

Prosecution Summary of Conviction

Northern Star Mining Services Pty Ltd (ACN: 149 632 968)

LEGISLATION:		<i>Work Health and Safety Act 2020</i>				
Charge	Charge Number	Sentenced Date	Regulation	Section	Penalty	Offence Date
1	KA89/2025	09/04/2025		19(1) 31(1)	\$750,000	13/01/2023
2	KA90/2025	09/04/2025			(Global fine 1 & 2)	13/01/2023

BREACH(ES)

Offence 1: Being a person conducting a business or undertaking, did not, so far as was reasonably practicable, ensure the health and safety of a worker while the worker was at work in the business or undertaking, and by that contravention caused serious harm to a worker, contrary to sections 19(1) and 31(1) of the *Work Health and Safety Act 2020*.

Offence 2: Being a person conducting a business or undertaking, did not, so far as was reasonably practicable, ensure the health and safety of workers while the workers were at work in the business or undertaking, and by that contravention exposed individuals to a risk of death or of injury or harm to the individuals' health, contrary to sections 19(1) and 32(1) of the *Work Health and Safety Act 2020*.

DETAILS

On 13 January 2023, a Jumbo Operator completing work for contractor Northern Star Mining Services Pty Ltd (**NSMS**) in a workshop suffered a comminuted spiral left-femur fracture, a L5 superior endplate spinal fracture and a minor head injury when he was assisting with the maintenance of a Sandvik Twin Boom Jumbo Drill (**Jumbo**).

The Jumbo

The Jumbo was a Twin Boom Jumbo Drill. The Jumbo was a hydraulically powered drilling rig with two independently controlled arms, which were utilised for mine development and small-scale tunnelling. The hydraulically powered arms of the Jumbo (**Drilling Unit**) each had a hydraulic ram fixed to the front carrier of the Jumbo (**Boom**) which was connected to the front of the operating cabin. Each Boom controlled the horizontal, vertical and tilt movement of the Drilling Unit.

The Isolation and Tagging Procedure

At the time of the incident, NSMS had implemented NSR's Isolation and Tagging Safe Work Procedure (**ITSWP**). The ITSWP identified the hazardous nature of uncontrolled energy and set out control measures to mitigate against this during maintenance activities and/or testing and adjusting.

The ITSWP dictated that for maintenance activities where testing and adjusting was not required, the Jumbo's power source was to be completely isolated with a personal danger lock and tag applied. Unlike maintenance activities where isolation was required, the testing and adjusting of the Jumbo required the plant to be energised.

The ITSWP required workers involved in testing and adjusting to be excluded from the energised Jumbo's area of operation through barricades or hazard tape. No other work was permitted to occur while the Jumbo was energised and undergoing testing and adjusting.

Incident

On the night of 12 January 2023, knocking noises were identified within the Jumbo's left Boom. The Jumbo was conveyed to the Workshop for repairs scheduled to occur the following day. The Jumbo Operator was assigned to the Workshop for that day to assist.

Throughout the course of the day, testing and adjusting activities that required the Jumbo to be energised occurred concurrently with maintenance activities that required the Jumbo's power source to be isolated. At no stage was barricading or hazard tape utilised to exclude workers from the Drilling Units' range of motion while the Jumbo was energised.

The final tasks before the Jumbo's return to operation were to grease the Boom and re-wrap the hoses. To re-wrap the hoses, workers were required to physically interact with the Drilling Unit and there was no requirement for the Jumbo to be energised to complete the task. The ITSWP required that the Jumbo's power source be isolated by personal danger locks and tags prior to approaching either Drilling Unit to re-wrap the hoses. Despite this, the Jumbo remained energised.

At about 5.33pm, workers tested the operation of the left Boom from the cabin while the Jumbo Operator was standing next to it. Suddenly, the part of the Boom underwent uncontrolled movement and swung downwards in free motion, impacting the Jumbo Operator.

Between approximately 10.20am on 13 January 2023 and the time of the incident, the Jumbo's dash cam captured six workers in total entering within the Jumbo's range of motion while the plant was energised and undergoing testing and adjusting.

Knowledge of the Hazard/Risk

It is common industry knowledge that:

- a) The uncontrolled release of energy from plant presents an impact hazard to workers in the vicinity of the plant;
- b) Potentially hazardous energy needs to be isolated through lock-out, tag-out procedures so the plant does not move or start up accidentally during maintenance;
- c) Isolation procedures require control over entry into the hazardous area while plant maintenance is occurring to ensure workers are not exposed to the risk of an uncontrolled release of energy; and
- d) If maintenance of the plant requires it to be energised, only one authorised person should be able to operate the plant during the process.

NSMS identified prior to the incident that mobile plant, including the Jumbo, presented an impact risk through the uncontrolled release of energy.

Practicable Measures

Prior to and as at 13 January 2023, it was reasonably practicable and of low cost for NSMS to have implemented the below practicable measures:

- a) Provide direction and supervision to workers to ensure that the Jumbo's energy sources were isolated through the application of personal danger locks and tags during maintenance activities when the Jumbo was not required to be energised.
- b) Provide direction and supervision to workers to ensure that a barricaded exclusion zone was established around the Jumbo when it was energised for testing and adjusting.
- c) Schedule work so that maintenance tasks not requiring the Jumbo to be energised were carried out separately to testing and adjusting that required the Jumbo to be energised.
- d) Ensure that workers were trained in the Isolation and Tagging Safe Work Procedure and were assessed as competent before conducting maintenance or repairs on the Jumbo.

Subsequent Changes

NSMS conducted a full internal investigation after the incident and increased focus on adherence to the ITSWP during maintenance and testing and adjusting activities. NSMS implemented a mandatory practical training element to the ITSWP and have included more diagrams in the written procedure. NSMS made improvements to the barricading equipment available and commissioned a designated testing and adjusting area.

OUTCOME	Pleaded guilty – convicted and fined
FINE	\$750,000 (Global fine)
COSTS	\$3211.00
COURT	Magistrates Court of Western Australia – Perth