

## Prosecution Summary of Conviction

### Kimberley Quarry Pty Ltd (ACN:093 519 638)

LEGISLATION:		<i>Work Health and Safety Act 2020</i>				
Charge	Charge Number	Sentenced Date	Regulation	Section	Penalty	Offence Date
1	GN2827/2024	27/06/2025		19(1) 32(1)	\$160,000	25/06/2022
2	GN2828/2024	27/06/2025		39(1)	\$7000	25/06/2022

#### 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 exposed an individual to a risk of death or injury or harm to the individual's health contrary to sections 19(1) and 32(1) of the *Work Health and Safety Act 2020*.

Offence 2: Being a person with management or control of a workplace at which a notifiable incident occurred, failed to ensure, so far as was reasonably practicable, that the site where the incident occurred was not disturbed until an inspector arrived or any earlier time that an inspector directed contrary to section 39(1) of the *Work Health and Safety Act 2020*.

#### DETAILS

On Saturday, 25 June 2022, a worker was carrying out work on a Terex 984 Mobile Screen (Screening Machine) with a team of workers at the Geraldton Quarry operated by Kimberly Quarry Pty Ltd (Kimberley Quarry) approximately 27 km northeast of Geraldton.

Two workers were working on the top of the Screening Machine removing wire screen panels and throwing them onto the ground below. Each of the panels weighed approximately 15 to 30kg. The top of the machine where the workers were working was approximately 3.18 metres high and there was no edge protection or fall restraint system in place.

As one of the workers was in the motion of throwing one of the panels from the top of the machine, wire hooks on the edge of the panel caught on his jumper and pulled him off the edge.

As a result of the fall, the worker suffered back injuries including a fractured L2 vertebrae as well as a laceration on his forearm, sprained elbow and wrist, ligament damage and some internal bleeding. He was taken by ambulance to Geraldton Regional Hospital and then airlifted to Royal Perth Hospital for treatment. He was in a brace for approximately 12 weeks and returned to work in or around October 2022.

## **Background**

Kimberley Quarry has been operating since 2000 supplying products and services to the mining and construction industry. The main services that Kimberly Quarry provides are quarrying, crushing, screening, drilling blasting and equipment hire.

The site of the Geraldton Quarry is approximately 16 hectares consisting of a quarry pit and stockpile areas where Kimberly Quarry extracts and processed hard rock material pursuant to an agreement with the landowner. Kimberly Quarry operates mobile crushing and screening facilities, workshops, a weighbridge, and office facilities at the site of the quarry.

Kimberly Quarry operates the Screening Machine as part of its operations at the Geraldton Quarry. The Screening Machine consists of a horizontal screener with screens of different sizes to allow for the production of rock products of different sizes.

Changing screens on the Screening Machine is a routine task. Screens are regularly changed to allow for production of different types of products and for maintenance purposes as the screens wear out and break.

The worker commenced working as a 'trainee operator' for Kimberly Quarry in 2020. His employment offer was sent on a Kimberley Quarry letter head showing Kimberley Quarry's ACN. However, the offer identified Kimberly Quarry Services Pty Ltd as the worker's employer. Kimberley Quarry Services Pty Ltd is a related entity of Kimberly Quarry with the same directors. It employs workers, who are provided to Kimberly Quarry. On 25 June 2022, the worker had been promoted to the role of 'Operator'.

## **Procedure for changing the screen**

At the time of the incident, Kimberley Quarry had in place a safe work procedure for the task of changing screens on the mobile screening machine (Screen Change SWP).

The Screen Change SWP identified hazards (including slip, trips and falls), relevant competencies and a procedure for the task. The task of swapping the screen mesh panels was to be completed from the Screening Machine's catwalk. As such, the Screen Change SWP does not address the hazard of falling from height or any control measures to address this hazard.

Implicit in the Screen Change SWP was a recognition that there were additional requirements for changing screens on the top deck of the mobile screening machine, including the need for a crane. However, the Screen Change SWP did not provide detailed information as to how the screens were to be removed and changed, where the worker was to be positioned or how (and if) the crane was supposed to be utilised. The process observed by the Site Supervisor when supervising screens being changed was for the workers to loosen the screens from the catwalk by undoing bolts and then lift the screen mesh onto a pallet which would be on a forklift. Throwing the screens from the top deck of the Screening Machine was not condoned.

The worker had reviewed the Screen Change SWP and on this basis had been signed off by Kimberly Quarry as being trained on the procedure. He had learned how to complete the task working and talking with other more experienced workers at Kimberley Quarry and he had completed hundreds of screen changes. On occasion workers climbed on top of the screening machines to pull the screens up. However, this practice had not been observed by senior management.

## **The Incident**

On Friday, 24 June 2022, the Site Supervisor assigned the task of changing screens of the Screening Machine to the worker and other Kimberly Quarry Services Pty Ltd employees to complete over the weekend. The worker was appointed as the leading hand for the weekend by the site supervisor in a hand over meeting held on the Friday as the site supervisor would not be working onsite over the weekend.

The site supervisor gave a list of tasks to the worker, with names of workers next the jobs indicating the allocations. The list included the task of replacing the screens. The worker was appointed as the leading hand because he had the most experience of the workers rostered on the weekend. Aside from the worker the crew was fairly new and had been with Kimberly Quarry for less than a year. The site supervisor did not direct the worker to complete the task of replacing the screens by climbing onto the

top of the Screening Machine, nor was he directed to dispose of the screening panels by throwing them to the ground.

On Saturday, 25 June 2022, crew drove to the Screening Machine. The machine was isolated and locked. The crew removed the bolts that hold the screens in place. This was done from the catwalk of the machine. From the catwalk, the two workers climbed onto the top of the machine using a box attached to the side of the machine that housed a gear and belt that turns the screen. They began removing the screens and throwing them onto the ground below. As the worker was in the motion of throwing one of the panels from the top of the machine, wire hooks on the edge of the panel caught on his jumper and pulled him off the edge of the machine.

#### **Following the incident**

The site supervisor was notified of the incident by telephone and attended the site. An ambulance was called, and the worker was transferred to Geraldton Regional Hospital and then airlifted to Royal Perth Hospital.

After the worker had been taken to hospital, the site supervisor gave directions for the other crew members to continue work to change the screens on the mobile screening machine. The site supervisor gave directions to the remaining workers not to leave the catwalk of the machine while changing the screens and to use a forklift to lower the screens to the ground.

#### **Kimberley Quarry's actions taken following the incident**

Following the incident Kimberley Quarry reviewed and updated the Screen Change SWP to include an express prohibition of climbing onto the screen deck. It was noted that all work was to be performed from the catwalks on each side of the screen, or from a registered platform.

<b>OUTCOME</b>	Pleaded guilty – convicted and fined
<b>FINE</b>	Offence 1: \$160,000 Offence 2: \$7000
<b>COSTS</b>	\$5026.00
<b>COURT</b>	Magistrates Court of Western Australia – Fremantle