



Media Release - SafeWork SA

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COMPONENT MAKER FINED OVER BURNS INJURIES

An Adelaide suburban auto parts business has been convicted and fined more than \$25,000 (including costs) over three counts of breaching workplace safety laws.

These arose after two employees were injured in separate incidents in 2005.

Performance Wheel Nominees Pty Ltd pleaded guilty to two breaches of Section 19 of the *Occupational Health Safety and Welfare Act 1986*, in failing to ensure that employees were safe from injury and risks to health while at work; and one count concerning its failure to notify SafeWork SA of a dangerous occurrence.

The incidents occurred at the company's North Plympton premises where it makes cast aluminium components.

In the first incident on 8 March 2005, an employee was working over a "quench tank" containing hot water and other chemicals, when a corroded walkway collapsed beneath him.

He suffered severe burns to the lower leg, when it was immersed for several minutes.

Then on 15 April 2005, another employee suffered minor burns to the foot after stepping backwards into an uncovered manhole over the same hot water tank.

In announcing penalties today, Industrial Magistrate Richard Hardy agreed with SafeWork SA's case that the first incident could have been prevented if there was a system of adequate inspections and maintenance.

In the second incident, the SA Industrial Relations Court heard that the injured worker had disobeyed instructions concerning work in the area at the time, however Magistrate Hardy said the law was quite explicit in what is required of an employer:

"...it is the defendant's obligation to guard against the inadvertent actions of his employee if reasonably practicable."

Magistrate Hardy accepted that the failure to report the incident to SafeWork SA resulted from a genuine misunderstanding, and that the company's improvement of its safety systems, "...although late, was swift."

He fined the company a total of \$25,475: comprising \$19,200 for the first section 19 offence; \$4,000 for the second and \$1,200 for the failure to report, plus costs. The penalties were discounted due to the early pleas, contrition and mitigating circumstances.

SafeWork SA says the case highlights the consequences of neglecting the most basic safety precautions in workplaces containing glaringly obvious sources of harm.