

Prosecution Summary of Conviction

HA Hold Co Pty Ltd (ACN:654 410 750)

LEGISLATION:		Work Health and Safety Act 2020				
Charge	Charge Number	Sentenced Date	Regulation	Section	Penalty	Offence Date
1	NO162/2025	17/04/2025		19(1) 31(1)	\$595,000	24/01/2023

BREACH(ES)

Being a person conducting a business or undertaking, did not ensure, so far as was reasonably practicable, the health and safety of workers engaged, or caused to be engaged, and workers whose activities in carrying out work were directed by the person while the workers were 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*.

DETAILS

Background

On 24 January 2023 a leading hand worker was working at a hay processing plant operated by HA Hold Co Pty Ltd (**HA Hold**) at Carani, Western Australia, approximately 156 km north of Perth.

HA Hold was registered on 12 October 2021. It is a wholly owned subsidiary of AgTrade Holdings Pty Ltd (ACN 627 070 606) (**AgTrade**). It operates under the trading name Hay Australia. The head offices of Hay Australia and AgTrade are in Brisbane.

HA Hold purchased the hay processing plant at Carani on around 31 January 2022 from a company that had been known as Hay Australia Pty Ltd. The plant at Carani is known as Yerecoin Production Facility (**Yerecoin**).

The leading hand worker was employed by a labour hire company which had placed him to work at Yerecoin under the direction of Hay Australia in July 2022. He had received training organised by Hay Australia on plant and equipment isolation, including Lock-out/Tag-out procedures, in which he was instructed that machinery should be de-energised and isolated with padlocks prior to undertaking any work on it.

The leading hand worker operated the small hay press at Yerecoin. This press compresses, straps and cuts hay bales for distribution. The press uses a system of interlocked gates based on magnetism. While the gates are together, the plant can operate. As soon as the gates are separated, that particular part of the plant becomes isolated. The interlocked gates were situated on the opposite side of the press to where the operator stood.

In addition, the small press has a key lock out system. A specific key is needed to access various parts of the machine. For there to be power to the machine, all keys need to be in the power board. If any one of those keys is removed, the machine cannot be energised. The lock key system forces isolation of the plant if access is needed to it.

Blockages usually occur on the conveyor belt or in front of the half-cutter chamber at least once during every shift.

Incident

At approximately 8:00am on 24 January 2023 the leading hand worker climbed up onto the press's conveyor belt through a gap that was not guarded by interlocked gates to rearrange some twisted bales in front of the half-cutter chamber in which bales are cut in half prior to packing. While standing in front of the half-cutter chamber, he was pushed by a mechanical arm that pushes bales into the chamber, and his leg became trapped in the chamber. Workers nearby stopped the press and freed him. However, he had sustained a blunt force compression of the right lower leg which resulted in fracture and a degloving injury. He was transported to Royal Perth Hospital where was operated upon and remained for 28 days. Subsequently he had a number of further operations.

Safety Consultant

In or around December 2021 Hay Australia Pty Ltd engaged a safety consultant at Yerecoin. The consultant's role included working with site management on the implementation of a safety management system and processes and assisting in conducting WHS hazard risk assessments. The consultant reported to Hay Australia Pty Ltd's production manager, who continued in that role after the acquisition by HA Hold in early 2022. The safety consultant also continued to provide services to Hay Australia after the acquisition.

Risk assessment for small hay press

In or around April 2022 the safety consultant prepared a written risk assessment for the small hay press at Yerecoin. This assessment identified an unguarded area of the small press between the strapper and the half-cutter box that allowed access to moving machinery. The risk assessment recommended that guarding be installed guarding in that area. The risk assessment was provided to the production manager, who was supportive of the recommendations in it.

In mid-2022 Hay Australia and AgTrade engaged a national health and safety manager. Following this appointment, there were discussions within AgTrade and HA Hold management about guarding in general at Yerecoin on the hay presses. However, Prior to 24 January 2023, HA Hold did not install the guarding on the small hay press as recommended in the risk assessment.

Work instructions

Hay Australia had a 'Work Instruction' for the hay presses at Yerecoin. This document did not contain specific steps to workers on how to deal with twisted bales on the conveyor belt. Hay Australia also had a work instruction for Lock Key Isolation of Large and Small Press. This instruction identified that there were potential safety hazards through worker injury from entering the press without isolation.

Hay Australia did not have an established, documented safe work procedure requiring press operators to access the interlocked gates on the opposite side to clear blockages as the only method of clearing blockages or straightening twisted bales.

A further practicable measure that should have been undertaken by HA Hold was to enforce the safe work procedure Lock Key Isolation of Large and Small Press requiring workers to isolate the relevant section of the press for momentary or short term access to clear a blockage using the interlocked gates.

Guarding added to the small hay press

Guarding of plant is a specific control measure identified in the relevant Code of Practice: "Managing risks of plant in the workplace". Section 4.1 states: *"A guard is a physical or other barrier that can perform several functions including: ...preventing contact with moving parts or controlling access to dangerous areas of plant."*

The Code also states: *"If guarding is used, the person with management or control of the plant must ensure that one of the following is complied with: ... if access to guarded areas is necessary during operation, maintenance or cleaning, the guarding is an interlocked physical barrier that allows access to the area being guarded at times when that area does not present a risk and prevents access to that area at any other time."*

On 25 January 2023, following the incident involving the leading hand worker, WorkSafe issued Hay Australia with a prohibition notice in relation to operating the small hay press without adequate guarding. The company then arranged for a mesh guard to be fitted to the unguarded area at a cost including labour and materials of approximately \$1000.00.

OUTCOME	Pleaded guilty – convicted and fined
FINE	\$595,000
COSTS	\$5510.00
COURT	Magistrates Court of Western Australia – Northam