

## News & views from Summit Systems August 2018



### MINE FINE 1.4 MILLION NZ DOLLARS

9 May 2018 Critical risks in workplaces must not only be identified, but also managed effectively.

Mining company Oceana Gold has been sentenced, after the death of a worker in July 2016. They appeared in Tauranga District Court for sentencing in March and a decision was released yesterday.

The worker had been driving an earthmoving machine underground when it fell 15 metres off a vertical edge. Our investigation found that Oceana Gold had failed to develop and implement a safe system of work for the creation of 1.5 metre high bunds above vertical slopes.

Oceana Gold had identified the risk and the solution of bunds to reduce the risk of a vehicle falling into a void. However, they had not effectively mitigated the risks involved in implementing that solution.

Following the incident, Oceana Gold developed an innovative, non-industry-standard procedure for placing steel bollards along open slopes, to stop an incident like this from happening again.

#### **Notes:**

- A final fine of \$378,000 was imposed.
- Reparations of \$350,000 were ordered.
- Voluntary reparations totalling \$660,000 have already been paid.
- Costs of \$3672 were ordered.



Tipiwai Stainton, the 29 year old man who died after he was crushed by a front-loader at the OceanaGold underground mine at Waihi. He was building a rock bund across an open stope to reduce the risk of falling into the stope.

### WARNING OF CRAPPY DEVICES

Did you know that Dept of Labour no longer has a dedicated Inspector to patrol the main ports for crappy devices that are made in the crappy lands of East Asia and are good for getting people injured or killed.



We have advocated that devices such as that shown here should be made illegal in this land as they are very low quality are acutely dangerous and guaranteed to cause serious accidents to the workers.

### LATEST NEWS

We wish to advise that about two months ago we were invited to attend a Worksafe NZ five year plan meeting to sound out the regions. The meeting was well attended and discussed some useful matters. Arising from the meeting we decided to make a formal submission with 20 items that to be considered.

More recently, ACC has been sounding out for submissions relating to what we would call performance management for Injury Prevention and reductions in the Injury Rates for both Frequency and Severity.

We have been informed that a current initiative is for ACC and Worksafe to have a scheme where the Inspectors will be required to carry out Injury Prevention initiatives for the purpose of improvement in various industries. We do not have the details and while we admire such an initiative, we believe that it can only come at a significant reduction in the regulatory role and this will be counterproductive.

Consequently, we have written to the Minister of ACC and have made a comprehensive proposal for a trial scheme where we would work with ACC to evaluate and assess methods fine and prove the merits of the types of processes that we are capable of delivering where we have an opportunity.

Summit Manager Name \_\_\_\_\_

Telephone/Email \_\_\_\_\_

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**Rev 20:13-14** And the sea gave up the dead which were in it; and death and hell delivered up the dead which were in them: and they were judged every man according to their works. And death and hell were cast into the lake of fire. This is the second death

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## 2.

OceanaGold is proposing a new underground mine in Waihi - and part of the proposed mining area is under residential properties.

The mining company has identified more gold under the Martha open pit. Before it can start mining in 2020, OceanaGold will need several resource consents approved.

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### **WARNING FOR ALL WHO LOAN OR DRY HIRE PLANT / EQUIPMENT**

We need to warn all clients that they must not loan or dry hire out any plant or equipment no matter how much you trust the other party as your risks are too great.

We now believe that as a consequence of a current case that if you hire out or loan any plant or equipment (even at no fee) you run exactly the same risk as if you are in full control of the machinery even if you do not have any trained and qualified worker on the site whatsoever.

With considerable dismay and disbelief, we strongly advise and urge you to never loan any plant or equipment unless you are in actual control of it and or have a high quality document in place that will require the recipient to operate the equipment in a correct and complete manner and to follow the manufacturer instructions at all times. You must also ensure that the driver will be properly trained and qualified.

## 3.

### **MAJOR FINE FOR FREIGHT DISTRIBUTION COMPANY**

A major freight distribution and logistics company appeared in Auckland District Court today after an incident involving a forklift that left a man fatally injured.

Toll Networks (NZ) Limited was sentenced after a worker was crushed to death by falling pallets that were being moved from a train wagon by forklift in September 2016.

The victim was standing beside the forklift and as the driver reversed the pallets it was carrying fell and struck the worker who died at the scene.

Our investigation found that Toll had not identified the risk of a pedestrian being hit by freight falling from forklift tines and that its pedestrian safety system relied on administrative controls that were ambiguous and contradictory.

WorkSafe Deputy General Manager, Investigations and Specialist Services, Simon Humphries said that pedestrians and moving plant need to be segregated to avoid tragic fatalities like this.

“This was a much loved father and grandfather whose death would not have occurred if Toll had effective controls in place. Administrative controls like rules and procedures are simply not enough, pedestrians need to be segregated from forklift activity.”

Humphries said that WorkSafe respected that this was a workplace that was constantly changing with many moving vehicles, plant and personnel, but more needed to be done to keep workers safe.

“Fixed barriers to separate people from moving plant don’t work in every workplace, but a temporary barrier and warning signage would have kept the victim outside of the dangerous area and alive.”

[More information on healthy and safe work in the transport, postal and warehousing sector](#)

#### **Notes:**

A fine of \$506,300 was imposed.

Reparations of \$118,020.10 were ordered for emotional harm and consequential loss in addition to payments totalling \$105,000 which had already been made to the family of the victim.

Costs of \$6030 were ordered.

Toll Networks (NZ) Ltd was charged under sections 36(1)(a), s 48(1) and (2)(c) of the Health and Safety at Work Act 2015.

Being a PCBU, failed to ensure so far as was reasonably practicable, the health and safety of workers who worked for the PCBU, while the workers were at work in the business.

The maximum penalty is a fine not exceeding \$1,500,000.