

HEALTH AND SAFETY PROSECUTIONS

BASS STRAIT VIEWS PTY. LTD

Ref: T01732918

Date of offence: 17 October 2004

Date of prosecution: 20 February 2006 at Frankston Magistrates' Court

Magistrate: His Honour Magistrate Crisp

Plea: Guilty

Bass Strait Views Pty Ltd trading as Ace Hi Riding Ranch in Cape Shanck operates a flying fox. Construction of the flying fox commenced in March 2004, replacing an existing, but unused, flying fox. The new flying fox was designed and constructed by Erik Westrup trading as Outdoor Initiatives. Westrup recommended and supplied the harnesses for the flying fox.

On 17 October 2004, a nine year old girl fell approximately 12 metres to the ground whilst riding on the flying fox. The girl sustained serious injuries and was admitted to the Royal Children's Hospital in Melbourne.

An investigation revealed that the girl fell from the flying fox because the harness she was wearing was not properly attached to the carabineer.

The harness itself did not fail.

The girl was left unattended and unsupervised on the 'starting' platform. Bass Strait Views Pty Ltd failed in its duty of care because it did not have the flying fox ride adequately staffed and in particular did not have a supervisor on the platform with the girl to ensure that she embarked upon the ride safely and that all equipment was properly fitted and attached.

Breach: Section 22 of the Occupational Health and Safety Act 1985.

Result: Convicted and fined \$35,000.