



# Mining Accident News No.1224

29 October to 14 November 2012

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Tuesday 30 October 2012

## Pike River Royal Commission Report Presented to the Governor General

*Extract from Pike River Royal Commission, Media Advisory*

The Royal Commission on the Pike River Coal Mine Tragedy has presented its report to the

Governor General, Lt Gen Rt Hon Sir Jerry Mateparae.

The commission has reported on what happened at the Pike River mining disaster, in which 29 men lost their lives, and what should be done to prevent future tragedies.

Commission Chairperson Graham Panckhurst said the public release of the report is a matter for the Government and the commission will not be making any public comment.



Commission Chairperson Justice Graham Panckhurst hands over the report to the Governor General.

Thursday 1 November 2012

## USA: Miner Killed at Shale Mine in New York State

*With kind permission from Sharpe Media, LLC*

A miner has been killed at a surface shale mine in New York State.

The Saugerties Police Department identified the victim as Stephen J. Wickham, 30, of Greenville. In a press release, the police said Wickham was operating a drill boring holes for demolition charges at Northeast Solite Corp. when he became entangled in the shaft of the machine's auger. He sustained what was described as "severe trauma" and died at the scene.

According to MSHA, the accident occurred at the Mt. Marion Pit and Mill. The plant is located in Ulster County in the eastern part of the state.

**NOTE:** Views expressed in this newsletter are those of the individual sender, and are not necessarily the views of the NSW Department of Trade and Investment, Regional Infrastructure and Services  
Issue 24 of 2012

Besides the Saugerties Police, authorities from MSHA, the New York State Police, local fire and ambulance services responded.

Police said they were called to the scene at 6:53 p.m. but put the date of the accident as Monday, whereas MSHA said it happened yesterday. We will update the day of death and provide other information as it becomes available.

There have been no fatalities at the 35-person operation since at least 2002. However, except for 2003, the facility's non-fatal days lost (NFDL) rate has exceeded the national average every year since 2002. The rate was substantially above the average in 2005, 2008, 2009 and this year. No NFDL injuries to contractors have been reported since 2002.

MSHA's last inspection occurred in June and, according to the agency's database, there are no outstanding assessments.

The death is the 17<sup>th</sup> in the Metal/Non-Metal (m/NM) sector so far this year. At this time a year ago, 12 persons had died at M/NM mines. Sixteen other miners have died in the Coal sector, bringing the total for the year in all U.S. mining to 33. At this time a year ago, 18 Coal miners had died.

Sunday 4 November 2012

## **NZ: Re-entering mine 'can be done' - Pike spokesman**

*Extract from [www.TVNZ.co.nz](http://www.TVNZ.co.nz)*

A spokesperson for the families of those killed in the Pike River explosion says the mine can be re-entered but that the situation has been "walked away from".

Pike River Families spokesman Bernie Monk's son was one of the 29 miners killed in the 2010 West Coast explosion. The bodies were never recovered for safety reasons.

Monk told TV ONE's Q+A programme it was common knowledge within the West Coast community the mine could be re-entered.

"We know, the Coasters know, the people with the experience here know it can be done.

"Let's face it, the [government experts] haven't got one shot of doing anything. They've just walked away from the whole situation."

The families now say they will seek advice from three international mining experts this week to review a detailed plan to re-enter the mine, in the hope of finding the worker's remains in the mine's drift - a shallow tunnel which leads into the area of the West Coast mine blocked by rock fall.



Bernie Monk, Pike River families' spokesperson  
(Source: ONE News)

Monk said the experts - Wanganui-born Dave Feickert and British mining experts David Creedy and Bob Stevenson - will help the families put forward a recommendation to re-enter the mine

However, Monk stressed the families would back a future re-entry only if it was safe and viable.

"Safety is obviously a top priority," he said. "And that is the reason why we have brought these guys in.

"All the people that have dealt with us have never talked to the families, they have just said 'No, it can't be done', and they don't give reasons.

"Even when I talked to the Prime Minister the other day, he said that their experts said it was unsafe to do. But their experts, as I said to him, blew the mine up another three times after the first explosion."

A Royal Commission's report into the disaster will be presented to the families tomorrow before being released later in the day.

