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Michael James MORRIS

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 Michael James Morris Oaky No 1 mine on 26 may 2000 Warden's court of Queensland Emerald 7-9 november 2000

Before: Mr F W Windridge, esquire Mining Warden

Reviewers:

- Mr Rod Woods
- Mr Chris Glazbrook
- Mr Stephen Smyth
- Mr Ken Singer

To assist:

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

Appearances:

- MR G Dalliston on behalf of the Construction, Forestry, Mining and Energy Union (CFMEU) and the Combined Mining Unions
- MR A S Mellick (instructed by Messrs Rees R & Sydney Jones) on behalf of the next of kin
- MR R N Traves (instructed by Mount Isa Mines Pty Ltd) on behalf of Mount Isa Mines Limited, Sumisho Coal Australia Pty Ltd, Itoshu Coal Resources Australia Pty Ltd, Oaky Creek Coal Pty Ltd and for Mr Murray Wood, the registered mine manager

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:

- Senior Constable William John NAPTHALI
- Inspector Michael Edward CAFFERY
- Peter Gilmour FULLER
- Brendan Scott DALGLISH
- Brandon Lee GRUENING
- Ross Graham WYATTE
- John Barry SANDERSON
- Stewart Owen EUSTON
- Phillip Edward WAGSTAFF
- Wayne Douglas DEAKIN
- Brett Anthony MURPHY
- Gregory Edward MERRICK
- Paul O'GRADY
- Scott Hugh DOBBIE
- Darren John NICHOLLS
- Murray Alan WOOD

Schedule "B" List of Exhibits

EXHIBIT NO	NATURE OF EXHIBIT	TENDERED BY
1	Police Report - Senior Constable W J Napthali (including statements)	Mr J Tate
2	Form 4 - Report Concerning Death by Member of the Police Service	"
3	Form F - Coroner's Certificate of Holding of Inquest	"
4	Life Extinct Certificate - Dr M E Foley 30 May 2000	"
5	Form 10 - Post-Mortem Examination Report	"
6	Form E - Post-Mortem Examination Certificate	"
7	Police Photographs - (72 colour)	"
8	Report of Inspector M E Caffery	"
9	Red Folder: Photographs of accident site	"
10	Original Photographs of accident site	"
11	Volume 1 - Photographs taken 26 May 2000	"

12	Volume 2 - Subsequent photographs	"
13	Slides from Inspector Caffery's Report	"
14	Two (2) rock samples	"
15	Plastic recovered from roof bolt	"
16	Sliver of chemical recovered from scene	"
17	Deputies Statutory Inspections & Development Panel Production Control - Oaky No 1 Mine	"
18	Information for Mike Caffery - Two (2) Folders 1) Shift Handover 2) Mine Record Book	"
19	Training Records - Oaky Creek Coal	"
20	Mine Managers Preliminary Report dated 13 June 2000	"
21	Mine Managers Report dated 12 September 2000	"
22	Geotechnical Report on the Roof Fall on 26 May 2000 BFP Consultants Pty Ltd - Prepared by Dr P G Fuller	"
23	Strata Engineering (Australia) Pty Ltd Report No: 00-212-OCC/2 dated August 2000	"
24	IC 9387 - Coal Mine Roof Rating (CMRR): A Practical Rock Mass Classification for Coal Mines (United States Department of the Interior - Bureau of Mines)	"
25	Statement of Brendan Scott Dalglish	"
26	Statement of Brandon Lee Gruening	"
27	Statement of Ross Wyatte	"
28	Statement of John Barry Sanderson	"
29	Statement of Stewart Owen Euston	"
30	Statement of Peter Derrick Dunham	"

31	Statement of Phillip Edward Wagstaff	"
32	Statement of Wayne Douglas Deakin	"
33	Statement of Brett Anthony Murphy	"
34	Statement of Gregory Edward Merrick	"
35	Statement of Paul O'Grady	"
36	Plan No A1 - Oaky Creek Coal Pty Ltd No 1 Underground Colliery (marked for falls or difficult areas)	Mr G Dalliston
37	Statement of Scott Hugh Dobbie	Mr J Tate
38	Statement of Darren John Nicholls	"
39	Minutes of weekly communications Meetings with afternoon shift (discussion of SCARF Plan)	Mr R Traves
40	Original Mine Manager's Report dated 12 September 2000	"

Schedule "C" Findings:

We find -

Name of deceased: Michael James Morris

Date of fatal injury: 26 may 2000

Time of accident: 03:40 hours

Place of accident: Oaky No 1 mine

Nature of accident:

On 26 May 2000, Mr Michael Morris received fatal injuries while working on night shift at Oaky No 1 Mine. The incident occurred at 28 cut-through Main Gate 19 when Mr Morris was trapped by a roof fall at 3.40 am.

