



# Media Release - SafeWork SA

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Thursday 1 December 2011

## **BANKRUPT PLUMBER 'FINED' FOR LADDER FALL**

**An Adelaide suburban plumbing firm has been convicted and fined for a workplace injury, despite going into liquidation.**

After a lengthy legal battle, **Metropolitan Plumbing Pty Ltd** was fined \$55,000 for breaching section 19 of the *Occupational Health Safety and Welfare Act 1986* in that it failed to provide safe systems of work.

The Industrial Court was told the company is being wound up at the request of the Australian Taxation Office. Given the company's financial state, Industrial Magistrate Michael Ardlie conceded the fine was only notional and made no order requiring the actual payment of any fine or costs apart from the Victims of Crime Levy.

SafeWork SA prosecuted after investigating an incident at Salisbury North in November 2007. An apprentice plumber was assigned to clean the roof gutters of a single-storey dwelling, and during this task fell from a height of three metres onto a concrete path.

The apprentice was concussed, fractured his right wrist and cheekbone and dislocated a knee. He has since recovered and now works elsewhere. Investigators found the employer had no safety policy regarding the cleaning of roof gutters, nor was any risk assessment undertaken on the task concerned.

The matter was listed for trial in July 2010 but this never eventuated. An application to have the matter dismissed on a legal technicality was upheld by a magistrate but then overturned on appeal by the Full Court of the Industrial Court in May 2011. The matter was then listed for a guilty plea and submissions in late October 2011, where the court was told of the liquidation order.

In delivering penalty yesterday, Industrial Magistrate Ardlie said the company: *"...failed to appreciate that it was necessary for an assessment to be made of the task of cleaning gutters to establish what the hazards were."*

SafeWork SA admitted the outcome was disappointing but said the process demonstrated its commitment to ensuring that such breaches of workplace safety laws are pursued to the full extent of the law.

"This case highlighted the vulnerability of a young apprentice worker and the clear danger of working at height; factors which should have been better managed than they were," Acting Executive Director, Bryan Russell said.

"Young or new workers always need extra attention because of their inexperience, while statistics show that falls account for around 20 per cent of workplace injuries; many of which we believe are entirely preventable."