



Media Release - SafeWork SA

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\$90k FINE FOR WINEMAKER OVER SHED FALL

A prominent Southern Vales winemaker has been convicted and fined by an industrial magistrate today over safety shortcomings that led to an employee suffering serious and permanent injuries in a fall.

D'Arenberg Pty Ltd had already pleaded guilty to breaching section 19(1) of the *Occupational Health Safety and Welfare Act 1986* in that it failed to implement and maintain a safe system of work.

SafeWork SA prosecuted after investigating an incident at the company's Kangarilla facility in January 2009.

During refurbishment work on a storage shed, a male worker fell through its roof when an unsecured sheet of roofing iron gave way. He fell about four metres and suffered numerous serious injuries including a fractured skull and wrist, and trauma to the optic nerve that left him with near total blindness in the left eye. He eventually left the company.

SafeWork SA told the court of a number of safety failings, namely:

- No hazard identification involving an adequate visual inspection of the roof
- No use of fall restraints, such as harnesses
- No edge protection
- No system of work to ensure all roofing sheets remained properly secured.

In his decision on penalty today, Industrial Magistrate Michael Ardlie said the incident was "foreseeable and easily preventable"...

"The defendant clearly did not have the expertise to conduct the refurbishment... nor did the employees... It was a serious breach of the Act. I also note the defendant had mobile scaffolding and harnesses but unfortunately did not use them."

Magistrate Ardlie imposed a conviction and fined the company \$90,000 after a discount of 25 percent to account for the defendant's early guilty plea, cooperation with authorities, contrition and remedial action.

SafeWork SA says falls account for around 20 percent of all workplace injuries, a figure which doubles for construction-related activities, hence the need for stringent safety measures.

"Work at height is always dangerous and sometimes deadly, and this case clearly demonstrates the harm that can be caused if safe work systems are not factored into every task of this type," says Acting Executive Director, Bryan Russell.