Green Party West Coast MP Kevin Hague said he hoped the Government would act on any recommendations the Royal Commission has for improving health and safety in dangerous workplaces.

"Successive Governments have failed to address glaring regulatory loopholes surrounding hazardous activities such as mining, and they have failed to ensure that compliance is monitored adequately," he said.

### Plan to re-enter mine

The plan from international experts has been formulated following input from New Zealand and international mining officials.

"They [Feickert, Stevenson and Creedy] are highly recommended, they have the credentials," Monk said.

"They have come out here with Dave Feickert's [help]. They are staying here for five days. While they are here I will get them to meet mines rescue, Solid Energy and the mining experts I have around me here at the moment.

"They are coming here to help us with the walk into the drift and other aspects of the mine that we want to cover, of doing the staged re-entry further down the track, and maybe even getting into the mine proper."

In 2009, Feickert was awarded China's Friendship Prize for Foreign Experts for his efforts to improve health and safety standards within Chinese coal mining operations.

His work has been credited for reducing the accident rate by 70% in the past five years.

Creedy is regarded as a world expert in the field of underground mines which are susceptible to vast quantities of methane gas. The ill-fated Pike River is such a mine.

A meeting with Solid Energy and representatives of the Pike River 29 group is set for November

15, four days before the second anniversary of the tragedy.

## Six confirmed dead in Mongolia mine blast

*Extract from english.peopledaily.com.cn*

BAOTOU, Inner Mongolia, (Xinhua) -- Rescuers have retrieved the bodies of all six people trapped underground by a coal mine gas blast in north China's Inner Mongolia Autonomous Region on Thursday, local authorities announced on Sunday.

By 11 a.m. on Sunday, rescue work had been concluded as all six trapped persons were found dead in the Yanggeleng mining area in Baotou City, said the rescue headquarters.

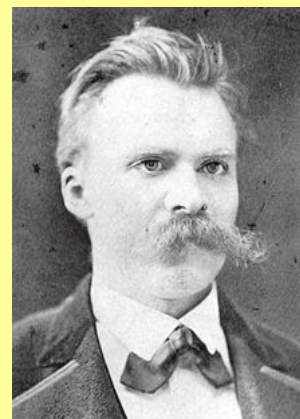
The accident occurred around 2 a.m. on Thursday in the illegal mine.

A total of eight people were working at the site when the accident happened.

One escaped without injuries, with rescuers pulling out another injured miner and sending him to a nearby hospital.

Local police have started investigating the case. People related to the illegal mining are under police custody.

### Quote of the week



Nietzsche in Basel, circa 1875

"All things are subject to interpretation whichever interpretation prevails at a given time is a function of power and not truth."

Friedrich Nietzsche  
German philosopher (1844-1900)

Monday 5 November 2012

## **NZ: Pike River report released**

*Extract from ABC News Online, Aus*

**The New Zealand miners' union says it hopes that today's Royal Commission report into in the Pike River mine disaster will lead to an overhaul of the county's workplace safety regime. The families of the 29 men killed in the 2010 tragedy were briefed on the findings, which were made public later.**

## **New Zealand Pike River coal mine managers missed signs of explosion: royal commission**

*Extract from The Australian News, Aus*

**NEW Zealand's Pike River Coal mine's managers were so focused on short-term coal production, they never considered the risk of an explosion, and missed the warning signs, the royal commission into the disaster that killed 29 men has found.**

Two Australians, 25-year-old Joshua Adam Ufer and William John Joynton, 49, were among the miners killed on November 19, 2010.

The royal commission's report into the deadly underground explosion was made public by the New Zealand government on Monday.



[The entrance to tNew Zealand's Pike River coal mine where 29 workers were trapped inside after an explosion.](#)  
(Picture: Simon Baker)

It found the explosion was likely to have started in the centre area of the mine's workings, and was fuelled by methane.

However, it said the source of the ignition remains contentious, and could have been an

electrical cause, such as the switching on of a pump in the mine; a diesel engine hot surface ignition; contraband taken into the mine; "frictional ignition" from activities in the mine; or sparks from the non-flameproof underground fan.

The 400-page report also concluded that the 29 men probably died instantly, or from the effects of noxious gases and oxygen depletion soon after the explosion on November 19, in line with the chief coroner's earlier findings.

