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"Victorian workers returning home safe every day"

Not enough information for customer - manufacturer prosecuted

25 January 2010

A County Court judge has convicted and fined what he called "a small business in difficult times" \$80,000 after it failed to provide safety information about its products to its customers.

Knoxfield company, Jalor Tools Pty Ltd, pleaded guilty to two workplace safety charges relating to a router tool (bit) that broke into three pieces one of which struck a woman in the chest, killing her on 21 December 2006.

The woman was the daughter of the owner of an East Bentleigh door manufacturer and was using an industrial router to make the design on the front of a door when the router tool broke.

It was not alleged Jalor Tools' failings were responsible for the 31-year-old woman's death.

WorkSafe's investigation of the incident found the router tool was to be operated at between 6000 and 8000 revolutions per minute although it was actually operating around 15,000 rpm.

During sentencing this morning, Judge Phillip Coish said in manufacturing the router tool, Jalor Tools failed to mark it with a maximum operating speed, nor did it provide written information about the safe operating speed.

WorkSafe's acting Executive Director, Stan Krpan said the case illustrated the legal requirement of manufactures, suppliers and retailers to provide adequate information about their products to end-users to ensure they were used safely.

"Businesses designing, supplying and manufacturing equipment to be used in workplaces also have obligations to the safety of workers who are the end users of that equipment."

"Control of the ultimate use of the tool may not be possible, however at the point at which it is sold, or even hired, information must be provided."

"For a small business this is a significant penalty and, in this case, is likely to have a serious impact on this firm."

"Employers also have an obligation to ensure the equipment used by their business is fit for the purpose intended."

Mr Krpan said all businesses should look to cases like this and consider their own safety obligations.

"For businesses coming out of tough economic times and buying or updating equipment, now is the time to ensure it meets safety obligations by referring to WorkSafe and any appropriate Australian Standards.

"In this case an Australian Standard (AS1473.2-2001 covers rotating tools of this type, but Judge Coish found Jalor Tools was not aware of the standard."

"Meeting, and ideally exceeding, OHS requirements can add value to your product and protect the reputation and viability of the business. Not doing so can lead to disaster," Mr Krpan said.

Need help?

WorkSafe has hundreds of publications on its web site covering entire industries and specific tasks. They include: 'Information for manufacturers and suppliers of plant' which can be found online at www.worksafe.vic.gov.au.

WorkSafe's free and confidential telephone advisory service () can also provide information and support.

Small businesses can take advantage of a visit from a free and independent safety consultant by calling the advisory service or go to www.worksafe.vic.gov.au/smallbusiness or contact major employer associations.

The charges: Jalor tools Pty Ltd was prosecuted on two counts under Section 24 (1)(c) of the Occupational Health and Safety Act 1985. Section 24 of this Act requires manufacturers, importers or suppliers of plant intended for use in a workplace to provide adequate information about the use for which it has been designed and tested and any conditions necessary to ensure it will be safe and without risk to health.

While this matter was prosecuted under the OHS Act 1985, the equivalent sections in the OHS Act 2004, which replaced it, are Sections 29 and 30.

The company was charged under the 1985 Act because the offences concerning the supply of the auger tool occurred in 2002.

Further Information

Media inquiries: Michael Birt or 9641-1216

Public inquiries: Call the WorkSafe Advisory Service on between 8:30am and 5pm Monday to Friday, email info@workcover.vic.gov.au or write to Advisory Service, PO Box 4306, Melbourne, 3001.



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