

Prosecution Summary of Conviction

Diverse Management Services Pty Ltd (ACN 146 840 780)

LEGISLATION:		<i>Work Health and Safety Act 2020</i>				
Charge	Charge Number	Sentenced Date	Regulation	Section	Penalty	Offence Date
1	CA796/2024	14/10/2025		19(2) 33	\$160,000	25/07/2022

BREACH(ES)

Being a person who had a health and safety duty, namely a duty to ensure, as far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of its business or undertaking, failed to comply with that duty, contrary to sections 19(2) and 33 of the *Work Health and Safety Act 2020*.

DETAILS

The businesses or undertakings conducted by the offenders

Resource Operations and Maintenance Services Pty Ltd (**ROMS**) and Diverse Group Australia Pty Ltd (**DGA**) are both engaged in providing services in the civil mining and construction industry. Both are members of an informal group of companies and played a role in the construction of earthworks at a mine in the Pilbara. In May 2025 DGA changed its name to Diverse Management Services Pty Ltd (**DMS**).

ROMS is a civil mining contractor that is the contracting member of the informal group. It undertakes various construction works, including bulk earthworks and roads and rehabilitation work. It was contracted by the mine operator to construct a flood bund at a mine site near Newman. Under that contract the ROMS was required to undertake a number of activities in addition to the earthworks themselves, including demobilising plant upon completion of the works.

DMS operated as a management and procurement company for ROMS. DMS was responsible for the procurement of plant and equipment on behalf of ROMS as well as providing health and safety and human resources support. DMS also engaged the nominated site supervisor who supervised the works undertaken by the ROMS under its contract. Workers within the informal group of companies were generally engaged through a third company, DMS Rail Pty Ltd.

The MegaFill pump

The earthworks undertaken by the ROMS required the use of large amounts of water. The mine operator was required to provide the water, but was unable to do so, and requested that ROMS source a water pump. A water pump called a "MegaFill pump" was considered appropriate plant for this purpose by the parties and the mine operator requested this be added to the contract. The MegaFill pump was added to the contract as suitable plant for the works. DMS procured a "MegaFill pump" for ROMS to use as part of its operations constructing the flood bund.

The MegaFill pump is a mobile water pump that can be used as part of civil construction or mining operations. The MegaFill pump has two booms, an intake boom and a discharge boom. The booms extend out for use and are folded away for storage and secured for transport.

When in the folded position the booms on a MegaFill pump can unfold causing the boom to rotate away from the body of the pump, unless they are properly secured. The intake boom on a MegaFill pump is demobilised for transport in three ways: a chain is attached to the boom, a travel mount strap is placed over the boom and a travel mount bolt is installed which attaches the boom to the frame of the pump. The discharge boom is also secured by a travel mount bolt.

The intake boom on the MegaFill pump had a sticker on the top of it saying: "*Danger load must be securely fastened for transport*", with the same sticker found on the side of the discharge boom.

The MegaFill pump is used at the mine site

On 24 March 2022, DMS issued a purchase order to Technologies International Group Pty Ltd (**hiring company**) which is a company that hires out MegaFill pumps. DMS arranged for the MegaFill pump to be collected on 6 April 2022 by a trucking company named RGR Road Haulage Pty Ltd (**trucking company**). DMS issued a purchase order to the trucking company to arrange the collection of the MegaFill pump.

On 5 April 2022, the hiring company emailed a copy of the installation and operating procedure it had developed for the MegaFill pump (**Operating Procedure**) to each offender. The Operating Procedure included instructions for the mobilisation and demobilisation of the MegaFill pump, including the securing of the intake and discharge booms for transportation.

The MegaFill pump was used at the mine site between April and July 2022. At the time the MegaFill pump was mobilised on site, it was mobilised without any of DMS's workers or the site supervisor having regard to the Operating Procedure.

In July 2022, DMS engaged the trucking company to transport the MegaFill pump from the mine site back to Perth.

On or about 23 July 2022, the MegaFill pump was demobilised to be transported. Again, it was demobilised without any of DMS's workers, or the site supervisor, having regard to the Operating Procedure.

When the MegaFill pump was demobilised, the ratchet strap was placed over the intake boom. However, the workers did not attach the chain or install the intake boom's travel bolt. The failure to install the travel bolt to secure the intake boom created a risk that the boom could rotate during transport if not secured by other means.

Neither ROMS or DMS ensured that the Operating Procedure was provided to the workers that demobilised the MegaFill pump, nor did they ensure that it was demobilised in accordance with the Operating Procedure.

The MegaFill pump is collected

On 23 July 2022, the trucking company collected the MegaFill pump from the mine site using a tilt-tray truck. The truck driver placed a strap over the MegaFill pump to secure it to the trailer of the tilt-tray truck and ensure the booms would not move during transport.

The site supervisor checked the strapping to ensure the restraints were appropriate, including to check that the booms were secured by the strapping, but did not otherwise check that the MegaFill pump had been demobilised and that the booms were secured for transport in accordance with the Operating Procedure. The truck driver transported the MegaFill pump to the trucking company's yard in Newman where it was to be loaded onto a semi-trailer to be transported to Perth.

The intake boom of the MegaFill pump appeared to be adequately restrained on the tilt tray truck at the time the MegaFill pump left the mine site because the truck driver placed a strap over it to immobilise it. However, the failure to install all of the safety mechanisms, including the travel bolt, created a latent

risk that the boom could rotate during transport if it was not strapped in a similar way when the pump was transported from Newman to Perth.

The incident

On 25 July 2022, the MegaFill pump was loaded onto a semi-trailer to be transported to Perth. When the MegaFill pump was loaded onto the semi-trailer the trucking company's employees did not place a strap over the entire MegaFill pump because they assumed that it had been properly demobilised and that the booms were secured.

A truck driver employed by the trucking company drove the semi-trailer to a hookup area in Newman.

Later on the same day, a different truck driver employed by the trucking company connected his truck to the semi-trailer loaded with the MegaFill pump, along with two other semi-trailers. That truck driver also did not place a strap over the entire MegaFill pump and assumed that the MegaFill pump had been properly demobilised and the booms secured for transport.

The truck driver who collected the semi-trailers from the hook-up area then began driving the semi-trailers to Perth.

When the truck was travelling towards Perth on the Great Northern Highway, the ratchet strap securing the intake boom of the MegaFill pump failed and the boom became unrestrained. For an unknown amount of time, the intake boom of the MegaFill pump extended horizontally across the opposite lane of the Great Northern Highway.

At about 9:27pm on 25 July 2022, the boom of the pump struck and killed a driver who was driving his truck in the opposite direction just north of Meekatharra.

Practicable measures

It was reasonably practicable for both ROMS and DMS to:

1. ensure that the intake boom of the MegaFill pump was secured by a travel mount bolt prior to transport; and/or
2. have, and enforce, a system of work, which would have ensured that the intake boom of the MegaFill pump was secured for transport, including by:
 - (a) instructing those responsible for demobilising the MegaFill pump to secure the intake boom through the affixing of the travel mount bolt; and/or
 - (b) providing those responsible for demobilising the MegaFill pump with the instructions provided by the pump's supplier; and/or
 - (c) ensuring those responsible for demobilising plant do so in accordance with the instructions of the supplier or manufacturer.

Both ROMS and DMS failed to implement these practicable measures before the incident and thereby failed to comply with their respective health and safety duties under the Act.

OUTCOME	Pleaded guilty – convicted and fined
FINE	\$160,000
COSTS	\$4000.00
COURT	Magistrates Court of Western Australia – Perth