

SUMMIT CAN HELP SOURCE SPECIAL GUARDING NEEDS

Light curtains, safety sensors and switches, guard rails, fencing systems, safety PLCs, bumpers and mats, stop time analyzers, and safety relays are just some of the industrial safety products offered by HTE. From small electronic safety components to machine guarding and protective equipment, we have the solution you need to protect workers, remain compliant with industry regulations, and control any additional safety risks.

HTE Automation represents the top machine safety manufacturers including ABB Jokab, Parco, and Balluff. With a diverse selection of safety equipment and components, we are able to assist with large and small applications across many industries. Pharmaceutical, chemical, and food and beverage are just a few of the industries that use these products for material handling, welding lines, extruding machinery, and more to maintain workplace safety.



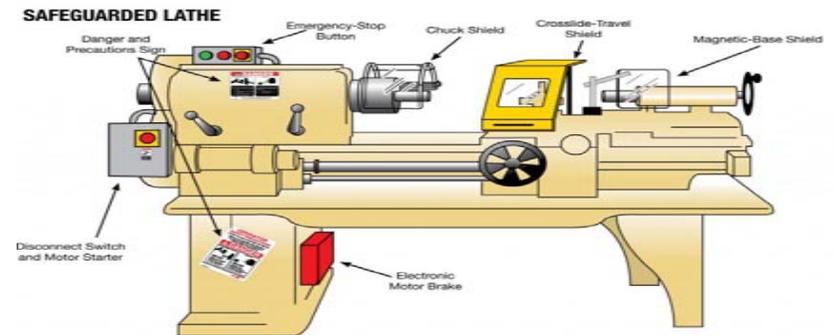
News & views from
Summit Systems
June 2018



LESSONS TO LEARN - ITW CASE, DEC 2017, FINE \$236,250

Safety lessons learned: *The comments in italics are ours.* NB: the Prosecutor will probably bring charges with use of International Standard AS/NZS 4024:2014.

1. Ensure that machinery was effectively guarded; *This means guarding that is adequate, good quality, on all necessary sides and underneath if needed. Operational gaps must be correct.*
2. Ensure that the guarding was not modified so that it was possible for a worker to come in contact with moving parts of the machine; *A worker must not be allowed to modify the settings without approval. Any changes must be checked.*
3. Conduct a risk assessment before operating the machine after modifications to its guarding; *A risk assessment means an evaluation of the risk of harm by a person who is able to make a proper evaluation and to assess whether the machine is okay or not.*
4. Consult and coordinate activities with the recruitment consultant concerning alterations to plant and machine guarding; *The person in charge of recruitment and safety officers must be involved and be advised of the need to control any changes or modifications to the machine guarding.*
5. Ensure Safe Operating Procedures were in place and effective for each machine; *This means that SOP or Job Task Analysis must be in place for every worker that will operate the machine, workers must be taught the SOP and it must be signed off.*
6. Ensure an effective process was in place for training, monitoring and supervision of workers; and *There must be formal training of every machine and it must be of sufficient frequency and intensity to ensure adequate expertise is achieved.*
7. Monitor and enforce the implementation of safety systems, in particular the form recording safety start-up checks. *There must be a person to carry out regular checks and the checks must cover start-up, operations, emergency, close down.*



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 All information in this newsletter is to the best of our knowledge true and accurate. No liability is assumed by the author, or publisher, for any losses suffered by any person relying directly or indirectly upon this newsletter. Please call Head Office for advice.
Rev 1:7 "Look, he is coming with the clouds," and "every eye will see him, even those who pierced him"; and all peoples on earth "will mourn because of him."

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POLICIES FOR THE WORKSAFE NZ PROSECUTIONS

The prosecution process

Decisions to prosecute, and whether or not to continue with prosecutions, will be made fairly, consistently and proportionately to the seriousness of the behaviour. Here we describe the prosecution process, from initiation to publication of Court outcomes.

Prosecution initiation

Following an investigation, where an investigator considers that prosecution action is warranted, they will make a recommendation to their manager. If they are satisfied that the applicable enforcement criteria and evidential requirements have been met, the recommendation will be referred to a Chief Inspector who will decide whether or not to endorse it. If endorsed, the investigation file will be legally reviewed to ensure that the Solicitor General's Prosecution Guidelines and the WorkSafe Prosecution Policy are met. If they are, the delegated decision maker will decide whether or not to initiate prosecution action by filing charges in Court.

