



Victorian WorkCover Authority

Prosecution Result Summaries

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Introduction

Accused: Warren Maxwell Williams **ABN / ACN:**

Industry: Public Sector and Community Services **Accused Type:** Individual

Date of Offence: 23/02/2007 **Date of Determination:** 17/06/2009

Incident: Failing to instruct
inform and train

Failure to conduct a risk/hazard assessment

Failure to conduct a risk/hazard identification **Judge / Magistrate:** N La Rosa

Incident Summary: Lyrebird Park ('the camp') is a school camp operated by the Williams Family Trust; Warren Maxwell Williams is the trustee of the Williams Family Trust. Students participate in various outdoor activities at the camp, including riding on a flying fox. Prior to Thursday 22 February 2007, riders who had finished the ride were lowered to the ground from a step ladder. On Thursday 22 February 2007, the step ladder was replaced by a scissor lift and a 5 pulley system was introduced. As a consequence of the '5 pulley system' being introduced 5 riders at any one time could be harnessed and ready to ride the flying fox. Further, it was not necessary for the rider to return to the start with his/her pulley before the next rider could begin the ride. Prior to the introduction of the scissor lift and 5 pulley system: 1. no or no adequate hazard identification was performed; 2. no or no adequate risk assessment was carried out. 3. there was no control of the effects of using a scissor lift and multiple harnesses on the flying fox. 4. there was no or no adequate information, instruction, training or supervision provided to either the employee instructors or to the volunteer helpers (teachers/ parents) supervising the children on the flying fox in relation to the introduction of the new equipment / procedures. 5. there was no system of communication between the instructors at the dispatch and dismount points. These failures; 1. exposed the users of the flying fox, in this case the school children on the camp to risks of serious injury to their health and safety through the possibility of colliding with the scissor lift 2. exposed the employees of the camp to the risk of injury should a child collide into them On Friday 23 February 2007 approximately half the students were participating in the flying fox activity. 1 student rode the flying fox and dismounted without incident. However the instructors experienced difficulty (and delay) in releasing the 2nd student from her harness. The 3rd student began the ride before the 2nd student (and the scissor lift) had been cleared from the path of the flying fox. Despite the efforts of an instructor to stop him, the 3rd student crashed into the scissor lift. The student was knocked unconscious and suffered a fractured skull and brain injuries. He was taken to hospital and placed into a medically induced coma. The student made a full recovery.

Court Number: X02832944 **Jurisdiction:** Magistrates Court

Charges

Act & Section [Maximum Penalty]	Count(s)
OH&S Act 2004 - s 21(1) & (2)(e) Employer failed to provide & maintain so far as was practicable for employees a safe working environment - information instruction training & supervision [1800 penalty units individual 9000 penalty units body corporate] Indictable offence triable summarily	1
OH&S Act 2004 - s 23(1) Employer failed to ensure that their undertaking did not expose people (other than employees) to health & safety risks [1800 penalty units individual 9000 penalty units body corporate] Indictable offence triable summarily	1

Plea: Guilty **Fine:** \$0.00

Result: Without conviction

Adjourned undertaking

Payment into court (Payment to court fund - \$10,000, ordered to pay costs \$4,500)