

## Riviera Marine (Int.) Pty Ltd

### Summary

#### Incident description:

On 10 April 2008 a 25 year old worker sustained serious injuries while attempting to access the rear of a boat under construction.

The court acknowledged Riviera Marine (Int.) Pty Ltd employed the injured worker.

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 investigation findings presented to the court alleged the worker fell approximately two metres whilst accessing the stern of a boat being built at the defendant's workplace.

The investigation findings presented to the court revealed:

- the worker attempted to access the boat via a set of portable steps.
- the stairs had the capacity to be secured to the mezzanine walkway at each side, but were not.

As the worker stepped up onto the stairs, they tipped forward and he fell to the concrete floor.

#### Court result:

On 10 July 2009 the matter proceeded ex-parte pursuant to section 142A of the Justices Act 1886.

Industrial Magistrate Mr Gary Finger fined Riviera Marine (Int) Pty Ltd \$45,000 as well as ordering investigation and court costs totaling \$1614.70.

In deciding the penalty Industrial Magistrate Finger took into account the defendant had been prosecuted on two previous occasions for breaches under the Workplace Health and Safety Act 1995 when ordering no conviction be recorded.

#### 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 of falling while working on mobile stairs or platforms, obligation holders should apply a risk management approach to ensure the selection of suitable control measures.

Risk management involves identifying the hazards, 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

unstable stairs or work platforms, obligation holders should ensure footing is stable and consider securing the plant to prevent it falling over.

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

- [health and safety information for manufacturing](#)
- [risk management](#)
- [guide for preventing slips, trips and falls](#)
- [Workplace Health and Safety Act 1995](#)
- [Risk Management Code of Practice 2007](#)
- [Plant Code of Practice 2005](#).

## Details

Industry: Manufacturing

ANZSIC code: 2822

Defendant: Riviera Marine (Int.) Pty Ltd

Defendant  
ACN: 058 009 215

Date of  
offence: 10 April 2008

Location of  
offence: Coomera

Injury: Fractured left leg

Circumstance  
of aggravation: Grievous bodily harm

Court: Southport Industrial Magistrates Court

Magistrate: Mr Gary Finger

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

Plea: Matter proceeded pursuant to section 142A of the Justices Act 1886. The matter was dealt with ex-parte.

Decision date: 10 July 2009

Penalty: Fined \$45 000

Maximum fine  
available: \$375 000

Investigation  
costs: \$1543

Professional  
and legal  
costs: Nil

Court costs: \$71.70

In default      Referred to State Penalty Enforcement Registry  
period to pay:

Conviction      No  
recorded:

CIS event no.: 77013