

Inquest into the death of Graham Brown, Malcolm MacKenzie and Robert Wilson

A joint inquest was held after Graham Brown and Senior Constable Malcolm Mackenzie, and Robert Wilson died in two separate car accidents in which driver fatigue was suspected to be a contributing factor.

Mr Brown and Senior Constable Mackenzie died on 24 October 2005 on the Yeppoon-Rockhampton Road, approximately 10 kilometres west of Yeppoon. Mr Wilson died on 1 February 2007 on the Dysart-Middlemount Road in Central Queensland.

In both accidents, one of the drivers was commuting home after a shift at a mine located in the Bowen Basin when their respective vehicles crossed into the opposite lane and collided with an oncoming car.

The coroner found that fatigue on the part of one of the drivers contributed to some extent in both accidents. In the case of Mr Brown and Senior Constable Mackenzie, the coroner also found that the adverse weather conditions at the time of the accident were also significant contributing factors. In the case of Mr Wilson, the coroner found that the width and condition of the road was an exacerbating factor.

Coroner Annette Hennessy delivered her findings of inquest on 23 February 2011.

The Queensland Government responds to recommendations directed to government agencies at inquests by informing the community if a recommendation will be implemented or the reason why a recommendation is not supported. The departments named in this response will provide implementation updates until the recommendation is delivered. Further information relating the implementation of recommendations can be obtained from the responsible minister named in the response.

Recommendation 14 – fatigue related risk management standards and strategies within the mining industry

That the matter of fatigue be referred to the Ministerial Advisory Council for the council to consider:

- A. the appropriateness or otherwise of 'competency based' fatigue training for the mining industry
- B. any other matters considered appropriate by the Council to further enhance the mining industry's contribution to fatigue management.

Response and action: the recommendation is implemented.

Responsible agency: Department of Natural Resources and Mines.

On 11 June 2015, the Minister for State Development and Minister for Natural Resources and Mines responded:

The Department of Natural Resources and Mines referred the issues of fatigue and fatigue training to the Coal Mining Safety and Health Advisory Committee and the Mining Safety and Health Advisory Committee for consideration. The Advisory Councils were renamed as committees in 2010 to implement recommendations of the Weller Review.

The Advisory Committees considered competency based training for fatigue and decided that it was not a realistic option because of the lack of appropriate competency units and the difficulty in creating them. However, the department is continuing to review fatigue education and explore the best ways to make educational information on fatigue available to mine workers. For example, advisory committee members provided input to the Whole of Government Fatigue Forum held in Rockhampton on 2 October 2014.

In addition, the department's current guidance material for the Queensland mining industry on fatigue risk management (Queensland Guidance Note 16) was released in 2013 and is being reviewed. Feedback from most mines was that the guidance note provided a framework for managing fatigue and roster design. Members of the advisory committees have also provided feedback on the guidance note. The final review and update is to be completed by mid-2015 when the updated guidance note 16 will be ready for release.

Recommendation 16 – whole-of-government fatigue related risk management standards and strategies across all Queensland industries.

In order to ensure a whole-of-government response to the occupational health and safety issue of shift work and commuting across all the industrial sectors, that Queensland Transport, in conjunction with the Division of Workplace Health and Safety and the Mines Inspectorate, review the current regulatory framework, standards and guidelines to identify risks to workers and the public from shift work, commuting and fatigue to ensure the legislative framework manages risk at an acceptable level and make a formal reference of the issue to a joint session of the Coal and Metals Advisory Councils.

Response and action: the recommendation is implemented.

Responsible agency: Department of Natural Resources and Mines supported by Queensland Treasury and the Department of Transport and Main Roads.

On 11 June 2015, the Minister for State Development and Minister for Natural Resources and Mines; the Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade; the Minister for Main Roads, Road Safety and Ports and Minister for Energy and Water; and the Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships responded:

The Mines Inspectorate, Department of Natural Resources and Mines, in conjunction with the Department of Transport and Main Roads organised a whole-of-government forum that was held in Rockhampton on 2 October 2014. The fatigue forum provided an opportunity for government, industry and businesses to share their knowledge and good practice on fatigue management, with a focus on the Bowen Basin roads and industries. There were 38 participants on the day who came from the Department of Transport and Main Roads, the Department of Natural Resources and Mines, Workplace Health and Safety Queensland, the Queensland Police Service, Emergency Services, WorkCover, Queensland Health, Central Queensland University, Rocky's Own Transport, Pacific National, Ergon, Road Accident Action Group, the Queensland Resources Council, the Construction, Forestry, Mining and Energy Union, as well as representatives from mining companies in the Bowen Basin.

Feedback from the forum was provided to the Coal Mining Safety and Health Advisory Committee and resulted in the establishment of a pilot project between the Department of Natural Resources

and Mines, the Queensland Police Service and a Bowen Basin coal mine for a series of videos on legal obligations for fatigued driving.

The results of the project, and discussion of further planned initiatives, will be delivered to the Mining Safety and Health Advisory Committee and the Coal Mining Safety and Health Advisory Committee meetings in mid- 2015.

On 18 January 2016 the Minister for State Development and Minister for Natural Resources and Mines; the Minister for Transport and the Commonwealth Games; the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply; and the Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport advised:

The Department of Natural Resources and Mines reviewed the regulatory framework, standards and guidelines that apply to fatigue for shiftworkers, particularly on the issue of commuting after shiftwork and managing risk to an acceptable level.

Between November 2008 and June 2015, the Department of Natural Resources and Mines undertook significant activity and consultation to review the current regulatory framework and identify risks in commuting. This included convening a joint meeting of the Mining Safety and Health Advisory Committee and the Coal Mining Safety and Health Advisory Committee and establishing a tripartite working party to review the current guidance on fatigue and commuting in mining. This work resulted in the development of [Queensland Guidance Note 16 Fatigue risk management](#) to incorporate the journey or commute as a key risk factor. Guidance Note 16 was also externally reviewed by the Health and Safety Laboratory in the United Kingdom.

The findings of Professor Lee Di Milia's Bowen Basin road survey research project, commissioned by the Department of Transport and Main Roads and the Department of Natural Resources and Mines as part of recommendation 18 at the same inquest, was the focus on managing the risk of commuting as a result of shift work. This research has been shared with representatives from Workplace Health and Safety Queensland, Queensland Health, the Queensland Police Service and key industries in Central Queensland, as well as more widely in the mining sector in Queensland. Professor Lee Di Milia's research was published in the journal *Accident Analysis & Prevention* in 2013.

Further consultation with other government and industry bodies as part of the fatigue forum held in Rockhampton on 2 October 2014 resulted in a number of videos aimed at shiftworkers on their legal obligations when driving after shiftwork. The results of the project, and discussion of further planned initiatives, were delivered to the Mining Safety and Health Advisory Committee meeting on 25 June 2015 and the Coal Mining Safety and Health Advisory Committee meeting on 3 June 2015. The final videos are currently available online from Curragh mine, but will also be made available on a government website (host site still to be determined) in the near future. The Office of Industrial Relations (formerly Office of Fair and Safe Work Queensland) has not been involved in the regulatory review, it has been a DNRM and DTMR initiative.

The government concluded the current legislative framework satisfactorily managed risk at an acceptable level.