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## Peter Carl DANIEL

### Findings and Recommendations

[\[Schedule A\]](#) [\[Schedule B\]](#) [\[Schedule C\]](#) [\[Schedule D\]](#) [\[Schedule E\]](#)

The *Mines Regulation Act 1964* -

Findings and recommendations of reviewers and mining warden following an inquiry into fatal injuries received by Peter Carl Daniel at Smacker's Knob mine on or about 12 June 1991 warden's court of Queensland 1 October 1991

Before: Mr F W Windridge esquire Warden

#### Reviewers:

- MR A STANGER
- MR A W SCHRANK
- MR R FLATINSEK
- MR G HUTCHINSON

#### To assist:

MR R A A SEYMOUR, inspector of mines.

#### Appearances:

- MR G MOUSLEY, district workers' representative

**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:

- Eric John BIRCH
- Josephine GENTLE
- Geoffrey Ernest DANIEL
- Walter Phillip DANIEL

**Schedule "B" List of Exhibits**

No of Exhibit	Nature of Exhibit
1	Statement - Senior Constable E J Birch
2	Post Mortem Certificate
3	Post Mortem Examination Report
4	Photographs x 5
5	Statement - G Mousley
6	Photographs "A", "B", "C", "D"
7	Statement - Josephine Gentle
8	Statement - Geoffrey Ernst Daniel
9	Report - G Hutchinson
10	Statement - Walter Phillip Daniel

**Schedule "C" Findings:**

We find -

Name of deceased: Peter Carl Daniel

Date of death: According to post-mortem examination report either 10 or 11 June 1991.

Date of accident: Uncertain - sometime between 3 and 13 June 1991, probably close to the latter date.

Place of death: Smacker's Knob mine (mining claim 741, Winton)

**Nature of accident:**

At some time between 3rd and 13th June 1991, Peter Carl Daniel, who was working alone in a shallow opencut at the Smacker's Knob opal mine some 33 km south of Kynuna, sustained fatal injuries when buried under a fall of ground. Injuries included a depressed fracture of the skull, broken neck, broken left arm and broken ribs. Medical evidence indicates that death probably occurred on 10th or 11th June.

The section of the mine being worked consisted of a bench cut along the side of a sandstone hill following the outcrop of the opal horizon. At the time of the accident, deceased was either examining or digging out with hand tools a thin band of opal direct at the base of the face which

was approximately three metres high.

**Cause of accident:**

The face of the side-hill cut consisted of weathered badly fractured sandstone which was too unstable to stand unsupported at such a steep angle, particularly when undercut by gouging out a band of opal dirt at its base.

**Schedule "D" Recommendations:**

The recommendations of the reviewers are as follows:

When surface benching into the opal horizon, the sandstone overburden should first be stripped back to a stable angle before extracting the opal dirt. Gouging out the opal band beneath unstable faces is extremely dangerous.

An adequate clear space should be maintained at all times between the toe of an advancing bench face and overburden waste dumps to ensure a clear unobstructed retreat in the event of a rockfall at the face.

Details of this significant incident should be disseminated to mine operators throughout the Winton-Kynuna opal fields.

**Schedule "E" Report of the Warden:**

Yes, thank you, Mr Hutchinson. I'd indicate that as warden, I agree with the findings of the reviewers, and will not be issuing my own findings. This unfortunate accident has reinforced the warnings issued to opal miners by departmental inspectors from time to time about the danger of falls of rock from the face of open cut miners. I propose to ensure that the recommendations of the reviewers are circulated widely amongst individual opal miners in the Quilpie, Jundah and Winton areas where the majority of opal mining is now carried out.

I thank the reviewers for their attendance as members of the inquiry, and for their assistance to me in fulfilling the purpose of the inquiry. I thank those witnesses who had to travel some distance to attend. The inquiry is closed.

1 October 1991

Last Updated 21 October 2007

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**Great state. Great opportunity.**