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BOLTON, KERR, BISSELL and SWIFT

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 Gay Thomas Bolton and Peter Lawrence Kerr and serious injuries to Shane Thomas Swift and Maurice Gerald John Bissell at Moura Open Cut mine on 31 december 1993 warden's court Rockhampton 11-12 april 1994

Before: Francis William WINDRIDGE esquire Warden

Reviewers:

- Mr Mark Andrew CHAMBERS
- Mr Glen WILLIAMS
- Mr Peter COMINO
- Mr Joseph Francis BOOTH

To assist:

Mr M P Walker, Senior inspector of mines, central division

Appearances:

- MR W ALLISON, district union inspector, United Mineworkers representative
- MR R BANNERMAN, legal officer, BHP Australia Coal
- MR R JOLLEY, solicitor of Quinlan Miller & Treston for Messrs Bissell and Swift
- MR DVC McMEEKIN, barrister, instructed by solicitors Swanwick Murray Roche for widow of deceased Mr Bolton

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:

- Peter Robert McGREGORY

- Melvin BELL
- Maurice Gerald John BISSELL
- Bruce Henry LINDNER
- Maurice Gerald John BISSELL
- Ronald Roy DRAY
- Colin MALUGA
- Shane Thomas SWIFT
- Wane Evan Robert TURNER
- Martti Vilho Tapio KANKKUNEN

Schedule "B" List of Exhibits

No	Description
1	Accident Location Plan
2	Accident Plan 20212
3	Accident Plan 20213C
4	Report - Manager, Moura Mine
5	Photographs - Accident Site
6	Post Mortem Certificate - Gay Thomas BOLTON
7	Post Mortem Certificate - Peter Lawrence KERR
8	Certificate of Analysis - Gay Thomas BOLTON
9	Report - Melvin BELL
10	Sticker - (Cabin of WT)
11	Safety Alert
12	Statement - MGJ BISSELL
13	Stickers
14	Statement - B H LINDNER
15	Daily Log Book

16	Training Booklets (2)
17	Authorisation Tests Booklets (2)
18	Mine Traffic Rules
19	Document re: Safe Parking
20	Statement - MGJ BISSELL (3.1.94)
21	Statement - R R DRAY
22	Statement - C MALUGA
23	Statement - S T SWIFT
24(a)(b) (c)	Statement - WER TURNER
25	Report Mine Manager - MVT KANKKUNEN
26	Folio Photographs (Folio B)

Schedule "C" Findings:**Names of deceased:**

Gay Thomas BOLTON
Peter Lawrence KERR

Name of injured:

Shane Thomas SWIFT
Maurice Gerald John BISSELL

Date of accident:

Friday, 31 december 1993

Date of deaths:

31 december 1993

Location of accident:

Pit 19B Mour Opencut mine

Nature of accident:

Tom Bolton and Peter Kerr received fatal injuries and Shane Swift and Morris Bissell received serious injuries when a water truck WT3 rolled forward in pit 19B at the Moura open cut mine and

collided with the side of a service vehicle (ST4). The service truck (ST4) was parked parallel to front end loader 10 (FEL10) for the purpose of carrying out repairs or service to FEL10. The deceased and injured persons were standing between the service truck and the front end loader. The force of the collision pushed ST4 against FEL10 causing the injuries which were in the nature of crush injuries. We are satisfied that Tom Bolton died at the accident site on the 31st of december 1993. Peter Kerr was taken to the Moura hospital but died from his injuries a short time later. The date of death was the 31st december 1993. The injured persons received medical attention and have since recovered.

Cause of accident:

Site parking procedures were not followed.

The water truck was left unattended idling on site of a downhill grade with its wheels pointing towards the service truck. The evidence indicates that the park brake was not applied.

Schedule "D" Recommendations:

Consideration should be given to the installation of some form of engineering controls either physical visual or audible to indicate non-application of park brake by heavy mobile equipment operators.

The mine sites should conduct risk assessments and review their traffic rules to determine the adequacy of their site parking procedures. Ongoing auditing of these procedures should be built into the process.

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

I find

Names of deceased persons:

Gay Thomas BOLTON
Peter Lawrence KERR

Name of injured persons:

Shane Thomas SWIFT
Maurice Gerald John BISSELL

Date of accident:

Friday, 31 december 1993

Location of accident:

Pit 19B Mour Opencut mine

Cause of death:

Gay Thomas Bolton:

1(a) compound fracture of skull
Crush injury

Peter Lawrence Kerr:

1(a) bilateral haemorthoraces
Crush injury

Serious injuries:

Shane Thomas Swift:

Severed arm and chest injuries

Maurice Gerald John Bissell:

Head injuries including fractured jaw

I concur with the findings of the reviewers as to the nature and cause of the accident.

The inquiry is now closed.

Last Updated 21 October 2007

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Great state. Great opportunity.