The report highlights issues at numerous levels of the mine operations, including its management, with a culture that put production before safety.

There was "clearly an attitude of recklessness" in some quarters of the mine's workforce.

Although there was a lot of safety information about the mine's systems and practices underground - including the use of contraband, spikes in methane levels, ventilation problems, bypassing of safety devices, sensor failures and other issues - that information was not assessed or responded to.

"If it had been ... a number of warning signs that pointed to the risk of an underground explosion would have been noticed."

The mine's safety management system lacked procedures that made specific people responsible for collection, assessing and responding to safety concerns, and commitment to health and safety from some quarters, including the company's board and mine management, was lacking, the commission said.

The mine's ventilation system was inadequate and had numerous issues, including the major error of the placement of the main fan underground, while its gas monitoring systems were also deficient, with workers sometimes deliberately bypassing sensors, and posed a very serious problem in the lead-up to the explosion.

There were also problems with the mine's electrical system, and the commission had significant concern about the role it may have played in the explosion.

## **NZ: Govt responds to Pike River Royal Commission**

*Extract from [www.scoop.co.nz](http://www.scoop.co.nz)*

### **Press Release: New Zealand Government**

**Rt Hon John Key**

**Prime Minister**

5 November 2012 **Media Statement**

### **Govt responds to Pike River Royal Commission**

Prime Minister John Key today welcomed the report of the Royal Commission on the Pike River Coal Mine Tragedy.

"We owe it to the families of the 29 men who died to find out what happened and why, and a Royal Commission was the most appropriate form of inquiry.

"I speak on behalf of the Government when I say I regret deeply what has happened, in terms of the lives lost and suffering caused.

"The Royal Commission made it very clear that much of the fault for the tragedy lies with Pike River Coal Ltd. Because it did not follow good management and best practice principles, its health and safety systems were inadequate.

"However, the Royal Commission also says the regulatory environment was not effective over a long period of time.

"On behalf of the Government, I apologise to the families, friends and loved ones of the deceased men for the role this lack of regulatory effectiveness played in the tragedy.

"Following the findings of the Royal Commission, Labour Minister Kate Wilkinson has tendered her resignation from that portfolio.

"Ms Wilkinson's decision to resign is a personal decision in response to the magnitude of the tragedy. It is the honourable thing to do.

I considered it proper for me to accept her resignation from the Labour portfolio.

"Ms Wilkinson retains her Ministerial warrant and other portfolios."

Mr Key says the Royal Commission found the immediate cause of the tragedy was a large methane explosion.

"The most likely source of the methane was, to use the Royal Commission's words, the void formed during mining of the first coal extraction in the mine. Alternatively, the source may have been methane that accumulated in the working areas of the mine.

"While the exact cause may not be known, the Royal Commission has found that this tragedy was preventable and that a combination of factors contributed to the terrible events of November 19, 2010.

"The first group of factors relates to Pike River Coal itself. And the second relates to the regulatory environment in which it operated," says Mr Key.

"The Commission found there were multiple operational and systemic issues with Pike River Coal. The company had a history of over-promising and under-delivering. Coal production was years behind schedule, and a lack of money was driving the company to find further funding.

The business was new, and its systems, including those for health and safety, were in development.

"Pike River lost sight of its aim to be a productive and safe mine as the drive for production intensified."

A second factor was the regulatory environment under which the Pike River Mine operated.

"Under successive governments, since 1992, the influence and reach of the mining inspectorate was eroded.

"The Commission found that while the Health and Safety in Employment Act appropriately placed primary responsibility for health and safety on the employer, this was seen by the Department of Labour as somehow reducing its responsibility to actively administer the legislation," says Mr Key.

"The Royal Commission found the Department of Labour itself did not have the focus, capacity or strategies to ensure Pike was meeting its legal responsibilities under health and safety laws."

Mr Key says the Government accepts there were systemic failures in the regulatory regime across successive governments.

"This meant that failures by Pike River Coal were not picked up and remedied as they should have been.

"The Royal Commission has made a total of 16 recommendations, covering administrative reform, stronger regulation, changes to mining legislation and emergency management," says Mr Key.

"The Government will be broadly accepting those recommendations and will be working to implement them as quickly as possible.

