

# Metarock offices raided by Resources Safety and Health Queensland following two coal worker deaths in two years

By Liam Walsh    Mining Accidents and Incidents

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## In short:

A mining contractor has been raided by Queensland's safety regulator following the deaths of two workers in recent years.

Graham Dawson died in an underground mine collapse in 2021. Gavin Feltwell died in March 2022.

Metarock is trying to block access to 14,000 seized documents.

A mine contracting business's offices have been raided by Queensland's safety regulator as part of an investigation into the death of a second coal worker.

Resources Safety and Health Queensland (RSHQ) staff took almost 14,000 documents from the Mackay offices of Metarock, the ABC can reveal.

Metarock's subsidiary Mastermyne was operating the central Queensland Crinum mine when Graham Dawson died in an underground collapse in 2021. No charges have been laid over Mr Dawson's death.

ASX-listed Metarock is trying to block the regulator's access to the documents seized in April this year, court filings show.

This is the second regulatory investigation into Metarock.

Metarock's Mastermyne Contracting Services was charged last year over the death of worker Gavin Feltwell at Anglo American's Moranbah North mine in March 2022.



Graham Dawson died in the 2021 Crinum underground mine accident. *(Supplied)*



In 2020 — two years before Gavin Fentwell died there — workers at the Moranbah North mine protested over safety concerns at the site. *(Contributed: Kelly Veava)*



That charge relates to safety aspects of the Coal Mining Safety and Health Act. A sentencing for that case is scheduled in Emerald's Magistrates Court for October.

Metarock has previously told investors the maximum financial penalty in that charge is \$2 million, while its accounts state any profit impact is potentially lessened by "the company's insurance program".

## 'Trusted name in underground mining'

Metarock describes itself one of the "most trusted names in Australian underground mining". Its services include training miners as well as running mines, and it had operated for 25 years without fatalities before Mr Dawson's death at the Sojitz Blue-owned mine in 2021.

Mr Dawson was killed when the roof of the underground mine collapsed at about 11 pm on September 14, 2021. Another worker was seriously injured.

Court documents detail how RSHQ employees, plus a staffer from forensic firm Vincents, searched employee emails and servers.

"It's obviously in relation to our ongoing investigation into the incident at Crinum," an RSHQ inspector told Metarock staff, according to his affidavit.

A search warrant used in the probe indicates the regulator is examining the mining operator's legal safety obligations.

Another RSHQ employee said in an affidavit the ongoing investigation related to potential offences suspected to have been committed by Metarock and others.



Charges have not been laid over Graham Dawson's death. (Supplied)



Queensland is home to an array of both thermal and metallurgical coal mines. *(ABC News: Christopher Gillette)*

## **Metarock's bid to block document access**

Metarock has taken RSHQ to court, arguing the search warrant was invalid and the seizure of information unlawful. It sought orders for the return of documents and recordings.

Last week, Justice Michael Copley dismissed Metarock's attempt to have the warrant set aside.

Justice Copley found the inspector was legally allowed to enter the property and copy documents under provisions of the mining safety act.

**"The validity or otherwise of the warrant had no effect on [Metarock's] rights to resist the taking or copying [of material]," he said.**

Other parts of Metarock's lawsuit are ongoing and will be decided later, including if the seizure of documents was unlawful.



Mining and Energy Union Queensland president Stephen Smyth wants people to be held to account for mining deaths. *(ABC Tropical North: Tobi Loftus)*

The two deaths followed a spate of mining fatalities in Queensland at other companies that prompted the government to commission a report in 2020.

The report described a "fatality cycle" in the industry, where there were periods of increasing and then decreasing vigilance.

Mining and Energy Union general vice president Stephen Smyth said the industry had only partially learned its lesson.

**"We're still seeing ... the loss of life," Mr Smyth said.**

Mr Smyth wants the regulator generally to look more closely at holding people to account over mining deaths and accidents, rather than a company which "just wears the fine".

RSHQ told the ABC it had previously recommended to prosecutors that charges be laid against both individuals and entities.

Its Crinum mine investigation was ongoing and RSHQ declined to comment further.

The Office of the Work Health and Safety Prosecutor said any potential cases referred to it were assessed against guidelines, including if a prima facie case existed and any case being in the public interest to proceed.

Metarock declined to answer queries.

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