



Media Release - SafeWork SA

Friday 30 November 2007

\$48k FINE OVER FAR NORTH RAILWAY DEATH

A company, which handles maintenance on the Port Augusta to Leigh Creek railway line, has been fined over a safety breach that led to the death of one of its employees in 2004.

As a result of the prosecution brought by SafeWork SA, **Works Infrastructure Pty Ltd** had pleaded 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.

Today the SA Industrial Relations Court recorded a conviction and fined the company \$48,000.

The incident occurred on 7 September 2004, on a section of track about 190 kilometres north of Port Augusta, when the hi-rail vehicle driven by Karl Petry left the track resulting in severe injuries to the man. *(A hi-rail vehicle is one modified to run on both road and rail, and is used for track inspection and maintenance.)*

It derailed at about 11.30am, but Mr. Petry was not found for more than five hours. He'd suffered serious leg injuries, and died in hospital two days later from complications arising from his injuries.

The phones Mr. Petry carried with him were rendered unusable by the crash, while the situation was further complicated with incorrect phone numbers for him being given to other crews.

Following its investigation, SafeWork SA told the court of several safety shortcomings:

- Failure to eliminate loading hazards.
- No system to prevent uneven or excessive loading of the vehicle.
- No system to adequately monitor the wellbeing and whereabouts of a worker in an isolated area.
- Inadequate information, instruction, training and supervision.

In handing down penalty today, Industrial Magistrate Richard Hardy said the company's culpability over the incident must be treated as very high:

"The absence of an isolated worker protocol has in this case increased the risk to any injured worker, and I note that even if there was a system in place, there was no means by which the defendant was able to contact the worker in view of the incorrect telephone numbers."

[more]

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and Cabinet

The initial fine of \$60,000 was reduced by 20% due to the defendant's early guilty plea, contrition and appropriate remedial action to improve safety systems.

SafeWork SA Executive Director, Michele Patterson, says the case again highlights the dire consequences of a lethargic approach to workplace safety systems.

"It is well-known that particular attention must be given to protecting workers in isolated locations.

"This was an easily foreseeable hazard, and a tragedy that could have been prevented had the right systems been in place, and proper attention paid to critical details such as contact phone numbers.

"While the company concerned has now set up those appropriate systems, it should never take a death or serious injury to provide the reason for such work to begin," Ms. Patterson says.

*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***