"A small number require further investigation before they can be put in place; for example, the recommendation of the establishment of a new Crown entity focused on health and safety.

"Some will have an impact in relation to health and safety generally, and are not limited to underground mining.

"Detailed design and implementation issues will need to be worked through but the Government believes it is already on the path to putting these into action, including legislative and administrative changes, and through the work of the Independent Taskforce on Workplace Health and Safety."

The report is available at:

<http://www.pikeriver.royalcommission.govt.nz>.

## **Pike River: Minister steps down after Report**

*Extract from [www.scoop.co.nz](http://www.scoop.co.nz)*

Hon Kate Wilkinson has resigned as Labour Minister, effective today, following today's release of the report from the Royal Commission on the Pike River Coal Mine tragedy.

"The Pike River Mine tragedy of 19 November 2010 happened on my watch as Minister of Labour," says Ms Wilkinson.

"While reports from the former Department of Labour did not advise me of concerns about their ability to administer the health and safety legislation, 29 men lost their lives in this tragedy.

"I feel it is the right and honourable thing to do," Ms Wilkinson says...

Ms Wilkinson retains her Ministerial warrant and other portfolios.

## **QLD: Mining companies must improve safety procedures**

*Extract from [CQNews.com](http://CQNews.com)*

QUEENSLAND law firm Trilby Misso is calling for a crack-down on safety in the mining industry as alarming statistics show a spike in accidents involving mine workers.

Trilby Misso Practice Group leader Michael Broughton says the firm has taken on two recent claims from workers injured in accidents at Central Queensland mining operations.

Mr Broughton says there's been a 23% rise in the number of injuries to miners requiring time off work.

He says the Queensland Mines Inspectorate found there were 1047 workers injured in the 2011-12 financial year compared to 851 the previous year.

"The Commissioner for Mine Safety and Health, Stewart Bell, also reported that the amount of injuries per million hours worked in 2011-12 was 6.8, up from 4.2 the year before," Mr Broughton says.

Mr Broughton says both accident claims Trilby Misso is handling are a result of unsatisfactory workplace procedures and staff being required to perform duties beyond their physical capability.

In one case a 42-year-old man working at a gold mine suffered a serious back injury this year after he was forced to drag a hose weighing approximately 100kg.

"This accident came as a result of the worker being required to perform work over and above his normal duties and physical strength, mainly because of a lack of staff on the site," Mr Broughton says.

Tuesday 6 November 2012

## Relatives in final farewell at mine

*Extract from [www.heraldscotland.com](http://www.heraldscotland.com)*

**THE family of a Scot killed in a mining disaster in New Zealand will visit the site with relatives of other victims to mark the second anniversary of the tragedy.**

Malcolm Campbell and his wife Jane, who lost their son, also called Malcolm, 25, of St Andrews in Fife, will join with around 150 relatives in a visit to the site of the November 2010 explosion.



**AFTERMATH:** Flames burn from a ventilation shaft following an explosion at the mine in which Pete Rodger, Malcolm Campbell and 26 other people were killed. Picture: EPA

Mr Campbell revealed the plans as a damning report into the Pike River mine incident was published.

Pete Rodger, 40, from Perthshire, was also killed with 27 other men in an accident which investigators say could have been prevented.

Mr Campbell now fears his son will never be recovered in his lifetime, and plans to pay tribute at his final resting place.

He said: "The new owners (Solid Energy) told us the only way Malcolm and the other men will be removed is if they ever do a mining operation in that area and we've been told that could be at least 10 years away.

"We would much rather have him home, to be buried alongside his granny and grandad, but I don't see that ever happening in my lifetime. We know it's a terrible place he's in with the other men. He's got to lie there and become part of history.

"We've got to say now we're leaving Malcolm over there and we're going over later this month to say our goodbyes."

The mine, in Atarau on the country's South Island, was rocked by an initial explosion that trapped the workers.

A second blast five days later dashed hopes that any of the workers had survived.

The Royal Commission report into the incident revealed the now-bankrupt Pike River Coal company ignored 21 warnings that methane had accumulated to explosive levels. Investigators also said the firm exposed the miners to unacceptable risk as it strove to meet financial targets.

Mr Campbell said the report was a lot worse than he and his family expected.