Cause of accident:

On 25 May 2000, Mr Morris commenced work with red crew at 11.00 pm and proceeded underground to the crib room at 26 cut-through B heading MG 19. At that point a crew briefing was conducted on the work to be performed, part of this being to continue to break off 28 cut-through, 28 metres inbye 27 cut-through B heading. Roof conditions were considered by the crew as good and the Strata Control Action Response Plan (SCARP) on code Green.

Mr Morris was the designated operator of a Jeffery 2048 single pass remote controlled miner with four roof bolters fitted.

At 3.40 am, Mr Euston and Mr Morris were standing on the roof bolting platform when Mr Euston looked across the top of the miner and noticed the straps "were a bit bagged, no longer flat, not normal". At this point he saw a small flake fall out of the roof 1 metre away and saw two drops of water fall from where the flake had come from. Mr Euston tapped Mr Morris who turned, looked and shouted "get out". Both men jumped off the platform and ran outbye when the roof collapsed trapping both men near the back right-hand side of the shuttle car.

The remainder of the crew started the emergency triggers and recovery operation. Mr Euston was recovered from the fall at approximately 6.00 am with minor injuries after being trapped in a cavity between the shuttle car and fallen "W" straps.

Rescue efforts continued to recover Mr Morris and their efforts were hampered by further unstable roof conditions. Life was pronounced extinct at 9.15 am. Mr Morris' body was recovered at 11.52 am and transported to the surface of the mine.

Contributing factors:

- Primary roof support installed in the intersection and through the faulted roof horizon was insufficient to prevent catastrophic failure of ground.
- The absence of quantitative monitoring that would have enabled the crew to measure ground movement and to remove themselves from a position of danger in a timely manner.
- The failure of all persons involved to recognise the risk of the potential of faulted ground in the cut-through at the angle driven.

Schedule "D" Recommendations:

1. The reviewers endorse the recommendations of inspector Caffery's report, and of the manager's recommendations implemented since the event.
2. Mines should review Strata Control Action Response Plans to ensure they provide a reliable method of determining if trigger levels have been exceeded.
3. Mines should ensure that personnel who are exposed to strata hazards are competent to identify and respond to changing conditions in accordance with pre-defined trigger levels.
4. Mines should ensure that trigger levels in the Strata Control Action Response Plan are adequately resourced in the event of an uncontrolled roof fall. The response time should consider the need to recover people entrapped in roof falls.
5. Risk management techniques should be used to determine the level of strata support required and appropriate monitoring in relation to mine design - which includes when mining adjacent to and/or parallel to major geological structures.
6. The findings of this investigation and inquiry should be placed on the DME incident data base.
7. All risks assessment data and core data used to develop the safety management plans and associated procedures should be retained at the mine and used in reviews of the plans until it is no longer current, including a system to report and record relevant information pertaining to the strata each shift as mining progresses for the use in future mine plan decision making.

Dated at Emerald this 9th day of november 2000.

Schedule "E" Report of the Warden:

On 26 May 2000, Mr Michael James MORRIS received fatal injuries from a catastrophic roof fall whilst performing work at 28 cut-through in Maingate 19 panel of Oaky No 1 Mine.

Oaky No 1 Mine is owned by a joint venture which is constituted by -

Mount Isa Mines Limited Sumisho Coal Australia Pty Ltd Itochu Coal Resources Australia Pty Ltd

The Manager of the joint venture is Mount Isa Mines Limited and the mine is operated by Oaky Creek Coal Pty Ltd.

Coal is extracted by a longwall operation at Oaky No 1 Mine and Oaky North Mine. Annual production for Oaky No 1 Mine in 1999 was in excess of four million tonnes of coal. Product is

exported through Dalrymple Bay Coal Terminal. Approximately 165 persons are employed at Oaky No 1 Mine, with an additional 35 persons engaged on a contract basis for peak work and specialist tasks.

The Inquiry has heard the evidence of 15 witnesses over the past three days and has admitted into evidence 40 statements, reports and other documents as exhibits, including the report of the investigating inspector and the report of the Registered Mine Manager. An inspection of the accident site was conducted on Monday, 6 November 2000.

Findings as to nature and cause:

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

In respect of this Inquiry, I thank Mr Tate for his assistance as Counsel Assisting the Inquiry. I thank Counsel and the various legal and union representatives who appeared for various parties for their assistance during the Inquiry, particularly for the early start and late finish times which allowed the witnesses to return to their family and work commitments.

I thank the Reviewers who have assisted the Court to carry out its legal functions in this Inquiry.

The Inquiry is now closed.

9 November 2000

Last updated 20 October 2007

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Great state. Great opportunity.