

## Prosecution Summary of Conviction

### W.A.S.S. Nominees Pty Ltd (ACN:008 840 551)

LEGISLATION:		<i>Work Health and Safety Act 2020</i>				
Charge	Charge Number	Sentenced Date	Regulation	Section	Penalty	Offence Date
1	FR6256/2024	24/04/2025		21(2) 31(1)	\$875,000	16/06/2022

#### 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 the death of a person, contrary to sections 21(2) and 31(1) of the *Work Health and Safety Act 2020*.

#### DETAILS

##### Company Information and Structure

W.A.S.S. Nominees Pty Ltd (**WASS**) operates alongside, and in conjunction with, two other companies. The three companies are informally known as the 'WA Salt Group'. The WA Salt Group mines and process salt products including pool salt and food grade salt.

At the relevant time the CEO of the WA Salt Group was a Director of WASS and one of the other companies forming the WA Salt Group. At the relevant time, some workers at the WA Salt Group had shared responsibilities across WASS and one of the other companies forming the WA Salt Group including the Manufacturing Managers, Quality Health Safety and Environment Manager, General Manager and Chief Executive Officer.

##### Salt Pit Conveyor as Part of the Manufacturing Process

Salt is sent to two processing facilities via a salt pit conveyor. The salt pit conveyor is a piece of equipment owned by WASS but operated by WASS and one of the other companies. Neither WASS nor the other company can process salt if the salt pit conveyor is not operational.

Salt is loaded into a below ground hopper and drops onto the salt pit conveyor which travels up an incline and drops into a smaller salt feed hopper. The salt feed hopper has two augers that directs salt to each of the processing facilities.

The salt pit conveyor is operated by control panels in each of the processing facilities. Additionally, the salt pit conveyor automatically switches on and off depending on salt levels in the below ground hopper and salt feed hopper.

Plant operators working in each of the processing facilities are responsible for filling the below ground hopper with salt when the salt is running low and ensuring salt is flowing onto the conveyor and into the salt feed hopper. While plant operators were not required to address maintenance issues, they did attend to certain issues for the purpose of ensuring the constant flow of salt while the salt pit conveyor operating. A problem arose with the conveyor belt slipping, that is the drive drum was turning but the

belt was not. The slipping problem was intermittent, and tended to occur in the cooler months, and in the morning when there was moisture on the plant. The slipping problem was sometimes solved by plant operators in each of the processing facilities switching the conveyor off and on. When that was not successful cardboard was sometimes placed between the drive drum and the belt by plant operators in each of the processing facilities. The plant operators removed guarding to be able to place the cardboard between the drive drum and the belt.

### **The Salt Pit Conveyor – Guarding**

At the time of the incident there were no physical barriers around the area adjacent to the pit conveyor drum drive restricting access to that end of the salt pit conveyor.

The sections of the salt pit conveyor guarding adjacent to the drum drive had been removed at the time of the incident, exposing a nip point. The unguarded nip point on the conveyor was a hazard and there was a risk of being drawn into the nip point. The guarding that had been removed from the section of the salt pit conveyor adjacent to the drum drive were removeable steel panels that were not interlocked. Although the guarding was designed to only be removed using a tool, if not properly re-attached to the salt pit conveyor, it could be removed without the use of a tool.

On occasions the removable guards near the drum drive were not in place, or not securely fixed.

Maintenance of the salt pit conveyor, including routine maintenance, was managed and conducted internally to the WA Salt Group. A software program developed work orders for routine maintenance which included checking the belt but did not include checking guarding.

### **The Incident**

The victim worked as a plant operator in one of the processing facilities. On 16 June 2022 he commenced work between 4:00am and 5:00am and was working with another plant operator. The other plant operator responded to an error message on the control panel inside the processing facility and went to the salt pit conveyor to see what was happening. The other plant operator located the victim stuck in the salt pit conveyor at the drive drum end. Emergency services were contacted and attended. The victim was pronounced dead at the scene.

When the victim was located the guard covering the drive drum had been removed. It is not known whether the guard covering the drum drive was in place when the victim attended the salt pit conveyor on the morning of the incident. Cardboard was visible around the drive drum.

The Manufacturing Managers of both processing facilities were aware of the use of cardboard in the lead up to the incident.

### **Subsequent to the Incident**

Following the incident, a permanent fence was erected around the salt pit conveyor restricting access to all moving parts. It includes an access gate which is fitted with a padlocked clasp and an interlock switch which de-energises the motor of the salt pit conveyor when the gate is opened.

The cost of the permanent fencing, access gate and interlock switch adjacent to the pit conveyor drum drive was \$13,784.10 (including GST).

<b>OUTCOME</b>	Pleaded guilty – convicted and fined
<b>FINE</b>	\$875,000
<b>COSTS</b>	No order for costs
<b>COURT</b>	Magistrates Court of Western Australia – Fremantle