He said: "When it comes to using the word preventable, it's really hard to take. There are dangers in all kinds of industries, and especially in mining, but there's an obligation to keep workers as safe as possible.

"Money was an issue and they were under pressure to get the coal out. When you see the

health and safety implications, that was their priority rather than keeping the workers safe."

The report also criticised the New Zealand Government and concluded that the country has a poor safety record in its workplaces.

This led to the resignation of Minister of Labour Kate Wilkinson, a move which Mr Campbell said was "definitely the right decision".

He added: "It's an admission from the government they know they did something wrong. They had the power to shut that mine down.

"The mine was inspected just three days before and it was deemed safe. It's all a bit iffy how it was ever signed off.

"New Zealand has a terrible health and safety record. The main thing now is they learn from this so it doesn't happen again."

## **I don't want my son to have died in vain says Pike mine mum**

*Extract from The Morning Bulletin, Qld, Aus*

THE Central Queensland mother of a man killed in New Zealand's worst mining accident is calling on all mines in Australia to read a report released yesterday and implement any recommendations they can to bring them to the highest standard.



ROK280212commercial1 Still from a television ad featuring Joanne Ufer.

Zilzie Bay resident Joanne Ufer, whose son Joshua died in the Pike River Coal mine disaster of November 19, 2010, supports the

recommendations made in a report by the Royal Commission of Inquiry.

The report recommends that the Government should establish an expert taskforce to establish a regulatory framework for underground coal mining and that it should consult Queensland and New South Wales frameworks as best practice.

It states the disaster was a preventable tragedy; slammed Pike River's management for not properly assessing health and safety and slammed the (New Zealand) Department of Labour's record as the former regulators of health and safety in the country.

The report found Pike River mines had insufficient ventilation and drainage systems and could not cope with everything the company was trying to do.

This included driving roadways through coal, drilling ahead into the coal seam and extracting coal by hydro mining.

There was no one responsible for ventilation management, but ventilation consultants advised Pike on a regular basis.

The report also found the mines board of directors ignored health and safety risks and should have closed the mine until they were properly managed.

The commission has recommended a new regulatory crown agency be established with a chief executive and board that would reflect that health and safety was a responsibility of employers, workers and government.

"I would really like the industry over here to read the report and see if there are any things they can implement to ensure all the industry standards are the highest they can be," Mrs Ufer said.

"The recommendations are great, as long as they are implemented.

"I don't want my son to have died in vain."



Her call comes after the Queensland Mines Inspectorate Annual Performance Report 2011-12, which showed 1047 workers were injured in the 2011-12 financial year compared to 851 in the previous year.

That includes a fatality at a Moranbah quarry.

There has already been a fatality this financial year at a North Queensland quarry in August.

Other recommendations include collaboration between regulators to ensure health and safety is considered before permits are issued; statutory responsibility of company directors for health and safety in the workplace should be reviewed; and an urgent review of emergency management in underground coalmines.

#### **Other findings:**

The original exploration of the geology of the area had provided insufficient information.

During the construction of the mine, the bottom section of the ventilation shaft collapsed and a bypass had to be built to reconnect the upper part of the shaft.

The mine manager should have called emergency services within minutes of the 3.45pm explosion when he was told that there was no communication from underground and no calls to the control room. Instead, emergency services were called at 4.25pm when a body and toxic gases were found.

The fresh air base in Pike River, designed as a safe haven for rescue, was "a fresh air base in name only" because it was not effectively sealed and had no guarantee of an air supply in an emergency.

The leadership of the coordinated incident management system (CIMS), which oversaw the rescue operation, lacked mining expertise because it was headed by three police officers. The criticism was mainly targeted at the CIMS system and not the individuals or groups involved in the response.

The commission praised the New Zealand Police for "expert management" of the many logistical demands throughout the response effort.

Wednesday 7 November 2012

## **Pike River boss slams report on disaster**

*Extract from [www.theaustralian.com.au](http://www.theaustralian.com.au)*

**FORMER Pike River Coal chief executive Peter Whittall has rejected many of the findings of the damning royal commission report into the explosion two years ago that killed 29 miners, including Australians Josh Ufer and Willie Joynson.**

Stacey Shortall -- the lawyer for Mr Whittall, an Australian mining engineer and executive, and former Pike River directors John Dow, Ray Meyer, and Stuart Natrass -- told The Australian her clients did not accept suggestions that the board was slack on safety at the mine.

