



# Media Release - SafeWork SA

Monday 31 March, 2008

## **\$18k SAFETY LESSON FOR NEW BUSINESS OWNER**

**Anyone buying a new business is being urged to familiarise themselves with the safety measures of their acquisition and their full responsibilities under workplace safety laws.**

SafeWork SA's warning comes after a Salisbury Plain company was convicted and fined \$18,000 plus costs late last Friday, over an incident in 2005 where a crane toppled during an unloading operation.

**Trubild Pty Ltd**, which operated the business, **Manacon Tanks**, pleaded guilty to one count of breaching section 19(1) of the *Occupational Health, Safety and Welfare Act 1986* in failing to ensure the safety of an employee.

The SA Industrial Relations Court heard how at Victor Harbor in August 2005, a truck-mounted crane operated by the defendant, toppled at an angle as it manoeuvred a concrete tank weighing nearly 10 tonnes. The operator was uninjured.

SafeWork SA told the court, there were multiple shortcomings in safety procedures:

- No hazard identification or risk assessment was conducted
- No safe system for this task was developed or implemented
- The equipment was neither checked nor inspected
- The load was not weighed
- The crane was overloaded, and the equipment inadequate for the job
- Safety responsibility was delegated to an unqualified employee.

The defendant had bought the business 8 months prior to the incident, and relied upon the knowledge of the existing staff as to safety procedures and the integrity of the plant.

*Investigations by SafeWork SA however revealed that the crane had been poorly maintained, had no records or logbooks, was routinely overloaded, and its operator had no formal accreditation to use the machine.*

Industrial Magistrate Richard Hardy said the defendant was not sufficiently diligent in applying its own standards to the business it had bought:

*"Whilst it believed it had put in place appropriate measures, it was not entitled to rely on the representations of others."*

SafeWork SA Executive Director, Michele Patterson says the case is a stern lesson to employers that delegating safety to employees cannot be used as an excuse should something go wrong.

*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*