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Peter James COMERFORD

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 Peter James Comerford at Mount Isa Mines Limited lead smelter upgrade on 14 July 2000

Warden's court of Queensland Mount Isa 4-8 december 2000

Before: Mr F W Windridge, esquire Mining Warden

Reviewers:

- Mr John Brady
- Mr Paul Henley
- Mr Paul McGuckin
- Mr Anthony Marshall

To assist:

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

Appearances:

- MR G V Gear (of Gary Gear & Associates) for the next of kin, Ms Cilla Bird and Mr Dennis and Mrs Desleigh Comerford
- MR A S Kitchen (instructed by Messrs Clayton Utz) on behalf of AET Operations Pty Ltd and Boulderstone Hornibrook Pty Ltd
- MR G R Mullins (instructed by Freehills) on behalf of Bateman Brown and Root and the registered mine manager
- MR N M O'Connor (Principal legal adviser for MIM Holdings Limited) on behalf of Mount Isa Mines Limited

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:**

- Constable Murray GUSTAFSON
- Inspector Sergio Eduardo CESPEDES
- Inspector John Richard HORSBURGH
- Darryl John WILLIAMS
- Anthony Paul ROONEY
- Stuart James WILTON
- Michael John GATTY
- Glen Anthony CANNON
- Gary Michael WRIGHT
- Roger Adrian NICHOLLS
- Stephen Roy LAMONT
- Jason Thomas PINCOTT
- James Keith SANDERSON
- Torren Aziz BOCOS
- Kevin Rahin BOCOS
- Daniel Peter McMANUS

Schedule "B" List of Exhibits

EXHIBIT NO	NATURE OF EXHIBIT	TENDERED BY
Exhibit "A" For Ident	Police Report	Mr J Tate
1	Police Photographs	"
2	Post-Mortem Examination Report	"
3	Form E - Post Mortem Examination Certificate	"
4	Form 4 - Report concerning death by member of the Police Service	"
5	Analyst Certificate - J Wells - 29/11/00	"
6	Original Investigating Officer's Report - Sergio Cespedes	"
7	Folder of Colour Photographs (Inspector of Mines, Mount Isa)	"
8(A)	Video Cassette - (17/7/00: Fatal Incident MIM Lead Smelter)	"
8(B)	Video Cassette - (20/7/00 MIM Incident Lead Smelter Facility)	"
9	Accident Report Overview (Safety and Health Division)	"
10	George Fisher Project - Minutes of Meeting (215) 14/7/00 George Fisher Project - Minutes of Meeting (005) 14/7/00	Mr G Mullins
11	Adjusting Screw and Plate	Mr J Tate
12	Mines Inspectorate Significant Incident Report - Richard Horsburgh	"
13	ISAFETY ALERT - D McManus Registered Manager- 29/6/00 E-Mail message - R O'Sullivan to D McManus 7/7/00 ISAFETY ALERT - D McManus Registered Manager- 13/7/00	"
14	SITE PLAN - Survey of Fatal Accident Site at the Lead Smelter	"
15	Statement of Daryl John Williams	"
16	Statement of Anthony Paul Rooney	"
17	Statement of Stuart James Wilton	"
18	Statement of Michael John Gatty	"
19	Statement of Glen Anthony Cannon	"

20	Statement of Gary Michael Wright	"
21	Statement of Roger Adrian Nicholls	"
22	Statement of Stephen Roy Lamont	"
23	Statement of Michael Robert Bakhsh	"
24	Statement of Peter John Gill	"
25	Statement of Jason Thomas Pincott	"
26	Statement of David John Ryan	"
27	Statement of James Keith Sanderson	"
28	Statement of Torren Aziz Bocos dated 16 July 2000	"
29	Statement of Torren Aziz Bocos dated 8 August 2000	"
30	Statement of Kevin Rahin Bocos	Mr A Kitchen
31	Lead Smelter - July 2000 Shutdown Organisation Chart REV 09 For Review 10/7/2000	Mr G Mullins

Schedule "C" Findings:

We find -

Name of deceased: Peter James Comerford

Date of fatal injury: 14 July 2000

Time of accident: 12:49 pm

Place of accident: 2.23 crusher level, Lead smelter sinter plant, Mount Isa Mine north-west Queensland

Nature of accident:

Peter James COMERFORD sustained fatal injuries at the Mount Isa Mines Limited Lead Smelter Sinter Plant when he was struck by the "north-west bearing housing assembly", a sub-assembly of the 2.23 spike rolls crusher frame.

