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Christopher John LEE

Findings and Recommendations

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The *Coal Mining Act 1925* -

Findings and recommendations of reviewers and mining warden following an inquiry into fatal injuries received by Christopher John Lee at Jellinabah Open Cut Coal mine on 15 march 2000
Warden's Court of Queensland Emerald 22 -24 august 2000.

Before: Mr F W Windridge, esquire mining warden

Reviewers:

- Mr Ian Mcdonell
- Mr Rod Woods
- Mr Chris Glazbrook
- Mr Lester Anderson

To assist:

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

Appearances:

- MR A S Mellick (instructed by Rees R & Sydney Jones) for the next of kin, Mrs Lee
- MR M Peacock (instructed by Messrs Hopgood Ganim) for Comserv (1218) Pty Ltd, the mining contractor
- MR R Morton (instructed by Corrs Chambers Westgarth) for Jellinbah Resources Pty Ltd and the then mine manager, Mr Scott Kidston
- MR S Vaccaneo on behalf of the Construction, Forestry, Mining and Engineering Union (CFMEU)

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 Gregory Martin DWYER
- Inspector Gregory William LYNE
- Rodney John SHANNEN
- Jeffrey Roy HAMBLIN
- James Stewart McIVER
- Daniel Christopher CAWTE
- Ward Eric LEE
- Anthony David CHAMPION
- Scott William KIDSTON

Schedule "B" List of Exhibits

EXHIBIT NO	NATURE OF EXHIBIT	TENDERED BY
1	Letter from the Honourable Minister for Mines and Energy, Mr Tony McGrady, dated 20April 2000	Mr J Tate
2	Police Report to Coroner Form 4 Post-Mortem Examination Report Post Mortem Examination Certificate Coroner's Order for Cremation	"
3	Police Photographs (63)	"
4	Police Video Cassette - Re-enactment at Jellinbah Mine, Blackwater	"
5	Police Cassette Tape & Transcript of Interview (Hamblin)	"
6	Report of Investigating Officer, Mr G Lyne, Inspector of Mines, Central Region	"
7	Folio of Colour Photographs	"
8	Video Cassette by Inspector Lyne	"
9	Mine Manager's Accident Investigation Report	"
10	Additional Documentation lodged by Corrs Chambers Westgarth under letter dated 17 August 2000	"

11	Approved Schemes of Personnel Training - Open-Cut Coal Mines	Mr S Vacceneo
12	Copies of Mine Record Book Entries	Mr R Morton
13	Statement of Rodney John Shannen	Mr J Tate
14	Statement of Jeffrey Roy Hamblin	"
15	Statement of James Stuart McIver	"
16	Statement of Daniel Christopher Cawte	"
17	Statement of Ward Eric Lee	"
18	Statement of Anthony David Champion	"
19	Jellinbah Mining Pty Ltd - Personnel Training Scheme Form 1 - Induction Checklist - Permanent Employee A.D. CHAMPION	Mr R Morton
20	Statement of Scott William Kidston	Mr J Tate

Schedule "C" Findings:

We find -

Name of deceased: Christopher John Lee
Date of fatal injury: 15 march 2000
Time of accident: 1800 hours
Place of accident: Jellinabah Open Cut Coal mine

Nature of accident:

On 15 March 2000, Mr Christopher John Lee was fatally injured while working under a 785 rear dump truck tray when the tray fell causing severe crush injuries.

Cause of accident:

The tray was lifted by slings to a Caterpillar 992G (F.E.L.) loader bucket tooth and a dolly placed under the rear of the tray. The boom of the loader was lowered to approximately 200mm above the tray. With the slings still attached and the machine left running, the driver left the cab and descended to the ground.

Mr Lee was cleaning the overspray paint from a pin hole in the base of a 785 truck tray. Mr Lee was sitting on the ground under the tray with a clearance between the tray and the ground of about 900mm, approximately 1.5 metres in from the edge of the tray which was being supported

by the transport dolly. The dolly wheels were not chocked or blocked in any way to prevent the dolly wheels from moving. No secondary supports were set under the tray.

The boom of the loader crept down and rested on the side of the tray, slightly twisting the tray and exerting extra weight sufficient to dislodge the dolly from under the tray. This allowed the tray to fall causing the fatal injury to Mr Lee.

Contributing factors:

- Mr Lee placed himself in a position of extreme danger which he had not recognised. Mr Lee remained in a position of great danger even after a fellow worker expressed extreme concern of the dangers associated with the task.
- The undocumented but widely understood standard procedure for the use of the dolly was deviated from by -

Withdrawal of fork lift from a bracing position;

Leaving the F.E.L. boom/bucket in a position still connected and positioned over the tray.

Schedule "D" Recommendations:

The Department of Mines and Energy is to establish and implement a system to allow the recording and reviewing of approved training schemes throughout the industry.

All mines to review current management systems to ensure compliance with the current legislation and the Chief Inspector's requirements for training. This must include all on site authorisations.

The Department of Mines and Energy is to establish a system to identify changes in trends of risk ranking for all mines with specific reference to the frequency of inspections/audits.

Mines are to ensure where loads are required to be lifted fit for purpose lifting equipment and machinery must be used. Risk management techniques and reference to all relevant standards are to be followed.

Planning for major or infrequently performed maintenance tasks must include a risk assessment. Standard operating procedures (SOP) based on the risk assessment must be applied.

Personnel must apply hazard management skills while performing all tasks.

Supervisors should proactively enforce SOP/hazard management procedures. This should include the instigation of disciplinary procedures against personnel who do not comply with legislative and mine site requirements for hazard control and safe working procedures.

Management systems must include a system by which identified hazards can be accurately and easily reported, recorded and acted upon.

Dated at Emerald this 24th day of August 2000.

Schedule "E" Report of the Warden:

On 15 March 2000 at about 1800 hours, Mr Christopher John Lee received fatal injuries whilst performing work at the Jellinbah open cut mine, central Queensland.

Jellinbah open cut mine is operated by Jellinbah Resources Pty Ltd. Total annual production is approximately 2 million tonnes. A large proportion of the mining operation is performed by contractors, principally Comserv (1218) Pty Ltd. Mr Lee was employed by Comserv as a fitter.

The Inquiry has heard the evidence of 10 witnesses over the past two days and has admitted into evidence 20 statements and other documents as exhibits, including the inspector's report and a comprehensive mine manager's report.

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. I wish to re-enforce to all parties to this and future Inquiries of the desirability of lodging documentation at an early date and within the time frames set by the Court at any directions hearing. Although it is always possible that some documents will need to be produced during the course of the proceedings, bulky or lengthy documents should, except under exceptional circumstances, be produced at least one week before the hearing is due to commence in order that same may be perused by the panel members and other parties who have a vital interest in the proceedings. The alternative is to grant lengthy and expensive adjournments while the documents are read.

The mine manager's report is comprehensive and it is acknowledged that the mine management have actively and intensely pursued a vigorous programme of training, and the upgrading of all procedures at the mine site.

The circumstances of the accident were such that an accurate re-enactment was able to be conducted. We acknowledge that the mine owners and those persons who assisted at the re-enactment have re-produced an accurate duplication of the tragic events of 15 March 2000. We found that the video presentation of that re-enactment was very helpful.

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.

The Inquiry is now closed.

24 August 2000

Last updated 20 October 2007

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Great state. Great opportunity.