



# Media Release - SafeWork SA

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13 September 2007

## KEY LEGAL CONCESSION OVER SERIOUS WORKPLACE INJURY

**A company, which services compressed air and gas installations, has withdrawn its appeal over a workplace incident in 2003, which left one of its maintenance workers severely brain injured.** *(SafeWork SA was notified of the development on Tuesday 11 September)*

By ceasing attempts to overturn its conviction in the Industrial Relations Court of SA, **Finsbury Service Doc Pump Pty Ltd** has effectively accepted its legal responsibility for the incident on 23 September 2003, aboard the vessel, MV Accolade 2, then moored at Birkenhead.

**Finsbury** pleaded not guilty and during the resulting trial, SafeWork SA told the court how the company had sent two employees on board to service the Accolade's high-pressure gas fuel system. The nature of this work was technical and extremely hazardous.

During the course of this work, components in the valve housing were blasted into one worker's face by the force of the compressed natural gas accumulated beneath.

*He was resuscitated at the scene after suffering a major open head wound, multiple fractures, and substantial brain injuries. These have left him significantly and permanently impaired.*

SafeWork SA charged **Finsbury** with two counts of breaching section 19(1) of the *Occupational Health Safety and Welfare Act 1986* in failing to ensure the safety of both employees assigned to the task.

In its case against **Finsbury**, SafeWork SA alleged the company:

- failed to perform a hazard identification and risk assessment
- failed to provide information, instruction, training and supervision as was reasonably practicable concerning the system to be worked on
- failed to instruct its employees on how to depressurise the valve system
- failed to ensure its employees worked on the valve system only after depressurisation.

The company was found guilty at trial and later fined \$60,000. While it has withdrawn its appeal against the conviction, it may yet appeal against the penalty.

"It is frightening to consider how the multiple dangers of this task were not considered by the employer," says SafeWork SA Executive Director, Michele Patterson.

"A man has suffered the most grievous injuries in the course of his work, and if this employer had invested the appropriate time and expense on the proper safety precautions, this tragedy could have been avoided completely."

*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.*