



My News 

Today's Paper

Local

QLD

National

World

Opinion

Business

Entertainment

Lifestyle

Sport



[News](#) [Queensland](#) [Mackay](#) [Police & Courts](#)

Middlemount Coal fined over safety gaps revealed after David Routledge death

A magistrate has found there was 'no cavalier approach to safety' at a mine where a digger operator was crushed to death in a highwall collapse.



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South Mackay grandfather David Routledge died in 2019 in a high wall collapse at Middlemount Mine.

Police & Courts

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The operator of a Bowen Basin mine where a South Mackay grandfather was crushed to death in a high wall collapse has been fined \$70,000 after a magistrate found there was “no cavalier approach to safety”.

[The case against the mine’s site senior executive was dropped over the death of David Routledge in 2019](#), while operator Middlemount Coal Pty Ltd pleaded guilty to a downgraded charge linked to safety gaps at the time of the tragedy.

Workplace Health and Safety prosecutors removed any allegation those safety gaps caused the fatality.

[Mr Routledge, 55, was operating a digger at Middlemount mine on June 26 when part of the high wall collapsed and engulfed the machine](#) just after midday crushing the equipment and claiming his life.

[His wife Debra Routledge and son Anthony were in Mackay Industrial Magistrates Court](#) on Tuesday for the matter.



David Routledge had been operating a digger when part of the high wall at Middlemount Mine collapsed crushing the machine.

[The court heard investigations following the death revealed the mine had been lacking](#) an implemented Ground Control Management Plan, which is an overarching document containing the components of the Safety and Health Management System and “guides the risk management process for ground control”.

As a result the SHMS was deemed “inadequate”.

Brisbane silk Sarah Farnden, for WHS, said the mine had been aware of this 12 months earlier when the gaps were identified by the mines inspectorate.





Debra Routledge, wife of David Routledge, was at court for the sentence. Picture: Janessa Ekert

Ms Farnden was pushing for a fine between \$200,000 and \$400,000 with a conviction recorded arguing the mine operator had been told about “gaps in the system ... given advice how to fix it and did not do so”.

King’s Counsel Christopher Murdoch, for Middlemount Mine, said his client agreed, through its guilty plea to one count of failing to discharge health and safety obligations, “there was a deficit in the system” but argued “there was already a comprehensive system in place”.





David's son Anthony Routledge also travelled to Mackay for the sentence. Picture: Janessa Ekert

The court heard at the time of the death there was a GCMP but in draft state.

An expert hired by WHS determined its lack did not cause Mr Routledge's death and "had the requirements of the SHMS been complied with by individuals the incident concerning the ... wall failure could have been avoided or adequately managed".

Mr Murdoch was pushing for a \$70,000 fine and no conviction recorded.





His death sparked an investigation that revealed there were safety gaps in the mine's Safety and Health Management System.

Magistrate Bronwyn Hartigan found there was a “sophisticated and robust Safety and Health Management System” at the mine at the time despite the lack of a GCMP as there were at least 10 health and safety management plans in place at the time, just not contained in the one document.

This included a Geotechnical Principal Hazard Management Plan “that was developed and finalised as a direct result” of interactions with the mine’s inspectorate.



“There was no cavalier approach to safety, there was action in the form of a settled Geotechnical Principal Hazard Management Plan ... and a draft Ground Control Management Plan,” Ms Hartigan said.

“This is not a case where there was inaction or a lack of co-operation with the directives by Middlemount mine.

“There was a robust safety system in place albeit a gap in that system.”

Ms Hartigan agreed with Mr Murdoch that a penalty totalling 10 per cent of the maximum fine was appropriate. Middlemount Coal was fined \$70,000 plus \$110,000 in costs and a conviction was not recorded.

TIMELINE OF TRAGEDY

August 5, 2017: Daniel Springer, 30, was fatally injured while removing external wearplates from an excavator bucket at Goonyella Riverside Mine.

July 29, 2018: Adam Malone, 25, was fatally injured at Jacks Quarry when the articulated dump truck he was operating hit an embankment and turned over on a haul road.

November 15, 2018: Connor-Shaye Campbell Milne, 21, was fatally injured at Fairfield Quarry when he was entangled in the tail pulley of a conveyor.

December 31, 2018: Allan Houston, 49, was fatally injured when his bulldozer overturned at BMA's Saraji Open Cut Coal Mine near Moranbah.

February 20, 2019: Bradley Hardwick, 48, died when two pieces of machinery collided underground at Anglo American's Moranbah North Mine.

June 26, 2019: David Routledge, 55, was crushed to death at Middlemount Coal Mine when a wall collapsed on to his excavator.

July 7, 2019: Jack Gerdes, 27, was killed at Baralaba North coalmine when he accidentally engaged the retractable staircase on a Komatsu PC4000 excavator, becoming crushed between the staircase's handrails and the excavator's body.

November 25, 2019: Brad Duxbury, 57, died when coal fell from a longwall face at Carborough Downs Coal Mine.

January 12, 2020: Donald Rabbitt, 33, was at Blackwater's Curragh coal mine reportedly working on a float, which transports machinery, when it crushed him.

September 14, 2021: Graham Dawson, 60, suffered critical injuries at Sojitz Gregory Crinum Mine when part of the roof dislodged and fell onto him and a co-worker, who was trapped for four hours.

November 21, 2021: Man, aged in his 50s, dies in a tragic incident at Curragh Mine

March 25, 2022: Mine contractor, 59, suffered critical head injuries in a lifting incident at Moranbah North Mine and dies onsite.

Case timeline

Initially WHS prosecutors charged Middlemount Coal, SSE Darren Lee Cuthbertson, mine manager Darrin Brian Milner and open-cut examiner Neville John Whitley in June 2020 alleging serious health and safety breaches causing Mr Routledge's death.



Middlemount Mine.

[The case against Mr Whitley was discontinued because in December 2021 he died of natural causes](#), while in September 29, 2022 WHS prosecutors dropped its cases against Mr Milner.

WHS had determined there were still reasonable prospects of securing convictions against Mr Cuthbertson and Middlemount Coal, and the matters were listed for a three-week hearing.

But the hearing was delisted, Middlemount Coal pleaded guilty to a downgraded charge and the case against Mr Cuthbertson was dropped.

WHS removed allegations that the mine's failure to discharge health and safety obligations was directly linked to Mr Routledge's death, but his legal team conceded there were safety gaps at the time.

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