

Prosecution Summary of Conviction

AR Constructions (WA) Pty Ltd (Administrators Appointed) (ACN:636 213 360)

LEGISLATION:		Work Health and Safety Act 2020				
Charge	Charge Number	Sentenced Date	Regulation	Section	Penalty	Offence Date
1	MI4638/2026	22/06/2026		19(1) 31(1)	\$1,750,000	02/07/2024

BREACH(ES)

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 failure caused the death of a worker, contrary to sections 19(1) and 31(1) of the *Work Health and Safety Act 2020*.

DETAILS

Introduction

On 2 July 2024, a worker suffered fatal crush injuries when a structural steel column (**Column**) suspended by a Tadano TR-160M Mobile Crane (**Crane**) fell onto his head. The worker was employed by AR Constructions (WA) Pty Ltd (**AR Constructions**) as a rigger. The incident occurred at an industrial construction site in Malaga WA 6090 (**Site**).

Work activities at AR Constructions

AR Constructions were engaged by principal contractor to erect structural steel, including standing Columns (**Task**) for a large industrial warehouse at the Site.

The Task required AR Constructions' workers to lift Columns via a series of lifting devices attached to the Crane. The Columns were suspended and moved by the Crane to a designated ground footing that contained four pre-installed holding bolts (Rag Bolt Assembly) for the Column. Once the Column was landed on the Rag Bolt Assembly, workers were required to further secure the Column using a rattle gun and nuts. Roof rafters would then be lifted and attached horizontally to the top of two Columns. Purlins would then be lifted and attached between the rafters prior to the installation of roof sheeting.

The process of standing Columns at AR Constructions

The Task involved:

1. the establishment of a large exclusion zone capturing the area where the Task was being completed, only to be entered by AR Constructions personnel involved directly with the Task;
2. the dogman entering the exclusion zone and applying a lifting device to the Column by threading the bolt through one of the four holes in the top plate of the Column and hand-tightening the nut;
3. the lifting device being hooked to the Crane's lifting chains;
4. the dogman signalling to the Crane operator to lift the Column;

5. the crane operator suspending the Column approximately 30cm from the ground and moving it to the associated Rag Bolt Assembly at the direction of the dogman;
6. the dogman landing the Column over the Rag Bolt Assembly;
7. the dogman and another rigger further securing the Column to the Rag Bolt Assembly by applying nuts with a rattle gun;
8. the rigger using an Elevated Work Platform (**EWP**) to access the top of the Column and removing the lifting device; and
9. repeating the process as necessary for each Column.

AR Constructions relied on its Structural Steel Safe Work Method Statement (**SWMS**) dated 2 April 2024 to instruct workers on how to complete the Task. The SWMS was provided to the principal contractor before the works commenced, and workers were only required to review it once prior to signing it. The SWMS was only available to workers to review in hard copy at the Site office.

AR Constructions did not provide any formal training or instruction in relation to the SWMS and did not check that workers had read and understood the SWMS prior to signing it. AR Constructions relied on workers advising supervision of any aspects of the SWMS that were unclear or not understood.

Standing Columns was a routine job for AR Constructions and had been completed approximately 400 times for a recent job. The SWMS provided general guidance on the Task but did not set out a detailed step-by-step process. The SWMS required that 'no personnel to stand in the crush zone while crane is operating. Identify any other possible crush zones and stay clear' and that 'no person (was) to be under load at any time'. However, it was not possible to complete the Task without two workers entering well within the crush zone of the Column being erected, in order to guide the Column to the Rag Bolt Assembly and secure it. The SWMS identified that dropped objects presented an extreme risk that could cause a fatality or a serious, permanent disability.

The SWMS required dogmen to be licensed and competent to perform the required works. However, AR Constructions did not conduct formal verifications of competency for their dogmen or riggers for the Task. They relied on references from past employers, the workers' respective dogging and/or rigging tickets and general observations to validate competence.

Lifting devices generally

The Lifting Devices Australian Standard 4991:2004 (Lifting Standard) requires 'General Application Lifting Devices' to be tested and confirmed as capable of withstanding:

1. a minimum design load of 1.5 times the rated capacity;
2. a proof-loading of 2.0 times the Working Load Limit (WLL);
3. a minimum of 20,000 lifting cycles at the WLL; and
4. induced horizontal forces.

The Lifting Standard further requires lifting devices to be clearly marked with their WLL to prevent workers from overloading the device. Lifting devices require periodic maintenance and any that display a defect must be withdrawn from service. These requirements reflect the high risk associated with falling objects caused by unsuitable or failed lifting devices.

The relevant lifting devices

AR Constructions' directors verbally advised workers to use proprietary RUD swivel lifting devices (**RUD Lifters**) for the Task. This requirement was not detailed in the SWMS. The RUD Lifters were colloquially referred to as 'pinkies' by workers, as they were coloured pink.

The RUD Lifters were appropriate for the task as they were compliant with the Lifting Standard and had a swivel that allowed the lifting device to accommodate for the movement and rotation of the Column during suspension.

AR Constructions' lifting equipment, including the RUD Lifters, were stored in hatches on the front and side of the Crane. There was a non-proprietary lifting device (**Pink Lug**) routinely present on the Crane and in the possession of various AR Constructions workers prior to the incident. Both of AR Constructions' directors were aware of the Pink Lug being on Site and being used in previous jobs. The Pink Lug consisted of an M16 bolt that was welded to an eye plate by an unknown member of AR Constructions.