The Court process

If a decision is made to prosecute, WorkSafe will then file charges in Court. The Court will set a first appearance date for the case. WorkSafe will arrange for the defendant to be summonsed and advised of the charge, the Court location and appearance date. Under the [Criminal Disclosure Act 2008](#), the prosecutor must provide 'initial disclosure' about the allegations (the charging documents, summary of facts and any conviction history) to the defendant at the start of the proceedings. Further disclosure will be provided to the defendant as the process continues. The defendant will need to appear in Court on the first appearance date. The ongoing Court process and timing is covered by the [Criminal Procedure Act 2011](#) and will depend on the details of the particular case. A second appearance date, which is generally 10 or 15 days after initial disclosure is made, will then be scheduled by the Court. On or before that date, the defendant may enter a plea of guilty or not guilty. The defendant may sometimes ask the Court for an adjournment, for instance, to consider initial and further disclosure from the prosecutor, before entering a plea. If a not guilty plea is entered, a Case Review Hearing is scheduled. This is usually 30 or 45 days later, depending on the case type. A trial date is then set and the case proceeds to trial. The majority of WorkSafe's trials are heard in the District Court, before a Judge alone and without a jury. If a guilty plea is entered, or if the charge against the defendant is proven at a trial, then a date for sentencing is set. If the charge is not proven, or a defendant is found not guilty after trial, they will be discharged.

Sentencing options

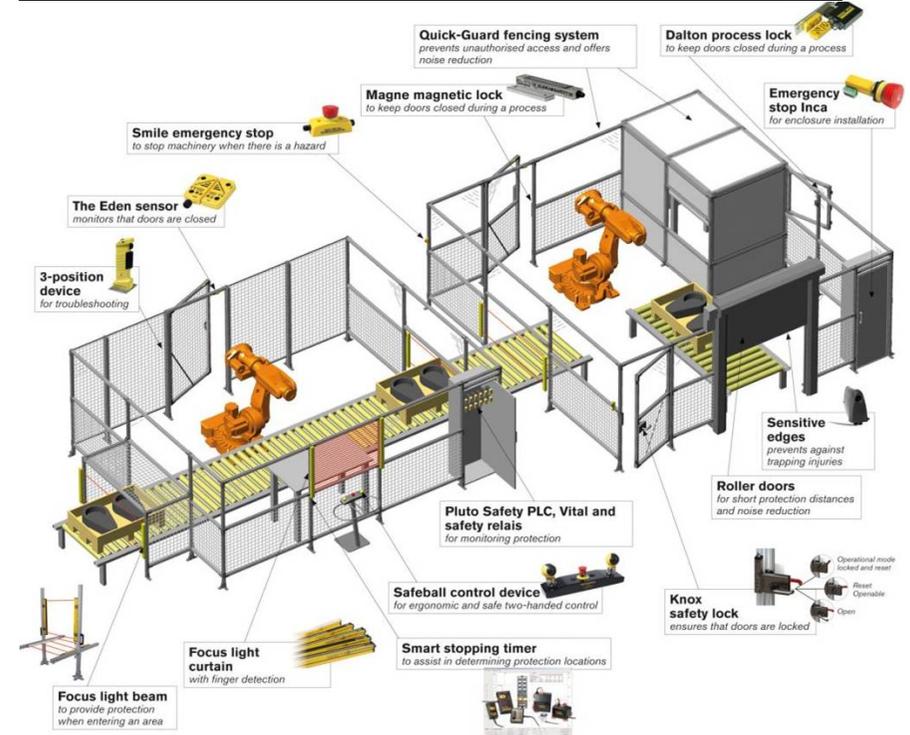
Sentencing for criminal offences is governed by the Sentencing Act 2002. A range of sentencing options is available to the Court if a charge is proven. The maximum fine available under the [Health and Safety at Work Act 2015](#) generally is \$1,500,000 for a company or \$300,000 for an individual PCBU but a fine of up to \$3,000,000 for a company or \$600,000 for an individual PCBU and/or up to five years imprisonment is possible for those persons convicted of more serious 'knowledge based' offending. In addition to a fine, a Court may order that reparation be paid to a victim of offending. This may be for loss or damage to property, emotional harm, or loss or damage consequential on any emotional or physical harm or loss of/damage to property. A Court may also make other sentencing orders under the Health and Safety at Work Act. The available orders are:

- Order for payment of regulator's costs in bringing prosecution
- Adverse publicity order
- Order for restoration
- Work health and safety project order
- Court-ordered enforceable undertaking
- Injunction requiring the offender to cease any action
- Training order

3.

MACHINERY GUARDING – IT DOES APPLY IN NEW ZEALAND!

For further details get a copy of AS/NZS 4024:2014 or ring us



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 **U.S. Department of Labor**
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