

Prosecution Summary of Conviction

R.G.R. Road Haulage Pty Ltd (ACN 100 592 327)

LEGISLATION:		<i>Work Health and Safety Act 2020</i>				
Charge	Charge Number	Sentenced Date	Regulation	Section	Penalty	Offence Date
1	CA792/2024	13/04/2026		19(2) 32(1)	\$550,000	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, and the failure exposed an individual to a risk of death or of injury or harm to the individual's health, contrary to sections 19(2) and 32(1) of the *Work Health and Safety Act 2020*.

DETAILS

PCBU business or undertaking and the MegaFill pump

R.G.R. Road Haulage Pty Ltd (**R.G.R.**) operates a trucking company with a fleet of approximately 72 vehicles operating out of multiple depots around Western Australia, including Newman. R.G.R.'s business involves collecting freight from customers, loading and unloading freight in their yards, and delivering freight between the Pilbara and Perth.

R.G.R. has experience with transporting a piece of plant called the "MegaFill pump" as part of its trucking business. 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 and a discharge boom. The booms extend out for use and are folded away for storage and 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 secured for transport in the following ways:

- a holding chain is attached to the boom,
- a strap is placed over the intake boom,
- a travel mount bolt is installed which attaches the intake boom to the frame of the pump and a precautionary strap is applied over the whole machine.

The 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 also found on the side of the discharge boom.

PBCU is engaged to transport a MegaFill pump

On 28 March 2022, a civil mining contractor (**the contractor**) sent a purchase order to R.G.R. for the transport of a MegaFill pump from Perth to a mine site in the Pilbara.

R.G.R. collected the MegaFill pump on 6 April 2022. The MegaFill pump was used by the contractor at the mine site between April and July 2022.

On or about 23 July 2022, the contractor demobilised the MegaFill pump and prepared it to be transported from the mine site back to Perth. When the contractor demobilised the pump, the booms were folded away and the travel mount strap was in place over the intake boom. However, the contractor did not attach the chain or install the travel bolt for the intake boom. The failure to install the travel bolt created a risk that the boom could rotate during transport if the boom was not otherwise restrained.

On 23 July 2022, the MegaFill pump was collected by R.G.R. from the mine site using a tilt-tray truck. The truck driver placed a strap over the entire MegaFill pump to secure it to the trailer of the tilt-tray truck. The truck driver transported the MegaFill pump to the R.G.R.'s yard in Newman where it was to be loaded onto a semi-trailer to be transported 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 travel strap was still in place over the intake boom but R.G.R.'s employees did not place a strap over the entire MegaFill pump or check to see if the travel mount bolt or holding chain had been applied to the intake boom by the contractor. A truck driver employed by R.G.R. drove the semi-trailer to a hook-up area in Newman.

Later on the same day, a different truck driver employed by R.G.R. connected his truck to the semi-trailer loaded with the MegaFill pump and two other semitrailers. At that time, the travel strap was still in place over the intake boom. The truck driver also failed to place a strap over the entire MegaFill pump or check to see if the travel mount bolt or holding chain had been applied to the intake boom by the contractor.

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 the R.G.R. to:

1. ensure that the intake boom of the MegaFill pump was appropriately restrained prior to transport; and/or
2. have a system of work which would ensure that loads are appropriately restrained, including by ensuring that any part of plant or equipment which can rotate is restrained; and/or
3. ensure that drivers working for RGR were appropriately trained, including by training them to ensure that any part of plant or equipment which can rotate is restrained.

The system of work could have comprised:

1. the development and enforcement of a checklist requiring drivers or loaders to check if all potentially moveable parts had been either restrained according to the instructions of a manufacturer or had a suitable number of straps placed over them; or
2. the designation of a supervisor at the Newman yard to check if potentially moveable loads had been adequately restrained.

The training could have required the employees of R.G.R. to undertake a load restraint training course, which course would have trained the drivers to restrain any equipment which can move or rotate.

R.G.R. failed to implement these practicable measures before the incident and thereby failed to comply with its health and safety duty under the Act.

OUTCOME	Pleaded guilty – convicted and fined
FINE	\$550,000
COSTS	\$8000
COURT	Magistrates Court of Western Australia – Perth