court of Queensland. In fact, this Inquiry is concluded under the authority of the transitional provisions of the new legislation; the request of the Minister being received some nine months after the incident.

Over the past 10 years, I have conducted numerous Inquiries into fatal accidents and serious

accidents throughout the State. At all of these Inquiries, I have been assisted by Reviewers from all disciplines in the mining industry.

I would not be so bold as to suggest that we heard the whole truth from all the witnesses all of the time. I am satisfied however that the calibre of the Reviewers allowed the Inquiry to get to the real issues at all times, and recommendations made were always meant to be applicable to the industry and readily understood by the miner at the face.

In many instances, Reviewers have been drawn from the ranks of the CFMEU, AMWU, Mines Rescue Service, former members of the Mines Inspectorate and mine management, particularly SHELL COAL and BHP MINERALS. I have been greatly assisted in the discharge of my duties by the knowledge and experience of Reviewers and I sincerely thank all those Reviewers for their assistance over many years.

These Inquiries do not happen by chance. There is a considerable amount of preparation for Inquiries of this type. The bulk of this preparation has, over the years, fallen on my former clerk, Mr Kevin Meiklejohn, and for the past eight years, on Mr Keith (Max) Dahlke, who has been assisted in the past 2 years by Ms Susan Weller. Both Mr Dahlke and Ms Weller have put in many extra hours in assisting witnesses, legal parties and next of kin in many aspects of the proceedings. Often the findings and recommendations were prepared late into the night or early morning so all parties could return to their families and work commitments. I thank Kevin, Max and Sue for their efforts over many years and their commitment to the discharge of their duties in the Warden's Court.

Shortly I will close these proceedings, thus closing the book on a significant part of the mining history of Queensland. It is with a sense of achievement and humble pride that I do so as the last Mining Warden of Queensland.

On this historic occasion, it would be remiss of me not to give to those legal representatives at the Bar table who have appeared for the various parties the opportunity of making any comment they feel may be warranted by the occasion. Gentlemen, I now invite you to do so.

**Mr Thompson:** This is the last hearing that will be conducted by the Mining Warden in Queensland. It marks the passing of an era. On behalf of the Queensland Bar Association I have been requested to extend a tribute to the Court and to you personally, Mr Windridge.

You were appointed a Stipendiary Magistrate in March 1982, that was followed by appointment as Mining Warden for the State of Queensland on 3 September 1990. You leave with the reputation as a fearlessly independent member of the judiciary in the great tradition that such independence is valued particularly by the Bar and members of the legal profession. The Court goes with the reputation that you have given it over that period of time. Its jurisdiction has been wide long before the Judges of the District Court had their powers increased your Court enjoyed full equitable jurisdiction.

You have presided over many very complex matters assisted we trust sometimes by members of the Bar. Those matters were associated often with complex evidential issues and involved complex fields of expertise. In areas of assessment of compensation your jurisdiction was unlimited and very many cases involved assessments of many many millions of dollars. You have also dealt with cases where the nature of the mining activity was relatively minor and where parties appeared unrepresented. Every judicial officer appreciates the special consideration that is then required and your Court has been no exception in that respect.

In hearing all of these matters you have conducted the proceedings with the courtesy, patience, wisdom and expedition of your office, this despite the fact that you have not had all of the financial facilities and support necessary for the running of such a busy and important Court for the State of Queensland.

Your jurisdiction extended to Inquiries into matters of such gravity as fatal accidents and serious personal injury, and as I've said, commercial issues involving assessment of compensation involving very substantial amounts of money.

All of those matters have had very significant implications and beneficial implications for the mining industry in this State and your Court has been responsible for making many important

recommendations.

The Bar Association also recognises the very significant contribution which has been made to this Court by those people who have assisted you as Panel Members over that period of time.

On behalf of the Queensland Bar Association, and may I say personally on behalf of Mr James Douglas who has asked me to make this tribute to the Court, the Association notes the passing of an era in mining law in Queensland and acknowledges your very significant contribution to the jurisprudence of the State of Queensland.

