



**17 December 2009**

## **JOHN HOLLAND FINED BY FEDERAL COURT OVER WORKER'S DEATH**

The Federal Court found today that John Holland Pty Ltd had breached the Federal workplace safety laws.

The court judgment follows an investigation by Comcare, the Federal workplace safety authority, into the death of a John Holland worker at the Dalrymple Bay Coal Terminal in Queensland in May 2008.

CEO Paul O'Connor said that Comcare would continue to prosecute employers wherever serious safety breaches occurred.

"Our condolences are with the family, friends and community of the worker killed at Dalrymple Bay. This court decision sends a message to all employers that they have a rigorous responsibility to protect workers from harm at work and to improve the safety of workplaces." Mr O'Connor said. "It's reasonable for Australian families to expect their loved ones to return home safely from work each day" added Mr O'Connor.

The court determined that John Holland breached safety laws by failing to take all reasonably practicable steps to protect the health and safety at work of its employee, and that this failure resulted in the workplace fatality.

A team of five John Holland workers were involved in moving large precast concrete decks to the end of a jetty under construction. The precast concrete decks were being transported on two jinkers that were being pushed by a front end loader. During this procedure, a worker's foot became trapped under wooden scaffolding planks on the jetty, and he was fatally injured when he was run over by the wheels of the jinker.

Justice Collier stated that "It is clear that, despite the efforts taken by the respondent to implement a safe working environment, the operation involving the transportation unit was flawed in its original conception. The dangers were obvious from the start, relatively simple to avoid, but unrecognised and unaddressed in a manner which raises the objective gravity of the offence in these proceedings towards the higher end of the scale."

John Holland was ordered to pay a civil penalty of \$180,000 for the breach and to pay Comcare's legal costs.

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