# Australia: Inquiry into Beaconsfield mine tragedy already smells of cover up

**Terry Cook**
**26 May 2006**

Even before proceedings get underway, the so-called "independent" inquiry commissioned by the Tasmanian state Labor government into the fatal accident at the Beaconsfield Gold Mine smells of cover up. A massive rock fall at the mine on April 25 resulted in the death of miner Larry Knight and trapped his co-workers Todd Russell and Brant Webb underground for two weeks.

Tasmanian state Premier Paul Lennon this week announced that the inquiry—headed by former National Crimes Authority chief and one time Tasmanian Crown prosecutor, barrister Greg Melick—will not be open to the public. He also refused to say if the inquiry's findings would ever be made public or if copies would be handed to the family of Larry Knight.

Lennon's claim that the extraordinary level of secrecy was necessary "to protect the legal process" so as not to "prejudice" the possible laying of charges by the Director of Public Prosecutions is hardly plausible. Other inquiries into fatal mining incidents—such as the judicial inquiry into the 1998 Gretley coal mine tragedy in NSW that resulted in four deaths, and the Mine Wardens' inquiry into the disaster in Moura, Queensland in 1994 that claimed 11 lives—were open and their finding made public.

It is also well known that few mining companies ever face prosecution over workplace fatalities. In her report "Mine health and safety: could you be liable?" a senior associate with law firm Minter Ellison, Samantha Betzien writes: "Despite the significant number of mining deaths in NSW history, only four companies have faced criminal prosecution in relation to mine deaths. Of those four, three are now appealing their convictions; indicating a broad industry push to overturn the existing OHS [Occupational Health and Safety] law." The situation in the state of Tasmania is similar.

Similarly, Lennon's assurance that the inquiry will be a "robust and thorough process ... designed to get to the bottom of what happened" also lacks credibility. The state government has ensured that its terms—decided in consultation with the Tasmanian Minerals Council and the Australian Workers Union—are sufficiently narrow as to avoid any real probing of the underlying political and economic causes of the tragedy.

The terms restrict the inquiry to reviewing the design of the mine and its operating standards and to examining its corporate, managerial and administrative arrangements. Specifically excluded is any examination of the system of "self-regulation" of mine safety in Tasmania and what role this played in the fatal Beaconsfield incident.

"Self-regulation" was introduced in Tasmania in 1998 by the Labor government under the late Jim Bacon as part of a drive by all state governments under the National Competition Policy to attract globally mobile investment by removing restrictions on company operations. It allows companies themselves, under a so-called "duty of care", to determine if conditions in their own enterprise are safe.

The Tasmanian government's reluctance to re-impose any restraints is determined in part by the significant royalties it receives from the mining and minerals sector. In 1999-2000, the government received $12 million in royalties from the minerals sector and then a further $10.7 million in 2000-01. Under today's conditions of a booming commodity market and escalating global demand for minerals, royalties from the sector will be increasing exponentially.

Self-regulation is a key corporate demand because it frees companies from heavy scrutiny, enabling them to cut corners and reduce spending on safety. The system allowed Beaconsfield Gold, for example, to use its own geo-technical consultant to conduct a review and make recommendations following a massive rock fall at the mine in October last year, which was triggered by seismic disturbance caused by mining activity.

After acting on a number of the review's recommendations to improve support in seismic-prone areas, mine production was quickly resumed in high-yield areas that had been temporarily closed. At the time, the company praised the recommended changes not because they would guarantee safe working conditions, but because they would not "materially affect the mine's production rate or direct

costs".

Evidence given last week to the coronial inquiry into the death of Larry Knight by mine manager Matthew Gill suggests that the company rushed back into production despite being uncertain about the adequacy of the measures that were adopted.

Asked if the review of the mine's ground support was adequate, Gill replied: "I don't know and that is one of the core questions of our (the company's) investigation, to determine the degree to which we complied with our own standards."

The coronial inquiry into Larry Knight's death has now been suspended to an undetermined date. The closed government-commissioned inquiry will ensure that such damning admissions as Gill's will not readily see the light of day.

Having been a party to setting the terms of reference for the inquiry, Australian Workers Union (AWU) national secretary Bill Shorten was quick to publicly endorse them, proclaiming they were "exactly what the AWU had sought".

In the wake of the Beaconsfield tragedy, and in the light of comments by the union's national vice president Paul Howe, Shorten's collaboration with the government and the mining companies to exclude any examination of the deadly impact of self-regulation is nothing short of criminal.

Howe recently declared: "The reality is the industry (mining) isn't interested in providing safe workplaces. All they are interested in is making as much money as they can as quickly as they can from the stuff in the ground. Since we moved to self-regulation in the safety system in 1998, things have gone backwards in terms of safety standards in the industry."

Howe's comments were designed to give miners and their families the impression that the union planned to campaign for the abolition of self-regulation and other unsafe measures. Practice, however, speaks louder than words.

Shorten's outright support for the restricted terms of the inquiry sends a clear message to the state Labor government and the mining companies that the union has no intention of mounting any genuine campaign on safety in the mining industry. Its demand for a judicial inquiry was designed to placate public outrage over the Beaconsfield tragedy and to gain time for behind-the-scenes manoeuvring, allowing the mine to return to full production as fast as possible.

These moves are already underway. Tasmanian Minerals Council chief executive Terry Long said this week he was concerned about the time allowed for the inquiry. "There is no reason why it couldn't reach a conclusion on the substantive matter as to the rock fall in a few weeks," he declared. In other words production should start again even before the inquiry is complete—an option not specifically ruled out by the AWU.

The AWU and Shorten are as anxious as the government and the mine owners to avoid any serious examination of the sweeping changes in the mining industry that have produced disasters like the one at Beaconsfield. Such probing would inevitably raise questions about the pivotal role played by the unions themselves over the last 20 years in undermining safety.

Throughout this period, under both federal and state Labor and Liberal governments, the Australian Councils of Trade Unions and its affiliates—the AWU is one of the largest—have insisted that workers make major concessions in order to render Australian-based companies "internationally competitive".

Concessions have included the introduction of around-the-clock shift rosters to ensure continuous production, 12 to 14 hour shifts, (dubbed by miners as widow-makers), and seven day working. These measures—coupled with legislation that undermines safety, such as self-regulation—have enormously increased the risk of death and injury.

A paper by the University of Technology of Sydney last year identified mining to be one of the industries with the highest working hours, with almost 44 percent of employees working more than a 49 hour week. The paper pointed out: "This intensive schedule can lead to a decrease in alertness and an increased risk of accidents and injuries. The duration rate per lost-time injury grew from 17 days in 1993-94 to 36 days in 2002-03."

It is significant that Larry Knight, Todd Russell and Brant Webb were working underground at 9.30 pm on a public holiday, something that only 15 years ago would have been unthinkable in the mining industry.

Miners fought major battles to win a five-day working week and eight-hour shifts, knowing that long hours underground increased the risk of injury and death. They also fought to ensure that mining companies did not have the sole prerogative over working conditions and safety in the workplace.

It is precisely these hard-won gains that Shorten and his fellow union and Labor bureaucrats have been so quick to surrender. Any inquiry sponsored by such forces will not provide justice for Larry Knight. Nor will it ensure that tragedies such as the one that occurred on April 25 will not happen again.