



# Media Release - SafeWork SA

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Thursday 19 November 2009

## CARPENTER FINED AFTER SERIOUS FALL INJURY

An Adelaide carpentry and joinery contractor has been convicted and fined by the Industrial Court today over a workplace fall that left a young employee permanently incapacitated.

**Conlay Constructions Pty Ltd** had already 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 at work.

In March 2007, a carpenter's assistant then aged 23, was assigned to fix some nails to the rafters in the loft of a house under construction. The stairwell void was left unguarded, and during the task, the young worker fell about three metres through the gap onto concrete below.

In his penalty decision, Industrial Magistrate Stephen Lieschke described the young man's resulting injuries as "devastating":

*"...multiple skull fractures... haemorrhaging... fractured vertebrae... significant damage to his brain... severe physical, sensory and cognitive impairment.*

*"...he can no longer live independently, will never work again, cannot drive, and has limited ability to interact with other people. He requires 24 hour care."*

SafeWork SA had submitted to the court that fall protection provided for earlier work had been removed, and according to Magistrate Lieschke, "there was no consideration given to providing any temporary barrier to the void".

*"It was foreseeable that a risk of injury from falling was created as soon as the temporary barriers had been removed and while an employee was still expected to perform some activities in the loft area."*

Magistrate Lieschke fined the company \$25,000, and ordered the payment of \$10,000 compensation to the victim's mother. The fine had been reduced to account for the employer's early guilty plea, cooperation and contrition.

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Also in the Industrial Court today, **Zerella Holdings Pty Ltd** was convicted and fined \$7,500 by Magistrate Michael Ardlie, having already pleaded guilty to a charge laid over an incident in December 2006 at Virginia, where the company runs a fruit and vegetable packing business.

A labour hire employee suffered a degloving injury to his index finger when it became caught in a packing machine.

The company had failed to adequately guard the machine and provide safe operating procedures.