The move came as New Zealand Prime Minister John Key faced questioning in parliament over whether his government should have acted on warnings of safety dangers well before the gigantic methane explosion blasted through the mine near Greymouth on the south island.

Opposition and crossbench MPs claimed Mr Key's National government had allowed its free-market mantra to result in a downgrading of workplace safety, while academic commentator Bryce Edwards wrote in The New Zealand Herald that "the neo-liberal framework of deregulation may have finally had its day in New Zealand".

Mr Whittall was the principal engineer who designed and established the mine, but had moved to Wellington as chief executive some months before the catastrophe and given up day-to-day mine management.

He is the only individual involved in the Pike River affair who will face court on quasi-criminal charges of alleged industrial safety neglect

brought by the New Zealand Department of Labour, a situation sources close to him say he regards as making him a scapegoat.

Mr Whittall has pleaded not guilty to the charges.

## Qld: Miners walk away from bus rollover after collision

*Extract from CQNews, Qld, Aus*

**A DOZEN mine workers had a lucky escape after their bus overturned near Emerald on Friday afternoon.**

The bus carrying 12 contractors from the Kestrel Mine Extension (KME) was travelling north along Gordon Downs Access Rd about 1.30pm when it collided with a heavy vehicle at the intersection of Lilyvale Rd.

Police initially feared the worst but arrived to find all bus passengers had safely exited.

They were taken to Emerald Hospital for observation but later released.

The drivers of both vehicles were also uninjured.

"They are all very lucky the vehicle wasn't travelling at a higher speed," Emerald police officer-in-charge Senior Sergeant Peter McFarlane said.



Contractors from the Kestrel Mine Extension were involved in the collision and rollover last Friday. Contributed

A Rio Tinto Coal spokesman for Kestrel Mine said it was fortunate those involved were able to escape with relatively minor injuries.

"One contractor suffered a sprained ankle and minor back injury while two other contractors involved in the accident are seeking further medical advice," the spokesman said.

"Internal and police investigations are underway and majority of those involved will return to normal duties this week.

"Nothing is more important to Rio Tinto than the safety of our employees and we are thankful that no one was more seriously hurt."

The driver of the bus was issued an infringement by police for allegedly failing to give way.

## WA mine workers favour new legal high from 'Venom' synthetic drug

*Extract from Herald Sun, WA, Aus*

**A NEW version of the synthetic drug known as Venom is on West Australian streets and is being favoured by mine workers, according to a retailer.**

A Perth tobacco retailer, who did not want to be named, said he had heard several stories about the drug being produced as a cottage industry by people who imported the chemicals from China.

The drug was proving popular with mine workers in places like Karratha and Geraldton because it could not be detected in drug tests.

"It's like the next generation of Kronic," he said.

"God knows what's in it."

The tobacco retailer, who also sells smoking pipes, said customers had asked for Venom but the retailer did not sell it.

Opposition Leader Mark McGowan blamed the Barnett government for its "band-aid solution" to synthetic drugs, saying it continued to play catch-up with drug manufacturers.

The WA government last year listed several synthetic cannabis products, including Kronic, Voodoo and Mango Kush, as illegal substances.

But new, legal versions are constantly being developed.

Mr McGowan said the government should have had a clear, long term strategy to deal with legal highs

## This week in mining accident history

**9 November 1844**

**Dalziel Colliery**

**Hamilton, Scotland, UK**

**Underground coal mine**

**Winder incident**

**1 killed**

**Dreadful Colliery Accident.**—An accident of a fatal nature occurred at Dalziel Colliery, near Hamilton, belonging to the Messrs. Wilson, on Saturday last, Three brothers, of the name of Laird, were ascending from their work, when, owing to some mismanagement on the part of the engine-man, the cage was drawn up to the hurls; and one of the brothers, named George, was dreadfully mangled, and died in a few minutes, another had his hand split up, and the third his leg broken; another man, named Philip, was also in the cage, but when he came on a level with the surface, seeing the danger he was in, ran the risk of jumping off, and was caught by some one on the pithead, which prevented his falling down the shaft. The situation of the sufferers parents, on finding themselves in an instant almost deprived of their children, was lamentable. The engine man has since been apprehended, but bailed out. - Saturday Post. [Glasgow Herald 18 November 1844]

Sunday 11 November 2012

## S.Africa: Bigger fines coming for mine accidents

*Extract from BusinessDay, BDLive, South Africa*

NEW mine health and safety laws could soon mean that mining companies will have to cough up large amounts of cash and face criminal

prosecution for accidents that occur on their mines.