**Warden:** Yes, thank you, Mr Thompson.

**Mr Roney:** Mr Windridge, I'd like to say something in addition to what Mr Thompson said. As you probably recall, I've appeared before the Mining Warden's Court on three occasions, not least of which was the very serious Moura mine disaster inquiry which lasted for some 13 weeks I think six years ago. There were a number of people who appeared before that Inquiry, only one of whom I think is here today, but it is clear from my recollection of that particular Inquiry and others that I've since been involved in, that those who've appeared at least at the Bar table and the witnesses for whom - at least that I have represented have always appreciated the integrity and the very real sense of common decency and common sensical approach that you and your fellow panel members have always brought to these inquiries. It's not always the case that in the Court system one appreciates or sees that and I know that those who appear in these inquiries always appreciated that and I otherwise concur with what Mr Thompson said on behalf of the Association of which I'm a member.

**Warden:** Yes, thank you, Mr Roney.

**Mr Harrison:** Your Worship, on behalf of the local profession I'd just like to say a few words. You'll certainly be missed by those of us that practise in this area and I can say that in so far as this town is concerned there's been a long standing association with you for John Taylor and myself going back to the Moura inquiry, one which we'll never forget. I think it's fair to say, and this applies not only to you, to the Reviewers, we spent our first few weeks in that inquiry totalling overawed by what was going on particularly what was going on behind the scenes. I know for me personally I saw X drinking with Y, and Y with Z, all of the rest of it, and at times I thought what is going on here, but I must confess, by the time we were able to settle into it and see what was going on, it was a credit to you as Warden and a credit to the Reviewers to see the professional way in fact things were operating. It was somewhat different to us and we as lawyers can sometimes think that we know the one and only way of conducting things, and very often of course that's far from the truth. I must say that in relation to you personally, Mr Windridge, there was a phrase used by Mr Thompson on behalf of the Association of which I'm a member which I'd have to fully endorse, and that was his reference to your fearless independence. If it's the one thing I will remember most from the whole Moura inquiry including its conduct and from other matters in which I've been involved since it was your fearless independence which, in my opinion, held the whole thing together, and I believe that is something which is going to be sorely missed under the new and untested system. There are a number of matters about this case that had some concerns, some of which have been touched on in your reports, and one wonders just what will be done in that regard in the future if that degree of fearless independence is not there, and to that end, you personally will be sorely missed and so too will this whole process, and I must take this opportunity of thanking you for the assistance that you and your staff have provided in any matter in which I've personally been involved. I'd also like to thank all of the Reviewers in the various matters that I've appeared before for the very professional way they went about things. Thank you.

**Warden::** Thank you, Mr Harrison. Mr Tate.

**Mr Tate:** I too, Your Worship, would like to say some words. The Warden's Court has just handed down its last findings in relation to the nature and cause of a serious incident in, on or about a mine. The recommendations that have been made to promote safety are also the last. The passing of an era.

The Coal Mining Act was passed in the 1920's, the Mines Regulation Act sometime later. These expressions of public policy acknowledge the inherent dangers exposed by the mining environment in its many forms for those that operate within the system.



You, sir, as the current Warden have carried on a proud tradition. It's a very difficult one. The mining industry in my experience it not unitary in its outlook, it's divided in so many ways. The current industrial disputes we see in the media witnesses the pluralistic nature of the industry. There is however a common thread, a unifying golden thread, it's the recognition of every witness that I've seen in this Court, the comments and attitudes of every Reviewer, Your Worship's views, that the safety of all people in the industry is the paramount concern of all. Even here there is some debate as I recall about the role of the individual, the role and responsibility of the mine owners, the registered managers, now to be the site senior executives, and finally of course, the industry's need to maintain community acceptance of its endeavours. As is so often the case it's the process of an industry which becomes the focus of the media not the good an industry produces.

In all of this where does the Warden's Court fit in? Fortunately this is an easy question to answer; the riddle can be understood in terms of accountability; to whom, where does this accountability sit? The answer there is simple; to the mining community and through that community to broader society. They, the people, need to know their case will be heard and heard impartially, the truth will come out. The reputation of this Court is that is exactly what occurs.

