



Media Release - SafeWork SA

Friday 16 November 2007

The following is a summary of court cases finalised today resulting from prosecutions brought by SafeWork SA:

\$100k+ FINES FOR REPEAT SAFETY BREACHES

Castalloy Manufacturing Pty Ltd (trading as Ion Automotive) has been fined a total of \$105,870 (including costs and levies) today by the SA Industrial Relations Court, after pleading 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 whilst at work.

The incidents happened in February and May of 2005 at the company's North Plympton and Wingfield plants.

In the first, a 38 year old male labour hire employee had his right index finger crushed between a forklift tine and a degassing machine. In the second, a 22 year old man, also a labour hire employee, suffered finger injuries when they were caught in an unguarded impeller fan of a bead blaster machine.

The fines of \$52,000 for each count were higher due to two prior convictions on similar matters at the time these incidents occurred.

\$48k FINE FOR MT GAMBIER HOTEL COMPANY AND EXECUTIVE OVER KITCHEN BURNS

Two incidents over 15 days at Mt. Gambier's Western Tavern Hotel in October 2004 have resulted in both the former operating company and its Managing Director being fined for breaches of workplace safety laws.

In the incidents, two male kitchen hands aged 18 and 14 at the time each suffered serious burns as a result of contact with hot water in the kitchen area.

Hyledate Pty Ltd pleaded guilty to two counts of breaching Section 19 of the *Occupational Health Safety and Welfare Act 1986* and was fined \$22,500 on each count, while **Russell James Elmes**, as the company's responsible officer pleaded guilty and was fined \$3,750 for his failure to take the necessary steps to comply with the relevant safety laws.

The company sold the hotel in November 2004.

[more]



CONTRACTOR AND WINERY CONVICTED OVER FORKLIFT MISHAP

Electrical contractor, **Integrated Quality Electrical Systems Pty Ltd** and **Fosters Wine Estates Pty Ltd** have both been fined by the SA Industrial Relations Court today, over an incident in March 2005, which left a 21 year old man with severe and disabling abdominal injuries.

Both pleaded guilty to one count each of breaching Section 19 of the *Occupational Health Safety and Welfare Act 1986*, in failing to ensure the safety of an employee whilst at work.

The incident happened at Wolf Blass winery at Nuriootpa, where the first year electrical apprentice was required to service electrical wiring along a service bridge.

To gain access to the wiring, he stood in a personnel box, which was raised by a forklift. In the process of this, the inexperienced forklift driver mistakenly accelerated, crushing the young worker between the top edge of the box and the bottom edge of the bridge.

Both companies admitted a failure to develop safe systems of work for the task involved.

Integrated Quality Electrical Systems was fined \$42,500, while Fosters Wine Estates was fined \$32,000.

The injured man is unable to play sport anymore, and has had his personal life adversely affected.

HIGH COURT REFUSES LUKIN COMPANY APPEAL

A legal battle involving prominent Port Lincoln fishing company, **Dinko Tuna Farmers Pty Ltd** over a safety breach at sea is finally over, after the High Court of Australia refused to grant the company special leave to appeal.

In June 2005, Dinko Tuna Farmers was convicted and later fined \$45,000 for breaching Section 19 of the *Occupational Health Safety and Welfare Act 1986*, in failing to ensure the safety of an employee whilst at work.

The High Court decision ends a 5-year process, involving the investigation, prosecution and several appeals.

The incident concerned a 20-year-old male deckhand, who fell overboard in June 2002, while cleaning the deck of the company's vessel off Port Lincoln.

He was fortunate to survive after being spotted by a passing diving vessel despite not wearing a personal flotation device, and his absence from his own vessel going unnoticed.

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