Prosecution Summary of Conviction

FQM Australia Nickel Pty Ltd (ACN: 135 761 465)

LEGISLATION:		*Work Health and Safety Act 2020*				
Charge	**Charge Number**	**Sentenced Date**	**Regulation**	**Section**	**Penalty**	**Offence Date**
1	**AL467/2025**	**6/10/2026**		**19(1) 31(1)**	**$810,000**	**18/03/2023**

BREACH

Being a person conducting a business or undertaking, had a duty to ensure so far as reasonably practicable the health and safety of workers engaged or caused to be engaged by the person and workers whose activities in carrying out work were influenced or directed by the person, and failed to comply with that duty while workers were at work in the business or undertaking, and the failure caused serious harm to an individual contrary to sections 19(1) and 31(1) of the *Work Health and Safety Act 2020*.

DETAILS

Introduction

On 18 March 2023, a worker employed by FQM Australia Nickel Pty Ltd (FQM) was injured while changing out a transfer diverter plate, commonly known as a Roman Shield, at FQM's Ravensthorpe Nickel Operation processing plant near Ravensthorpe. The Roman Shield moved and struck the worker's right shoulder and back, pinning him and seriously injuring his spine.
FQM owned and operated the processing plant. The worker had been employed by FQM as a mechanical boilermaker from 1 March 2023.

Background and task

The processing plant used conveyor stackers to carry semi-processed nickel ore to stockpiles. Each stacker incorporated a Roman Shield that directed ore from the conveyor belt into the head chute. Wear to the Roman Shield liners required the shield to be removed for repair or replacement.

The worker, a fitter and a trades assistant were instructed to change out the Saprolite Stacker Roman Shield. Before starting, they and their supervisor signed a Job Hazard Analysis. The Job Hazard Analysis did not instruct them to secure the Roman Shield before unfastening it, warn of the risk of uncontrolled movement, or require workers to remain outside its potential path of movement. The supervisor did not directly supervise the task.

Incident

The workers unfastened the Roman Shield without first securing it against uncontrolled movement. The injured worker was seated on the side of the Roman Shield frame. The shield rotated backwards, and its upper clevis pin struck his right shoulder and back, pinning him against the frame. The other workers moved the shield and the injured worker fell free.

Injuries and harm

The worker sustained injuries to the thoracic spine, including ligament injuries and disc extrusion with compression of the spinal cord. He required a two-level spinal fusion. Although he did not suffer a permanent neurological injury, the fusion impaired the function and extension of his thoracic spine. He required strong analgesics for approximately three months, physiotherapy and related treatment for approximately 12 months, and continued medication for back pain and sleeping difficulties.

Knowledge of the hazard

FQM had a Think Fatal Dangers policy based on mining industry fatal risk protocols. The changing out of Roman Shields was considered a high-risk activity. It was known in industries dealing with plant that uncontrolled movement caused by gravity or stored energy could injure workers. Relevant codes of practice set out established methods for identifying and managing those risks.

Reasonably practicable measures

It was reasonably practicable for FQM to ensure that the Roman Shield and any other plant or equipment capable of uncontrolled movement were secured and stable before unfastening. This could have been achieved through clear worker instructions, a Job Hazard Analysis setting out the required sequence, and direct supervision preventing the shield from being unfastened before it was secured.
It was also reasonably practicable for FQM to ensure that workers remained outside the line of fire of any uncontrolled movement of the Roman Shield through direct supervision and enforcement of safety requirements.

Subsequent changes

The day after the incident, a more comprehensive Job Hazard Analysis was prepared and used when the Roman Shield was reinstated. FQM later engaged a specialist safety consultant, developed a Roman Shield specific risk assessment and standard work instruction, used more comprehensive fatal risk documentation, and introduced three-day training programs for new employees and leadership compliance training for supervisors.

OUTCOME	Pleaded guilty – convicted and fined
FINE	$810,000
COSTS	$11,096.20
COURT	Magistrates Court of Western Australia – Albany