



News Release - SafeWork SA

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WORKER INJURED AFTER 12 YEAR OLD ALLOWED TO OPERATE FORKLIFT - DEVELOPER FINED

SafeWork SA has expressed its frustration and disappointment at the work practices of a Largs North developer who was fined today over the injury of a worker three years ago.

Today in the SA Industrial Relations Court, **A & B Property Developments Pty. Ltd.** was fined \$22,400 after pleading guilty to 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 company was also fined \$1,200 for breaching Regulation 6.6.2(1) of the *Occupational Health, Safety and Welfare Regulations 1995* in failing to notify SafeWork SA as soon as practicable of a legally-notifiable workplace injury occurring.

The court heard that in April 2004 at the company's Jetty Road premises, a male employee suffered a severe foot injury after being struck by a heavy steel trestle, which had been knocked off balance.

The court was further told that the trestle was struck by a forklift driven by the employer's 12-year old son. The boy had no formal qualifications to operate the machine.

In handing down the penalty today, Industrial Magistrate Michael Ardlie said it was the employer's responsibility to ensure that machinery such as forklifts were operated by qualified people:

"The defendant in allowing (the boy) to operate the forklift, failed in respect to (the employee) to provide and maintain so far as was reasonably practicable a safe system of work."

It was also admitted that SafeWork SA was not notified as it must be under the law, once someone injured on a worksite is admitted to hospital as an in-patient.

"Forklifts can be high risk pieces of equipment even in competent hands," says SafeWork SA Executive Director, Michele Patterson.

"It saddens and disappoints us that a 12 year old was put in such a position of danger and responsibility at the wheel of a forklift.

"However it is the injured worker who still suffers physically, mentally and socially to this day as a result."

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**