



Company fined \$180,000 following young worker's death at a Clermont quarry

[Home](#) / [Court reports](#)

On 25 February 2021, the defendant company and two individuals pleaded guilty in the Emerald Industrial Magistrates Court to breaches of safety and health obligations under the [Mining and Quarrying Safety and Health Act 1999](#). The offending resulted in the death of a 21-year-old worker. Magistrate Robert Walker convicted and fined all three defendants for offences against section 31 of the Act. The defendant company was fined \$180,000, the site senior executive \$45,000, and a supervisor \$10,000. The court ordered the convictions not to be recorded.

The defendant company and site senior executive were each charged with two offences for failing to sufficiently train and supervise a worker, which caused the death of a worker. The supervisor was charged with one offence for failing to ensure guarding was in place on machinery prior to commencing operations, in compliance with procedures.

The defendant company operated a quarry in Clermont which produced a range of road construction products. Its work included the processing of rocks through a crushing plant which included several conveyors used to move product through the processing. The safety and health management system for the quarry included standard work instructions which provided that protective guarding at nip points was required to be in place for crushing plant operations, and that workers were not to access or work on operating plant without it being shut down and isolated.

Work undertaken at the quarry was overseen by the supervisor, whose responsibility included training workers in relevant work instructions and ensuring compliance with relevant work instructions in the course of the crushing plant's operations. The defendant company did not have a system to ensure supervisors were effectively performing their responsibilities.

On 15 November 2018, a 21-year-old man was working on a conveyor belt clearing rocks. He and another worker removed the protective guarding in place at the tail pulley of the conveyor and used their hands to remove rocks while the conveyor was in operation. The hand or arm of the worker got caught in the nip point of the conveyor belt and pulled him into the conveyor structure. The worker tragically sustained fatal injuries.

In sentencing, Magistrate Walker accepted the conduct of the defendants required denunciation as well as specific and general deterrence. His Honour accepted the defendants entered early pleas of guilty, had no prior convictions and had expressed remorse. His Honour also noted the site senior executive and the supervisor were experienced and respected within the quarrying industry.

Magistrate Walker held that the failings were egregious and there was a culture of complacency and inadequate attention to safety within the workplace. His Honour declined to place emphasis on the remedial actions of the defendants, commenting that such actions were reasonably available prior to the fatal incident and ought to have been taken by the defendants before it occurred. Doing so would have prevented the fatal incident.

His Honour took into account the maximum penalty under the Act for each offence committed by the defendants, noting that the effect of increased penalties under the legislation ought to be reflected by the Courts.

The Work Health and Safety Prosecutor, Mr Aaron Guilfoyle, said the conduct of the defendants resulted in the tragic death of a young worker.

"As is too often the case, means to eliminate the risks to safety were readily available. The failure to employ those means was inexcusable," Mr Guilfoyle said.

"The convictions and fines imposed demonstrate the seriousness of offending of this kind.

"Those operating in the Queensland resources sector who fail to comply with their safety obligations and place workers at risk, can expect that, where evidence of offending such as this is disclosed, we will pursue prosecution action."

OWHSP contact: enquiries@owhsp.qld.gov.au

Court Report

General

Industry	Mining and quarrying
Date of offence	15 November 2018
Injury	Fatal injuries
Court	Emerald Industrial Magistrates Court
Magistrate or judge	Magistrate Robert Walker
Decision date	25 February 2021

Company

Legislation	Sections 31 and 38(1)(a) – <i>Mining and Quarrying Safety and Health Act 1999</i>
Plea	Guilty
Penalty	\$180,000
Maximum fine available	\$1,958,250
Professional and legal costs	\$2,000
Court costs	N/A
In default period	N/A
Time to pay	Referred to SPER
Conviction recorded	No

Individual 1 (Site Senior Executive)

Legislation	Sections 31, 39(1)(h) and 39(1)(a) – <i>Mining and Quarrying Safety and Health Act 1999</i>
Plea	Guilty
Penalty	\$45,000
Maximum fine available	\$195,825
Professional and legal costs	N/A
Court costs	N/A
In default period	N/A
Time to pay	Referred to SPER
Conviction recorded	No

Individual 2 (Supervisor)

Legislation	Sections 31 and 36(2)(b) – <i>Mining and Quarrying Safety and Health Act 1999</i>
Plea	Guilty
Penalty	\$10,000
Maximum fine available	\$65,257
Professional and legal costs	N/A
Court costs	N/A
In default period	N/A

Time to pay

Referred to SPER

Conviction recorded

No

Search court reports

Keywords

Find court reports containing those keywords.

Advanced search

Search

© The State of Queensland 2019-2021

Queensland Government