



25 October 2018

State government agency fined \$100,000 over prisoner death

A State Government agency has been fined \$100,000 (and ordered to pay costs) over the death of a remand prisoner crushed between a truck and a wall at Hakea Prison in 2015.

Department of Justice (Department of Corrective Services at the time of the offence) pleaded guilty to failing to take reasonable care to ensure the safety and health of a person who was not an employee, and was fined in the Armadale Magistrates Court on Tuesday.

The prisoner had been one of a group participating in a clean-up of residential units prior to a redevelopment. The units had been cleaned out and the contents loaded onto a large truck.

The courtyard in which the truck was operating was not large enough for the truck to turn around, and it needed to reverse into a loading dock then drive forward out of the area.

The truck was backed into the kitchen loading dock in order to turn it around and exit through the yard, and the prisoner offered to assist the truck driver to reverse into the dock.

The truck then drove forward and turned left at the same moment the prisoner walked forward to leave. As the truck drove forward and turned, its right rear swung out and pinned the man between the truck and the side wall of the dock.

The working party was not briefed on how to safely work around the truck, and there were no procedures, training, supervision or enforcement of measures to safely move around when vehicles were in the vicinity.

WorkSafe WA Commissioner Ian Munns said today the agency not only failed to protect this prisoner from harm, but had a poor workplace safety record over many years.



“Prior to this incident, the department did not carry out a risk assessment to identify the risks created by the tasks, and the briefing given to the working party did not include vehicle movements,” Mr Munns said.

“A risk register that identified pedestrian/vehicle interaction as a hazard was in place, but many staff were unaware of the existence of the register.

“Between January 2010 and August 2015, 222 Improvement Notices and six Prohibition Notices were issued by WorkSafe inspectors to the Department of Corrective Services, 67 relating to Hakea Prison.

“In March 2013, my predecessor met with the Corrective Services Commissioner to discuss their inadequate management of workplace safety, including the need for the department to adequately resource a safety management system.

“In May 2013, a load of steel fell from a forklift and struck an employee of the department. After this incident, risk assessments and a job safety analysis were carried out, including looking at safe movement of traffic.

“But by the date of this fatality – more than two years down the track – these documents were still in draft form.”

Magistrate Maughan commented that it would have been an easy measure to ensure pedestrians were in a safe area, and that the potential for harm in any interaction between pedestrians and moving vehicles was high.

Commenting that general deterrence played an important role in the penalty, Mr Maughan said the level of the penalty was not meant to reflect the value of a human life.

After this incident, the department was issued with a further 17 improvement notices between August 2015 and August 2017. It also implemented a number of procedures to reduce the risks of moving vehicles in the vicinity of pedestrians.

Media Contact: Caroline De Vaney, 6251 2363 or 0408 927563 (media enquiries only)
caroline.devaney@dmirs.wa.gov.au

Follow @WorkSafeWA on Twitter