



Media Release - SafeWork SA

Friday 26 June 2009

ENGINEERING FIRM PENALISED OVER APPRENTICE DEATH

An Adelaide engineering firm has been convicted and fined in the Industrial Court today over safety failings, which led to the death of a teenage first year apprentice.

Diemould Tooling Services Pty Ltd had already pleaded guilty to breaching Section 19(1) of the *Occupational Health Safety and Welfare Act 1986*, in failing to ensure that an employee was safe from injury and risks to health while at work.

Today it was convicted and fined \$72,000, after a discount of 10 per cent for its guilty plea.

SafeWork SA prosecuted after investigating the circumstances behind the death of 18-year-old Daniel Madeley, five years ago.

Mr. Madeley was fatally injured on Saturday 5 June 2004, when his dustcoat became caught on the unguarded spinning shaft of a horizontal borer at Diemould's Edwardstown premises.

He was forcibly dragged into the machine and suffered what Industrial Magistrate Richard Hardy described today as "*catastrophic and overwhelming injuries*", to which he succumbed in hospital the next day.

The defendant's plea was delayed by several years as it appealed unsuccessfully up to the High Court on a point of law.

In delivering penalty today, Magistrate Hardy described the defendant's culpability as "*...close to being in the worst possible category*," and that "*...it was difficult to envisage a more aggravated offence*."

SafeWork SA's investigation uncovered "*multiple failures*" including:

- the machine was completely unguarded
- there were no interlock devices to prevent contact with dangerous moving parts.
- there was nothing to prevent accidental activation of the machine's continuous run button.
- training and supervision were inadequate. (*Mr. Madeley was alone at the time of the incident*)
- dangers of the borer were not identified.
- loose-fitting dustcoats should have been banned under a safe operating procedure.

"In my view, the defendant's failures put it at a level which demands a particularly high penalty," Magistrate Hardy said.

SafeWork SA said the case is a sobering example of the worst that can happen when safety systems are neglected.

[more]

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“This tragic outcome would have been entirely preventable had the right safety checks been done and the appropriate control measures put in place,” said SafeWork SA Executive Director, Michele Patterson.

“We urge all employers to heed the lessons from this case, and be mindful of their obligations to their workers and others under the law, especially to their young workers who we know are the most vulnerable in any workplace.”

*For answers and advice on workplace health and safety and the relevant laws, call SafeWork SA’s telephone Help Centre on **1 300 365 255**. To report serious accidents or incidents, in the workplace call **1 800 777 209***