Your Worship's reputation as being fearlessly independent is well known, well known. The curio that I have seen so often over the last six years, so far as fatal and serious injuries are concerned, is the effect that the Warden's Inquiry process has for the next of kin. So many times at the end of an Inquiry I've been met outside the Court by a grieving father, mother or wife, tears in their eyes saying, at last I understand what happened, the truth has come out. They also say, I hope the industry hears the recommendations that have been made. For them it is about making sense of the premature and unnecessary death of their loved one. Their singular hope is that their loved one has not died in vain, that some good will come out of the tragedy. There is no difference where the incident has resulted in a serious injury, and indeed, Your Worship, the last case before this Court this week has involved serious injuries. The pieces for the injured worker, or the deceased worker have to be picked up by the family. That's human nature.

It's important though to note that even though there is this process it is only when the open process is concluded that there is apparent understanding, even so they've been told previously by the company, by the Inspectorate, and many others in terms of what's happened to their loved one. It seems that the judicial process, it allows them to put the pieces together, is the difficult part for them. It's impartial.

Last year we commenced the new millennium, much water has passed since the Coal Act was passed in 1925 and the Mines Regulation Act in the 1960s. We now have new legislation, it's a brave new beginning. I suspect few fully understand the responsibilities they now have from Friday, 16 March 2001. Where are we now, things change, that's the way of the world. In the east they often say that nothing is gained without something being lost. So too with the passing of the Warden's Court. The Inspectorate has lost its strongest advocate. Moura provided the catalyst for a new professional Inspectorate. Sometime I suspect that is forgotten. The mining community has lost its specialist Court, no longer will injuries and death in, on or about a mine be subject to peer review, and as a corollary to that the system of peer review itself comes to an end.

Let us look now at the composition and the personalities of the Warden's Court. There is the Warden. The closing of this Court is not an end, it is nothing more nothing less than a step along the way of Your Worship's very distinguished legal and judicial career that has lasted a lifetime. It's easy to wish you well. Over the six years or so that I've been associated with the Court you have taught me much, so have the Reviewers. When I began I thought strata failure was about planes falling out of the holding pattern above Brisbane airport; hanging walls were some sort of modern term for the old English gallows; and the goaf was some sort of higher office holder in a secret society probably wearing furs and a rather curious hat. I didn't know mining at all, I began to understand it when one Reviewer said to me, "Mining is about the subtle art of stealing the coal before the roof finds out". Also, over these years I've seen the Warden typify the best of the characteristics which the Bench has traditionally been famous for; patience, tolerance, impartiality, and more importantly, a genuine desire to do good according to law for all who appeared before the Court.

The Warden's Court like all great traditions is not just one person; on a personal note there's also

Max and Sue who ensure all of the support the Court needs to discharge its important functions occur. More importantly, however, they taught me to play Keno. More of that later.

Equally, there are the Reviewers; there have been so many that I have been privileged to meet over the years that it is difficult to name them all, but that's the point. A Reviewer is a person who has given up their time to do a difficult job, their dedication and energy during Inquiries is legend. Also, they provide the human face. So often I've been able to say to miners in the witness box, speak freely, the people on the bench are miners, they'll understand what you saw, heard and did, they know how to spin a rock bolt. I think the mining community have been served very well by the Reviewers and the Reviewer system, their own people. I hope that the mining community pauses for a moment and thanks each one of those who has given up their time to discharge an important public duty.

If there be one thread that we can make the final tapestry with it's the women folk of the mining community. They send out their men to work and expect to have them returned safely at the end of the day. It seems to me, and it always appeared that the system employed by the Court and the Reviewers have done more than a little bit to try and make that dream come true. It seems that it would be difficult to find a higher ambition that any Court could have to have people return home safely and to improve the safety of an industry.

My best wishes go with all of you. To you, Warden, it has been an honour to be involved with the Court and the last six years assisting the bench as Counsel assisting has been a remarkable experience, I'll miss it greatly. There are also the many, many lawyers, my colleagues who have appeared over many occasions. They also have their place, they also have made the system work. I wish you well. Thank you, Your Worship.

