

Burdekin Engineering Works Pty Ltd

Summary

Incident description:

On 29 September 2008 a worker sustained fatal injuries when a split rim wheel exploded apart.

The court acknowledged Burdekin Engineering Works Pty Ltd was in control of a haul-out trailer which was delivered to the defendant for repairs and that the defendant employed the worker as a fitter and turner.

The court found the defendant held obligations under s.28(1) of the Workplace Health and Safety Act 1995 being an employer.

As part of maintenance work on a haul-out trailer (to replace its damaged wheels), a worker jacked up the rear of the trailer and was removing one of the wheels (a split rim configuration). The tyre exploded off the rim and the worker was struck by a section of the rim causing fatal injuries.

The investigation findings presented to the court revealed:

- The potential hazards of working with wheels of split rim configuration were not identified in circumstances where the hazard was reasonably foreseeable.
- The defendant relied on administrative controls that were inadequate.
- The worker did not recognise the wheel as a split rim and was not provided with necessary training, information, instruction and supervision in order to undertake the work safely.

Court result:

The defendant pleaded guilty in the Townsville Industrial Magistrates Court on 8 October 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.

Industrial Magistrate Mr Peter Smid fined the defendant \$50 000 as well as ordering investigation and court costs totaling \$3500.90.

In reaching a decision the Industrial Magistrate acknowledged the defendant failed to identify a hazard that was reasonably foreseeable and manage the potential risks associated with split rim wheels.

In deciding the penalty imposed Industrial Magistrate Smid took into account the defendant had not been prosecuted previously for any workplace health and safety breach, cooperated with the investigation and entered an early plea of guilty when ordering no conviction be recorded.

Considerations for prevention:

(Commentary under this heading is not part of the Court's decision.)

When working in the mechanical and engineering industry where there is exposure to risks from removing an inflated split rim wheel, 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 of removing an inflated split rim wheel, obligation holders should consider that there is firstly a system in place to identify these types of rims as potential hazards and ensure that any person undertaking work on these types of wheels is competently trained to undertake the work in a safe manner.

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

- [health and safety information for manufacturing](#)
- [manufacturing](#)
- [training staff](#) and using [control measures](#) to manage risks associated with workplace hazards
- [Guide to safeguarding common machinery and plant](#) (PDF, 736kB)
- [Plant Code of Practice 2005](#)
- [Risk Management Code of Practice 2007](#)
- [Workplace Health and Safety Act 1995](#).

Details

Industry: Manufacturing

ANZSIC code: 2862

Defendant: Burdekin Engineering Works Pty Ltd

Defendant
ACN: 073 804 485

Date of
offence: 29 September 2008

Location of
offence: Home Hill

Injury: Impact injuries to the head

Circumstance
of aggravation: Fatality

Court: Townsville Industrial Magistrates Court

Magistrate: Mr Peter Smid

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

Plea: Guilty

Decision date: 8 October 2009

Penalty: \$50 000

Maximum fine available: \$375 000

Investigation costs: \$3435.50

Professional and legal costs: -

Court costs: \$65.40

In default period to pay: Eighteen months to pay, in default levy and distress

Conviction recorded: No

CIS event no.: 84937