



Media Release - SafeWork SA

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LATEST INDUSTRIAL COURT DECISIONS

The dangers of working with pressurised systems and inadequate machine guarding have been highlighted in the latest penalties decided by the SA Industrial Relations Court.

Both prosecutions resulted from investigations conducted by SafeWork SA, after workers were seriously injured.

\$38k FINE AFTER PRESSURE PLATE BLASTS WORKER

A firm which specialises in pipe installations for medical and industrial businesses has been fined more than \$38,000 after an incident nearly three years ago, which severely injured one worker and put a second at risk.

Medmech Solutions Pty Ltd trading as **Anaequip Services Pty Ltd** pleaded guilty to two counts of breaching Section 19 of the *Occupational Health Safety and Welfare Act 1986*, in failing to ensure the safety of employees.

The incident occurred in July 2005, during work to extend pipes at the GMH car plant at Elizabeth. Two workers were to remove a 3.5-kilogram blanking plate from the end of a compressed air pipeline, which had been isolated. As one of the workers removed its retaining bolts, the plate forcefully struck him due to an undetected buildup of compressed air within.

The man, a 59 year old plumber, suffered severe injuries including facial, skull, rib and spinal fractures; nerve damage; hearing loss; cognitive impairment; and emotional trauma. He has been unable to return to work since the incident. His partner was uninjured.

SafeWork SA told the court of several failures in safety precautions by the employer:

- Inadequate hazard identification and risk assessment
- No written work method to ensure to ensure the pipe was depressurised beforehand
- No gauge to detect compressed air in the system
- No release valve installed to vent any compressed air detected.

Industrial Magistrate Stephen Lieschke said the inadequate Job Safety Analysis led to the employer failing to appreciate the inherent risks in the tasks to be performed by the two men.

For its guilty plea, contrition and cooperation with SafeWork SA, the defendant's penalty was reduced by 20%. Magistrate Lieschke imposed a fine of \$30,400 plus costs on the first count pertaining to the injured worker, and \$8,000 plus costs for the second count pertaining to the risk of injury to the second man.

[more]



\$25k FINE AFTER WORKER'S HAND DISFIGURED

A major packaging manufacturer has been fined by the SA Industrial Relations Court after a worker's hand was crushed and burned when caught in a machine, three years ago.

This week, **Amcor Packaging (Australia) Pty Ltd** was ordered to pay a fine of \$25,000 plus costs of nearly \$6,500 after being found guilty at trial of breaching Section 19 of the *Occupational Health Safety and Welfare Act 1986*, in failing to ensure the safety of an employee.

The incident at the centre of the case occurred in March 2005 at Amcor's packaging plant at Athol Park.

While attempting to re-feed paper into a corrugated cardboard making machine called a 'Dual Facer', a male employee's right hand was trapped between two large rollers. As a result of the serious crush and burn injuries sustained, the man had all fingers and part of his thumb amputated.

SafeWork SA told the court the injury could have been prevented if an interlock device was fitted to prevent the rollers moving while the hazard area was accessed.

In his decision on penalty delivered on Tuesday, Industrial Magistrate Stephen Lieschke described the incident as a very serious breach of the Act:

*"The actual resulting injury and permanent disability is very serious.
"The worst potential injuries that may have been caused by the risk
were even more severe."*

Magistrate Lieschke dismissed the company's attempts during the trial to blame the employee for acting contrary to established safe procedure as *"without foundation and contrary to the evidence"*.

In deciding the penalty, the magistrate also rejected the defendant's attempts to seek a discount.

"The magistrate accepted SafeWork SA's findings on a number of deficiencies in this company's safety systems with regards to machine guarding and training," says Executive Director, Michele Patterson.

"Inadequately guarded machinery costs hundreds of thousands of dollars every year in injury claims and associated costs, and often causes lifelong suffering to those who are injured.

"Court decisions such as this clearly demonstrate the need for the prevention campaign on machine guarding currently underway in Australia and New Zealand."

For answers and advice on workplace health and safety and the relevant laws, SafeWork SA operates a telephone Help Centre on 1 300 365 255 or 8303 0400. To report serious accidents or incidents, in the workplace call 1 800 777 209