There was a rated bow shackle attached to the eye plate of the Pink Lug that displayed a red tag, indicating it had been previously inspected. The Pink Lug was the same colour as the RUD Lifters routinely used for the Task. It was not compliant with the Lifting Standard as it was not rated and marked with its WLL. The weld connecting the eye plate and the M16 bolt was not compliant and was defective.

The Pink Lug was available for use by AR Constructions workers in the same way that the RUD Lifters were. The Pink Lug had previously been used to pull the 'sag' out of a horizontal structural steel member prior to securing it. There was no reason that a RUD Lifter could not be used for this process.

The SWMS identified that the failure of rigging gear presented an extreme risk that could cause a fatality or a serious, permanent disability.

Incident

On the morning of 2 July 2024, AR Constructions workers attended a toolbox meeting conducted by the principal contractor. The toolbox meeting involved a discussion of where AR Constructions workers would be completing the Task, and that only AR Constructions workers could enter the exclusion zone while the Crane was operating.

At approximately 11.00am, a director of AR Constructions and supervisor arrived at the Site. He arrived at the Site later than the other workers because he was operating the Crane at a different location that morning. The director supervisor was the crane operator for this task including the dogman and the rigger.

Sometime before the Task commenced, the dogman retrieved a pink RUD Lifter and the Pink Lug from one of the hatches on the Crane. The task of the dogman was to attach a suitable lifting device to the Column and attach that to the Crane's lifting chains. The dogman was then required to guide the Column to its associated Rag Bolt Assembly and land it on them.

The task of the rigger was to assist the dogman in securing the Column to the Rag Bolt Assembly. Then, the rigger would use an EWP to access the top of the Column to retrieve the lifting device previously used to suspend it and disconnect the Column from the Crane.

Prior to the incident, the crane operator, the dogman and the rigger had stood and secured one Column. The incident occurred during the standing of the second Column for the day. For the first Column, the dogman attached a pink RUD Lifter through one of the Column holes and then to the Crane's lifting chains. The crane operator lifted the Column with the Crane, and the dogman guided it to the associated Rag Bolt Assembly. The rigger and the dogman worked together to secure the Column to Rag Bolt Assembly with a rattle gun and nuts. While the rigger used the EWP to retrieve the pink RUD Lifter from the top of the first Column and release it from the Crane's lifting chains, the dogman approached the second Column and attached the Pink Lug to one of the Column holes. He attached the bow shackle forming part of the Pink Lug to the Crane's lifting chains.

At approximately 1.00pm, the dogman used hand signals to advise the crane operator to lift the second Column. The crane operator suspended the second Column approximately 30cm from the ground. The dogman signalled to the crane operator to pause and walked away from the second Column. The second Column remained suspended approximately 20m away from the associated Rag Bolt Assembly it was to be landed on. The second Column's length was approximately 11.15m and it weighed approximately 368kg. The radius in which the second Column could impact any person or property in the event it fell was the **Crush Zone**.

The dogman went to retrieve something and left the second Column (and its Crush Zone) unattended. Prior to leaving the area, the dogman signalled to the rigger that the second Column was being lifted. For an unknown reason, the rigger entered the Crush Zone of the second Column. Suddenly, the weld connecting the Pink Lug's eye plate and bolt failed under load, causing the second Column to fall uncontrollably. The second Column crushed the rigger's head area, causing fatal injuries.

The crane operator yelled out to the dogman who was returning to the work area, to advise him what had occurred. Emergency services were notified, and the crane operator and the dogman attempted to provide first aid to the rigger. Emergency services attended shortly afterwards, and the rigger was pronounced deceased.

Knowledge of the Hazard/Risk

It is common industry knowledge that:

1. lifting devices need to be rated to lift the relevant load;
2. lifting devices need to be clearly marked with their WLL so it is not exceeded;
3. lifting devices need to be visually inspected before each use and must be compliant with the relevant Australian Standard's recommendations;
4. the plant and lifting method selected must be suitable for the load to ensure it remains stable throughout the activity;
5. damaged or worn lifting equipment should never be used;
6. loads should never be moved or suspended over a person; and
7. the failure of lifting devices exposes those in the fall zone to the risk of being crushed by falling objects.

Subsequent Changes

As of 1 April 2026, AR Constructions appointed an external administrator and entered liquidation (voluntary creditor's windup).

After the incident, AR Constructions met with the principal contractor to discuss the incident. AR Constructions engaged a third-party safety consultant to review their existing processes. AR Constructions conducted an audit of all lifting equipment and compiled an updated rigging register to ensure all lifting devices were compliant with the Lifting Standard. AR Constructions also purchased several new rated RUD Lifters, which cost approximately \$300.00 each. They ensured no other unrated devices such as the Pink Lug were available.

The SWMS was updated to specifically identify the crush risk posed by Columns during the Task. It also added instruction requiring that:

1. the dogman must ensure that no other person enters the Crush Zone of the Column until it is landed on the associated Rag Bolt Assembly; and
2. the dogman must maintain hand contact with the Column at all times until it is landed on the associated Rag Bolt Assembly.

On 19 July 2024, AR Constructions conducted a toolbox meeting at the Site. AR Constructions director conducted a refresher of the duties of a dogman/rigger when lifting loads and reinforced the process described in the updated SWMS. The director also discussed the importance of using the RUD Lifters for standing Columns

OUTCOME	Convicted under s55 of the <i>Criminal Procedure Act 2004</i> (WA)
FINE	\$1,750,000
COSTS	\$2261.00
COURT	Magistrates Court of Western Australia – Midland