Mr Comerford was struck while working within the fall zone of the 2.23 spike rolls crusher frame that was being lifted by the smelter plant's overhead travelling crane (Moore 9006 15 tonne/derated from 25 tonne) operated by Jason Thomas Pincott.

The lifting activity was a sub task of the smelter plant shutdown project which required the dismantling and removal of the 2.23 spike rolls crusher to facilitate its refurbishment and relocation.

Cause of accident:

From the evidence, we are satisfied that the "north-west bearing housing assembly" separated from the "adjusting screw" while the load was suspended and at rest in the near vertical position.

While there was no evidence to suggest the load was jolted or moved, it appears both bearing house assemblies fell almost simultaneously.

We are satisfied these assemblies were not securely attached to the "adjusting screws" prior to the lift. This is supported by evidence from Report No IXT 390-01 by Inspections X-Ray and Testing Pty Ltd where they state:

"There was corrosion on all surfaces except one area on one washer, no fresh matching fracture surfaces and a significant gap between the remaining weld metal on the bolts and washers when they were joined together. These observations support the conclusion that the washers were not welded to the bolts at the time of the incident and had broken away from each other possibly

months or years earlier."

We are satisfied that this condition would not have presented itself as obvious to the work team involved in the dismantling and lifting tasks.

There was no evidence presented that suggested deficiencies in the communication process between the rigger and the crane operator, however, we are satisfied that had an effective radio system been used this would have removed the need for the rigger to be within the fall zone.

Health and Safety Management systems and procedures, while in place, were not adequate for this task.

Schedule "D" Recommendations:

AET Operations Pty Ltd commission a suitably certified independent Occupational Health and Safety audit of their safety management system and the findings of the audit be implemented within six months.

Risk assessments for future projects should be undertaken in accordance with the provisions of AS/NZS 4360, Risk Management (as amended).

During a Job Safety Analysis the activity must be broken down into specific logical steps. The team carrying out this analysis should consist of persons involved in the work and those with relevant expertise. Criteria should be established to determine when a JSA needs to be modified.

Operating manuals, installation manuals and other relevant documents for all machinery, to be kept, maintained and filed by the Principal and provided for inspection by persons or contractors required to work on the machinery or equipment. Work on or alterations to all machinery must be properly documented and recorded by the Principal.

Dated at Mount Isa this 7th day of December 2000.

Schedule "E" Report of the Warden:

On 14 July 2000, Mr Peter James COMERFORD received fatal injuries when he was struck by a bearing housing assembly which fell during the lift of a crusher frame by an overhead travelling crane in the SINTER PLANT of the MOUNT ISA MINES LEAD SMELTER.

The LEAD SMELTER forms part of a mining and processing operation conducted by Mount Isa Mines Limited on the Isa Lease. The lease is owned and operated by Mount Isa Mines Limited.

In addition to its own workforce, a number of contractors are engaged from time to time on construction and other projects. At the time of the accident, an upgrade of the Lead Smelter was being carried out. This upgrade was being co-ordinated and managed by the George Fisher Project team.

The contract for work in the Sinter Plant of the Lead Smelter was granted to BAULDERSTONE HORNIBROOK PTY LTD. Boulderstone Hornibrook then entered into an agreement with A.E.T OPERATIONS PTY LTD (AET). Mr Comerford was an employee of A.E.T.

The Inquiry has heard the evidence of 16 witnesses over the past three days and has admitted into evidence 31 statements, reports and other documents as exhibits including the reports of the investigating inspector and the report of the registered mine manager. An inspection of the accident site was conducted on Monday, 4 December 2000 although the accident scene has changed and the Sinter Plant is back in operation.

The General Manager of the George Fisher Project under the provisions of Section 34A of the Mines Regulation Act 1964 has appointed Daniel Peter McMANUS as a person to assist the manager. The appropriate documentation for the appointment was duly lodged on 12 November 1998.

Findings as to nature and cause:

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

In relation to Section 45 of the Mines Regulation Act 1964, having heard the oral evidence and having studied the documentary evidence, I am not satisfied that there is any cause to take any action in relation to any certificate, license or authorisation issued to the Registered Manager under this Act.

In relation to this Inquiry, we thank Mr Tate for his assistance as Counsel assisting the Inquiry. We thank Counsel and the various legal and other representatives who have appeared for various parties for their assistance during the Inquiry, particularly for the early starts and late finish times which allowed for a minimal disturbance for the witnesses.

I thank the Reviewers and my staff who have assisted the Court to carry out its legal functions at this Inquiry.

The Inquiry is now closed.

7 December 2000

Last updated 20 October 2007

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Great state. Great opportunity.