

## Prosecution Summary of Conviction

### Wesbeam Pty Ltd (ACN: 004 268 017)

LEGISLATION:		<i>Work Health and Safety Act 2020</i>				
Charge	Charge Number	Sentenced Date	Regulation	Section	Penalty	Offence Date
1	JO3498/2024	05/03/2025		21(2) 31(1)	\$385,000	09/04/2022

#### BREACH(ES)

Being a person with management or control of fixtures, fittings or plant at a workplace, did not, so far as is reasonably practicable, ensure that the fixtures, fitting or plant were without risks to the health and safety of any person, and by that contravention caused serious harm to a person, contrary to sections 21(2) and 31(1) of the *Work Health and Safety Act 2020*.

#### DETAILS

##### The Offender

Wesbeam Pty Ltd (**Wesbeam**) is a manufacturer and distributor of laminated veneer lumber, a high value engineered wood product, for the building industry. It has a facility in Neerabup, and distribution centres in several other States.

The Neerabup facility comprises a log yard, factory, laboratory, maintenance workshop, administration/production office, storage facility and dispatch yard. The factory was built in 2004 and uses highly automated equipment. It operates 24hours per day, 7 days per week. The log yard receives deliveries of logs which are stripped of bark, scanned for defects and cut to size in preparation for going into the factory.

In April 2022 Wesbeam employed 164 people at the facility.

##### Log Yard Plant

The log yard plant is owned by Wesbeam. It is operated and regularly maintained by Wesbeam's employees.

The log yard plant consists of an infeed deck, debarker, slash deck, waste bark conveyors (the conveyors), an outfeed conveyor and storage bins. The log yard plant is monitored from a control room located in the log yard.

Waste bark from the debarker is conveyed along one of the conveyors, this conveyor remains horizontal. Waste bark is then dropped onto a second conveyor, which begins at ground level and then goes up on an incline, where the waste bark is discharged from the highest point into a stockpile below.

A platform (**the platform**) is located at the top of the conveyor where the drive roller and motor are located. An isolation switch is located immediately next to the motor on the platform.

Prior to 2020, the platform was accessed via a fixed ladder. Wesbeam's employees raised a hazard in relation to accessing the platform via the ladder and requested alternative means of access.

In September 2020 Wesbeam installed a walkway alongside the conveyor to improve access to the platform for maintenance and clearing any blockages. at the top of the conveyor. Blockages were known to occur at the top of the conveyor.

Wesbeam conducted a of the walkway. The risk assessment did not identify any hazards in relation to the conveyor, or the guarding, but focussed on the walkway itself.

The platform is a level section at the top of the walkway. To limit the incline of the walkway, there is a step down from the platform to the walkway and then a further series of steps down from the walkway to the ground. The walkway was not interlocked, nor were there any physical barriers restricting access to it. The conveyor at the platform was guarded by steel panels however they were not interlocked.

There were gaps in the steel panels as installed on the side part of the panels which allowed the shaft from the motor to go through the guarding into the header drum.

Several of the guard panels of the conveyor at the platform were modified by the Accused so that they were hinged at the top . Hinging the panels allowed for access to the conveyor via the side panel being flipped open so that it could be rested on the top panel rather than having to remove the entire panel covering all sides of the conveyor.

There was a gap from the installation of the conveyor beneath several of the hinged panels which allowed access to the conveyor, including the drive roller. The gap ranged from approximately 6cm to 38 cm high and approximately 120cm wide.

The unguarded nip points on the conveyor were a hazard and there was a risk of being drawn into the nip points and suffering crush and entanglement injuries.

### **The Incident**

An operator (**the victim**) was employed by Wesbeam from 2004 and predominantly worked on the lathe inside the factory but also worked in the log yard and was competent to do so.

On the morning of 9 April 2022, the victim attended work and was tasked to work in the log yard with another worker. The victim was working in the control room, managing and monitoring the conveyors. The other worker was working as a loader driver, moving logs around the yard and onto the plant.

At approximately 8:45am the victim left the control room to attend to a blockage on the lower part of the conveyor. The conveyor was not isolated in the control room in accordance with the understood process for stopping plant before working on any plant in the log yard. The victim also used the walkway to access the conveyor at the platform in response to a blockage.

The victim cannot recall what happened other than his arm became trapped in the conveyor.

There was an isolation switch immediately next to the motor on the platform, however there was no emergency stop at the top of the conveyor.

The victim radioed the other worker for assistance who responded, activating the emergency stop at ground level before making his way up to the victim and arranging for further help.

Emergency services were called. After approximately 1 hour and 45 minutes the victim's arm was freed from the conveyor and he was transported to hospital.

### **Serious Harm**

The victim was taken to hospital by ambulance. His injuries were described as a degloving crush injury to the right arm with associated fractured ulna. He underwent a series of surgeries to his arm including skin grafts. :

The victim required follow up surgical treatment and extensive outpatient treatment by the plastics dressing, occupational therapy and pain clinics. The injuries have also adversely affected the victim's mental health and he experiences significant ongoing pain. The victim was right hand dominant.

**Subsequent to the Incident**

Following the incident Wesbeam installed interlocked fencing around the log yard plant, including the waste bark conveyor. The cost of the fencing was \$36,392.00. Wesbeam also installed full length guarding around the drive roller of the conveyor with holding screws that can only be removed using tools.

<b>OUTCOME</b>	Pleaded guilty – convicted and fined
<b>FINE</b>	\$385,000
<b>COSTS</b>	\$5976.70
<b>COURT</b>	Magistrates Court of Western Australia – Joondalup