**Warden:** Yes, thank you, Mr Tate. Mr Dalliston has requested to speak.

**Reviewer Dalliston:** Thank you, Your Worship, for the privilege to place some comments on record. On behalf of all mine workers and the CFMEU I'd like to express our concern at the loss of the Warden's Court which has been such an integral part of the mining industry as an independent process for determining nature and cause of serious and fatal accidents. We would like to take this occasion to sincerely thank Frank Windridge, the Mining Warden, his dedicated staff, Max and Sue, and all those who have generously given their time as Reviewers for their commitment to families of injured workers and the safety of other mine workers. As a person privileged to be selected as a Reviewer on numerous occasions, an experience that I believe has been or will be invaluable to me in my position as District Union Inspector. I would also like to place my personal gratitude on record to the Warden and his staff. In closing, we would recommend and commend to the mining industry the recommendations and findings of all Inquiries to mines in their development of standard operating procedures and safety management systems for the future. Thank you.

**Warden:** Yes, thank you. Mr Brady wants to say something.

**Reviewer Brady:** I'd just like to read a letter on behalf of my father, John, whose - I'll explain it all here.

"I am very sorry that I had to miss the final day's proceedings of the Queensland Mining Warden's Court but unfortunately my tired old body is trying very hard to reject the tired old face that has sat on the right-hand side of the Warden so many times over the last few years.

To be selected to serve as a Reviewer is an honour and the experience on so many Inquiries has given me an insight into Accident Investigation, Causal Analysis and Risk Management that could not be gleaned from textbooks and for this I thank you.

You told me once that you selected me for so many Inquiries because you wanted to inject some consistency into the process. It was not, as some have suggested, jobs for the boys, it has been in fact a very difficult and on many occasions emotional task but one that I will cherish for the rest of my days.

Today is a very black day for the Queensland Mining Industry and sometime in the near future people will realise what they have lost.

When I look back at where we were when you first appointed me to the Reviewer's Panel for the

Tick Hill Fatal Accident Inquiry and where we ended I am more than satisfied that we have done an excellent job in upgrading Accident Investigation, Reporting, Findings and Recommendations and for this I am rightly proud.

It is sad to see the Warden's Inquiry process end but unfortunately someone decided that it could be done better another way. I can only hope that the industry and in particular the next of kin actually receive a better outcome. I have lost count of the number of times that a wife, mother, father, or relative of one of the victims of workplace accidents has, at the end of an Inquiry, hugged me in gratitude for having the guts to ask the difficult questions. It was the answers to these questions that helped them understand why their loved one lost their life or was seriously injured.

We can only hope that the new Board of Inquiry process does not end up bogged down in the legal system as it appears to have done in New South Wales. There they have a number of people being prosecuted but very few answers as to the nature and cause of accidents.

When or if this State goes the same way I hope that the politicians, bureaucrats and architects of the new process have the honesty and guts to stand up and claim responsibility. If they don't, I know who they are and I will ensure that the entire industry and the relevant next of kin know where to place the blame.

I can see a time when the fact that a person has been seriously injured or killed will be regarded as purely the trigger for an investigation designed to prove that the management systems failed and therefore the mine officials or some other poor soul must be prosecuted or clearly made to pay the price. It is interesting to note that the price has already been set at \$75.00 per penalty point.

We seem to have forgotten about the victims and my experience with the most recent fatal accidents at Jellinbah and Cook has helped me realise that many people are severely and in some cases permanently injured everytime there is a serious or fatal accident. In our zeal to attach blame or to demonstrate that someone has been made to pay we tend to forget the families, the rescuers, first aiders, workmates, friends, supervisors and managers all of which are victims to varying degrees in an event that should not have occurred.

Please pass on my sincere thanks to Sue and a special mention to Max, I will miss them. Lastly, please pass on my best regards to John Tate. We worked hard to educate him in the workings of a mine and the practical application of actual Occupational Health and Safety.

Knowing and working with you all is something that I am truly thankful for."

**Warden:** Yes, thank you, Mr Brady. Well for myself and on behalf of Max and Sue I thank you all for your kind remarks and your best wishes. We will also miss the challenges but we will now move onto other things. We wish you all the best for the future gentlemen, and with that, this Inquiry is now closed.

The Inquiry is now closed.

22 March 2001

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**Great state. Great opportunity.**