

## Prosecution Summary of Conviction

### Evolution Mining (Mungari) Pty Ltd (ACN: 002 124 745)

| LEGISLATION: |               | <i>Work Health and Safety Act 2020</i> |            |                |           |              |
|--------------|---------------|----------------------------------------|------------|----------------|-----------|--------------|
| Charge       | Charge Number | Sentenced Date                         | Regulation | Section        | Penalty   | Offence Date |
| 1            | KA1818/2024   | 14/08/2026                             |            | 19(1)<br>32(1) | \$200,000 | 17/04/2022   |

#### BREACH

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 injury or harm to the individual's health, contrary to sections 19(1) and 32(1) of the *Work Health and Safety Act 2020*.

#### DETAILS

##### Introduction

On 17 April 2022, a worker suffered a crush injury and a fracture to his left arm after his clothing became caught in the tail drum of a mobile stacker conveyor at a gold mine near Kalgoorlie. The worker had reached through an unguarded side access port to clear a buildup of material from the belt adjusters while the stacker remained operating and had not been isolated.

Evolution Mining (Mungari) Pty Ltd (Evolution) was the mine operator and principal employer at the mine and had been since August 2021. Evolution had contracted a mining services company to provide hauling, crushing and screening services. The worker was a qualified and experienced heavy diesel mechanic employed by the mining services company.

Under the contract, the mining services company was responsible for supplying and maintaining the plant and equipment used to perform the services and for supervising its workers. Evolution retained rights to inspect the contractor's equipment, stand down equipment it reasonably considered unsafe and direct the removal of a person who worked in an unsafe manner.

##### The stacker and work arrangements

The stacker transported screened tailings material to an underground paste plant. Guarding had originally been installed around the stacker's tail drum roller and side access port. At the time of the incident, that guarding was absent and had remained absent since the stacker was commissioned at that location in May 2021.

Before the incident, the stacker belt required adjustment approximately once each day. There was no specific safe work procedure, safe work method statement or job hazard analysis for clearing material from the stacker's belt adjusters. General isolation and tagging procedures were in place, and the worker had received training in isolation and risk management practices.

## Incident

At approximately 11.20 am on 17 April 2022, the worker attended the stacker to conduct maintenance. The material being processed was wet and had built up around the belt adjusters. While the stacker was operating, the worker reached through the unguarded side access port with a paint scraper to clear the buildup.

The sleeve of the worker's overalls was caught at a nip point and his left arm was pulled under the tail drum, entangling him in the stacker. He was released by cutting the conveyor belt. The prosecution did not allege that Evolution's failure caused the worker's injuries.

## Knowledge of the hazard

The Code of Practice: Safeguarding of machinery and plant 2009 identifies conveyors as presenting an entanglement risk and states that isolation procedures should be used to de energise plant when cleaning tasks are undertaken. In this instance, the buildup of material could not be cleared while the side access port guard was in place.

## Practicable measure

Before and as at 17 April 2022, it was reasonably practicable for Evolution to ensure that isolation procedures for de energising the stacker were enforced before a worker accessed the tail drum roller through the side access port to clear material from the belt adjusters.

## Subsequent changes

Evolution clarified its supervision responsibility hierarchy. The mining services company removed the stacker from service.

|                |                                                |
|----------------|------------------------------------------------|
| <b>OUTCOME</b> | Pleaded guilty – convicted and fined           |
| <b>FINE</b>    | \$200,000                                      |
| <b>COSTS</b>   | \$15,392.20                                    |
| <b>COURT</b>   | Magistrates Court of Western Australia – Perth |