South African mines have a tainted history when it comes to health and safety. In the 1960s about 800 people were dying on mines every year and many more contracted fatal diseases like silicosis and black lung. South Africa's mines are known for being "deep, dark and dangerous".

Stricter legislation came into effect after democracy with the Mine Health and Safety Act, which has twice been amended. When targets were set in 2003, there were 270 fatalities, which dropped 60% to 123 deaths last year. A target of zero fatalities has been set to be achieved by 2013.

The Department of Mineral Resources has decided amendments are needed and, said Warren Beech, mining head at law firm Eversheds, it would be using "bigger sticks".

Fines previously had a R1m limit but the amendments will change this to 10% of turnover. Beech said this could increase the accident bill for companies, depending on which entity was fined. "There is a big difference between taking 10% of a specific mine's turnover or 10% of the entire company's turnover."

He said if the amendments went through as is, mines would be held criminally liable for every accident.

The amendments could streamline administrative processes and provide less ambiguity around section 54, a regulation used to shut down areas inspectors believe are unsafe after an accident has occurred. Mining companies complain the legislation is open to interpretation, which makes room for inconsistencies. Companies have suffered production losses as a result.

Webber Wentzel partner Kate Collier said the act stipulated that inspectors could issue a section 54 notice if they had reasonable "belief" that the situation was unsafe. The proposed amendments read that an inspector has to "see"

that a facility is unsafe before it can be closed down.

The change places more responsibility on inspectors. "It will definitely take some of the subjectivity out of the legislation and I think that is a positive move to get section 54 used for what it was initially intended," said Collier.

She said the changes could assist employers and the regulator to do their jobs.

Beech thought the amendments placed too much focus on prosecuting companies and directors for accidents. "Amendments aimed at sanctioning mining companies, directors and individuals are unlikely to improve health and safety, and it is time to revisit a complete decriminalisation of health and safety laws in such a way that people are encouraged to be open about how incidents and accidents occur, without fear of sanction, so that the true causes of incidents and accidents can be identified, and appropriate remedial steps implemented," he said.

Monday 12 November 2012

## Kusasaletu drilling halted following fatal accident

*Extract from [www.miningweekly.com](http://www.miningweekly.com)*

JOHANNESBURG – Drilling at JSE-listed gold-mining company Harmony Gold's Kusasaletu mine, in western Gauteng, was stopped on Monday after a worker was killed and another injured in a blasting accident.

The company said in a statement that investigations were under way to establish the cause of the accident.

Harmony CEO Graham Briggs and his management team expressed their sympathy to the families and colleagues of the deceased.

Last week, the company halted hoisting operations at its Evander mine, in Mpumalanga, after a fatal accident.

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## Five workers die in Colombian gold mine collapse

*Extract from [en.apa.az](http://en.apa.az)*

Five miners died Tuesday in a collapse inside a gold mine in the southwestern Colombian province of Cauca, regional authorities said, APA reports quoting [news.monstersandcritics.com](http://news.monstersandcritics.com) website.



[Subsistence miners in La Toma, Cauca, Colombia.](#)  
Image by Nadja Drost. Colombia, 2011.

The incident occurred in the morning in the port city of Buenaventur. The accident in the village of San Antonio de Suarez killed four men and one woman who were working in the mine at the time.

Mining accidents in Colombia have claimed about 500 lives since 2004. The worst of recent times happened a year ago, when 73 people were killed in a blast at a coal mine in Amaga, in the northwestern Colombian province of Antioquia.

## Mining dictionary

A guide to coal mining terminology

### B

**Break line** The line that roughly follows the rear edges of coal pillars that are being mined. The line along which the roof of a coal mine is expected to break.

-Ed