

Australian Water Systems Pty Ltd

Summary

Incident description:

On 15 April 2009 a 29 year old worker sustained serious injuries when struck by a falling steel lid mould used to manufacture water tanks.

The court acknowledged Australian Water Systems Pty Ltd engaged a number of employees, including the worker that was injured, to carry out manufacture of polyethylene water tanks.

The court found the defendant held obligations under s.28(1) of the Workplace Health and Safety Act 1995 being a person conducting a business or undertaking.

The incident occurred while two workers were attempting to remove a formed water tank from its mould. This involved placing polyethylene granules in a steel mould, bolting on a mould lid, and rotating the mould on a 'rock and roll' machine while it was heated by gas burners. After a set time of heating and cooling, the lid would be removed and the formed tank extracted. At the time, an extension was attached to the lid mould to increase the height and its volume from 3000 gallons to 4000 gallons.

During the removal process, one of the workers inadvertently attached the hoist hook to the mould extension lifting point rather than the correct lifting point on the tank lid mould. Believing the lid mould was supported by the hoist, the other worker removed the remaining retaining bolts. The lid came away from the mould and fell on him, forcing him to the floor.

The investigation findings presented to the court revealed:

- The worker that was injured had worked for the defendant for about two months, and the other worker about six to eight weeks prior to the incident.
- The extension attached to the mould had a lifting lug that looked similar to the lid-lifting point.
- The two lifting lugs were located at the same point on the respective circumferences of the tank extension and the tank lid. The tank lug was about 300mm behind the lug of the tank lid. The lug of the tank lid was positioned on the shoulder of the lid.
- The defendant adopted and followed the workplace health and safety risk management process as set out in the Risk Management Code of Practice 2007.
- The defendant undertook a risk assessment on 25 February 2009 of the lid fitting and removal process but did not consider that the lifting hook could be attached to the wrong lifting lug.
- Extension sections were not used regularly. Use of extension sections was not included in the risk assessment.
- Other tanks having ring extensions did not have lifting lugs in the same position as this tank.

Court result:

The defendant pleaded guilty in the Brisbane Industrial Magistrates Court on 22 December 2009 to breaching s.24(1) of the Workplace Health and Safety Act 1995, having failed to meet its workplace health and safety obligations and was sentenced with no conviction recorded.

Industrial Magistrate Mr Graham Lee ordered the defendant pay a penalty of \$37 000 as well as investigation and court costs totaling \$2556.40.

In reaching a decision the Industrial Magistrate acknowledged the defendant failed to identify the hazard of an inadequately secured tank lid at height or otherwise manage the exposure to risks that may result because of the hazard in accordance with section 27A of the Workplace Health and Safety Act 1995.

In deciding the penalty imposed Industrial Magistrate Mr Graham Lee took into account that the defendant had been prosecuted previously for a workplace health and safety breach, but had co-operated with the investigation and had entered an early plea of guilty.

Considerations for prevention:

(Commentary under this heading may be additional to material before the court.)

When working in the manufacturing industry where there is exposure to risks from loads falling whilst being lifted by a hoist, obligation holders should apply a risk management approach to ensure the selection of suitable control measures.

Risk management involves evaluating the consequences and likelihood of harm that may result from the hazard, deciding on and implementing control measures to prevent or minimise the level of the risk from the hazard and monitoring the effectiveness of the control measures to ensure they remain working correctly.

When deciding on and implementing control measures associated with the risk from loads falling whilst being lifted by a hoist, obligation holders should consider implementing a comprehensive training program for all workers to ensure the correct procedures are followed. A full risk assessment should also be completed to assist in identifying any risk that may be prevalent during the preparation of and lifting of the objects.

Preventative measures to avoid the risk of injury from falling objects whilst being lifted by a hoist may include:

- colour coding, tagging or attaching permanent signage to lifting points to ensure they are clearly identifiable
- regular safety checks of the hoist, hooks and straps to identify any wear or repairs that need to be done
- fail safe hooks to prevent slippage
- ensuring hoist is maintained in accordance with manufacturer instructions
- exclusion zones under and around the load being lifted
- regular breaks to ensure fatigue is avoided
- securing loose items in the load to avoid the risk of the load becoming unstable.

Visit the Workplace Health and Safety Queensland website for more information on:

- [health and safety information for manufacturing](#)
- [managing risk](#)
- [crane and hoist licensing requirements](#)
- [employer training options](#)
- [training staff](#)
- [Risk Management Code of Practice 2007](#)
- [Plant Code of Practice 2005](#)
- [Workplace Health and Safety Act 1995](#).

Details

Industry: Manufacturing

ANZSIC code: 2949

Defendant: Australian Water Systems Pty Ltd

Defendant ACN: 114 587 692

Date of offence: 15 April 2009

Location of offence: Northgate

Injury: Shattered L4 vertebra

Circumstance of aggravation: Grievous bodily harm

Court: Brisbane Industrial Magistrates Court

Magistrate: Mr Graham Lee

Legislation: s. 28(1) Workplace Health and Safety Act 1995

Plea: Guilty

Decision date: 22 December 2009

Penalty: Fined \$37 000

Maximum fine available: \$375 000

Investigation costs: \$2 791

Professional and legal costs: \$0

Court costs: \$65.40

In default: Nine months to pay, in default levy and distress

period to pay:

Conviction No
recorded:

CIS event no.: 93474