



Media Release - SafeWork SA

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FORKLIFT DRIVER FINED OVER FATAL FALL

An employee has been fined and ordered to undertake a formal assessment of his competence to operate a forklift following an incident in which a visiting stock controller was fatally injured in a fall at Paskeville in 2006.

Sixty six year old **Geoffrey Ronald Poole** was fined \$5,600 in the SA Industrial Relations Court today after pleading guilty to breaches of the *Occupational Health Safety and Welfare Act 1986*, requiring an employee to take reasonable care to avoid adversely affecting the health or safety of any other person at a workplace.

SafeWork SA prosecuted the loader operator after investigating an incident at Paskeville in November 2006, in which a visiting stock controller, 33 year old Dong (Gavin) Wang was fatally injured in a fall from the raised tines of a forklift operated by Mr. Poole.

During a stocktake of haybales in a shed, Mr. Poole was assisting Mr. Wang, who asked to be raised to the top of a large stack. In contravention of both the written and verbal instructions of his employer, SP Hay Pty Ltd not to carry anyone aloft in anything but a personnel box, Mr. Poole lifted Mr. Wang to a height of 5.8 metres at the end of his *Manitou* telescopic loader, from where he fell.

A pathologist suggested Mr. Wang could also have been crushed against the bales when he was raised, but this could not be proven conclusively. Nevertheless, Mr. Wang suffered extensive injuries in the fall, and went into cardiac arrest shortly afterwards, with paramedics unable to revive him. He was married with a 9-week old son at the time.

The employer owned two personnel boxes to be used in such tasks, with at least one available on the day.

Industrial Magistrate Stephen Lieschke said the operator should have known better:

"...Mr. Poole... disregarded his forklift training, his employer's instructions and no doubt his own better judgement... As a mature and highly experienced worker, Mr. Poole's reckless actions are inexcusable..."

The maximum fine for an offence in this instance involving an employee [section 21(1a)] is \$10,000. For an early guilty plea and contrition, Magistrate Lieschke discounted the penalty by 20 per cent from \$7,000 to \$5,600 but ordered Mr. Poole to undertake a formal assessment of his competency to operate powered loaders.

SafeWork SA Executive Director, Michele Patterson, says a workplace safety system can only be effective when employees are committed and diligent in following it, especially when dealing with such an easily avoidable hazard as falling.