

Coroner absolves company of blame for West Australian miners' deaths

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A coronial inquiry into last year's Bronzewing mining tragedy in the Goldfields region of Western Australia has concluded that Normandy Mining, the owner of the Bronzewing gold mine, was "not to blame." Three service crew workers, Troy Woodard, Timothy Bell and Shane Bell, died on June 26 last year after 18,000 cubic metres of rock and sludge buried them 400 metres underground. A fill barricade on level 12 collapsed, flooding the lower levels. A postmortem confirmed that the three miners died of asphyxiation.

Coroner Alastair Hope acknowledged extensive safety problems, but issued a contradictory verdict excusing Normandy. "I find that Normandy caused or contributed to the deaths in the sense that Normandy was responsible for the placement of fill and Normandy was responsible for the construction of the barricade wall. In making this finding I should not be taken as attributing blame to Normandy."

Evidence given at the inquest cast doubt on the mine's safety, particularly the maintenance and condition of the level 12 barricade. Four days before the wall gave way, Paul Harrison, a backfill technician spotted a crack in it, and pressure readings were higher than the safety limit of 200kPa (kilopascals). Harrison also found backfill pouring out at the level 11 wall. Harrison radioed his supervisor about his findings.

Two hours before the collapse, another backfill technician, Justin Jackson, reported swinging pressure readings at the level 12 wall. Worried about the readings, he radioed his boss Michael Fasanini.

During the inquest, Fasanini denied being contacted, but this is at odds with a statement made by Normandy executive Paul Dowd two days after the tragedy. According to the *Melbourne Age*, Dowd said the wall was equipped with standard monitoring devices that were checked an hour before the wall collapsed. His

comments suggest that management must have known what Jackson had found.

Jackson testified that another mine manager had instructed him not to bother checking for "ponding"—a visible build-up of water behind the barricade—because it was not important.

Other problems included a broken drain at the base of the wall that contributed to water accumulation and pressure on the wall.

Conveniently, Normandy mine managers Scott Atkinson and Rod Young stated that if only middle management had informed them of the safety concerns, they would have evacuated the mine site. Months before the incident, Normandy had commissioned a report on the ramifications of a barricade collapse. It warned that a collapse would be catastrophic, possibly causing multiple fatalities.

In the weeks before the accident, a breakdown had occurred in the regular weekly sampling process. As a result, laboratory samples were e-mailed late to Normandy on the day of the collapse. The results showed that the backfill contained a dangerously high level of tiny particles that could clog up water flows, creating ponds and putting added pressure on the wall.

Atkinson, the underground mine manager, admitted that he knew about the laboratory sampling breakdown but claimed there was no reason to believe the results would be different from the previous months.

Mine workers also testified that, in the weeks before the collapse, the barricades were frequently at or above the pressure level (200kPa) at which they were not supposed to approach the wall at all. Yet management told them to continue taking readings at the wall's face.

In a report handed to the inquest, Melbourne University's Civil Engineering Department stated that the barricade could take only a pressure of 200kPa. At

that pressure microscopic cracks would have formed, lowering the ultimate level of pressure that the wall could withstand.

The company baldly denied this at the inquest, asserting that the wall could take 500kPa. But the company did not explain why workers had been instructed not to go near the wall at 200kPa.

Nor did Normandy explain why it had to cobble together an emergency crew from all over the state after the accident. The media reported the company's efforts as a "heroic struggle against time" yet Normandy had just sacked the majority of the previous emergency crew for cost-cutting reasons.

Coroner Hope issued a series of recommendations, including ensuring that miners could check for "ponding," that operations were to stop if backfilling could not be monitored properly and that barricades be of adequate strength with proper water drainage. Safety recommendations have been made before, however, and nothing has been done.

Normandy received sharp criticism from the widows of the three miners during the inquest. Timothy Bell's widow, Ms Shimmon, stated: "To me the incompetence of management has become clear. I think that policies and procedures need to be put in place and they need to be enforced."

Australian Workers Union (AWU) officials said that they would be taking up safety issues with the Department of Minerals and Energy (DME), yet AWU officials sit on the DME's board of advisers, alongside Normandy and other mining company executives, effectively incorporating the union into the running of the mining industry.

West Australian trade union council leader Tony Cooke declared that managers should be charged with "industrial manslaughter," arguing that "these penalties should be in place against the worst cases of employer neglect of their duties under relevant health and safety laws".

But clearly, given the law, Normandy and many other mining companies have successfully avoided responsibility. The DME's prosecution of Normandy under the Mines Safety and Inspection Act has been adjourned until September, and the coronial findings could help the company escape liability, or lessen the chance of even the small maximum fine—\$100,000—being imposed.

Since taking office early this year, the state Labor government has backed away from Premier Geoff Gallop's earlier view that employers who fail to provide a safe working environment should be jailed. While still in power, former premier Richard Court professed deep concern over the Bronzewing deaths, visiting the mine during the rescue operation. Nevertheless, nothing has improved.

Five more West Australian workers have died in mine accidents since the Bronzewing tragedy. At Bronzewing itself, another 18 miners suffered serious injuries during 2000. On the day the coroner handed down his findings, nine miners were trapped in a rock fall at Strzelecki underground gold mine in the Goldfields region.

As the sacking of emergency crew members indicates, Normandy, which had taken over the Bronzewing mine a few months before the incident, was in the process of restructuring its operations to slash costs and drive up profit levels. It has since reported production increases. The coronial findings give it a green light to continue doing so at the expense of workers' safety.



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