

Prosecution Summary of Conviction

SRG Global CASC Pty Ltd (ACN:140 773 388)

LEGISLATION:		Work Health and Safety Act 2020				
Charge	Charge Number	Sentenced Date	Regulation	Section	Penalty	Offence Date
1	FR9607/2024	25/06/2026		19(2) 33	\$135,000	13/09/2022

BREACH(ES)

Being a person conducting a business or undertaking, did not, so far as was reasonably practicable, ensure that the health and safety of other persons was not put at risk from work carried out as part of the business or undertaking, contrary to sections 19(2) and 33 of the *Work Health and Safety Act 2020*.

DETAILS

Introduction

On 13 September 2022, a worker was walking onto a construction site where he was working when he suffered injuries to his left abdomen when he was hit by a piece of plywood that had been dislodged in high winds. The piece of plywood was one of a number of plywood sheets (approximately 6) that had been installed by SRG Global CASC Pty Ltd (**SRG**) to fix a cover over a mechanical riser on site for the purpose of preventing water from entering the hole of approximately 1.7m x 7.6m in the concrete slab. The plywood had been affixed using nails instead of being affixed by screws or bolts as required by the Safe Work Method Statement (**SWMS**).

SRG, is a corporation that, at all material times, conducted the business of providing formwork and concrete structure services in the construction industry.

On 24 November 2021, a building contractor and SRG as sub-contractor, entered into a contract titled "Major Works Subcontract, Building Works Stage 1, HMAS Stirling and Henderson, Western Australia" (**Contract**). The Contract relevantly provided for the scope of work that SRG was to undertake as part of the larger project to construct a capabilities centre building, and associated works, for the principal, the Department of Defence (**Project**). The Project works took place on site in Henderson (**Site**).

The building contractor engaged a construction company (**Construction Company**) to complete the ceiling and partition installation for the Project. The worker was employed by the construction company as a labourer and future apprentice.

There is no contractual relationship between SRG and the construction company. Both SRG and the construction company workers were working on the Project on the Site. The construction company was engaged to complete the ceiling installation and SRG the formwork. There was no commonality of the scope of work of the construction company and SRG. The worker was not working for SRG.

Events leading up the incident

On or about 23 August 2022, SRG undertook the covering of the hole in the concrete slab that was caused by the space left for the ductwork services to be installed, this space is called the South West

Mechanical Riser void. The SWMS relevant to the work being completed by SRG stated, in relation to an item titled “Management of penetrations, risers and shafts,” that penetration covers “must be mechanically fixed e.g. bolts or screwed to minimise the risk of tampering and easy removal. Nail fixing is not permitted.”

The piece of plywood that struck the worker had been affixed using at least 6 large nails, (instead of screws or bolts) to a subframe which was mechanically fixed to the concrete slab. It remained fixed to the South West Mechanical Riser up until 13 September 2022.

Incident

On 13 September 2022, the building contractor declared the Site open at 6.30am. At 6:32am the worker entered the Site through the main gate; he was accompanied by a supervisor employed by the construction company.

At 6:41am, the worker and the supervisor passed through the turnstile that gave access to the covered walkway that led to the building where they were working on Site. To access the building from the walkway there is a section of approximately 20m that is uncovered between the walkway and the building. At approximately 6:44am, the worker and the supervisor and another employee of the construction company crossed the uncovered section.

As the worker was crossing the uncovered section, he was struck by an airborne piece of plywood that was approximately 17mm thick, 2400mm x 1200mm. The weight of the plywood was approximately 27kg. The plywood had been dislodged from the South West Mechanical Riser hole it was covering and travelled approximately 100m through the air, struck the worker and came to rest nearby.

The specific circumstances leading to the injuries to the worker were not reasonably foreseeable. In particular, it was not reasonably foreseeable that the Site would be open to workers or other persons in circumstances where the wind was of sufficient strength to dislodge the plywood, having regard to the manner in which it had been fixed.

Knowledge of the Hazard

It is common industry knowledge that wind can move materials around a construction site if they are not adequately secured. The Site was very close to the coast, approximately 500m to the East. It is common knowledge that winds are greater by the coast.

The SWMS required the fixing of the covers over penetrations, risers and shafts to be affixed by using screws or bolts and not nails. The SWMS requirement is contained in the building contractors Global Minimum requirements which also state that covers over penetrations, risers and shafts are to be mechanically fixed, that is to say screwed or bolted, not nailed.

The strongest gust of wind recorded around the location of the Site at around the time of the incident was 83km/h. This is well below the strongest winds that are experienced at this location and well below the wind loads that the design specifications required by the Australian Standard AS/NZS 1170.2:2021 Structural Design Actions – Wind Actions anticipate. However, in circumstances involving high winds, the Site had not been opened until after a site walk was conducted (if it was opened at all that day).

Practicable Measures

Prior to and as at 13 September 2022, it was reasonably practicable and of proportionate cost to the Contract price for SRG to have fixed the covers with screws or bolts rather than nails. SRG's failure to do so constitutes its breach of duty.

Between the time that the plywood was affixed on or about 23 August 2022 and the incident involving the worker on 13 September 2022, the Site (including the Southwest Mechanical Riser and its covers) was subject to weekly safety inspections by the building contractor. There are two inspections that passed them as “satisfactory” after their installation and before 13 September 2022 – the last occasion being on 9 September 2022. The building contractor's site manager evidence in a WorkSafe interview was that his inspections did not include checking the fixings, only whether the riser was covered.

Subsequent Changes

The design of the penetration covers for each of the mechanical risers was completed by an engineer and the fixing of the covers was completed in accordance with those engineered drawings.

OUTCOME	Pleaded guilty – convicted and fined
FINE	\$135,000
COSTS	\$7,204
COURT	Magistrates Court of Western Australia – Perth