

The Safe Side



Developments in health and safety from New Zealand and around the world

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New Zealand businesses continue to be prosecuted for the failure to manage health and safety risks that are well known and have widely accepted controls. This month, we report on the sentencings of a farm manager after the quad bike he owned rolled over and killed a worker; and a company whose worker fell 6 metres off a roof without adequate fall protection. We also have articles on WorkSafe's latest guidance for outdoor activity providers on managing natural hazards and the latest enforceable undertaking accepted by WorkSafe, which again showcases novel technological safety solutions. Finally, we cover the first prosecution for flouting Victoria's engineered stone ban and look at the latest calls for similar bans in NZ.

Farm manager sentenced after fatal quad bike roll over

Worn brakes, uneven tyre pressure, and poor suspension were among the defects found on the quad bike that flipped at low speed and killed a 31-year-old farmhand at an Eketāhuna dairy farm in November 2022.

The farm manager and owner of the bike has now been [sentenced](#) for health and safety failures related to the death. He was ordered to pay \$75,000 in reparations to the victim's family. WorkSafe said the death could have been avoided if the bike was kept in good working order and it outlined some steps that could be taken to avoid a similar tragedy.

First and foremost, WorkSafe strongly recommends installing a [crush protection device](#) on the back of quad bikes. It also says pre-start checks are important, primarily to check tyre pressure and brake function before setting off.

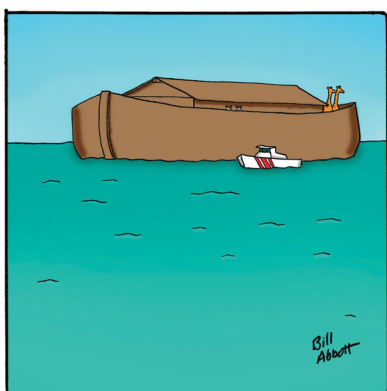
In addition, the workplace regulator emphasises the importance of regular servicing of the bike in line with the manufacturer's recommendations and says that a checklist

can be useful to document the frequency of servicing, what was looked at, and any fixes undertaken. It says that, if possible, the maintenance checks should be done by a mechanic, and that mobile mechanics can come out to busy farmers to do this if needed.

Lastly, WorkSafe says that it is important that any issues identified during pre-start checks or servicing are addressed promptly to avoid further problems or potential hazards.

Agriculture is one of the [priority areas](#) WorkSafe is now focussing on. The sector was New Zealand's deadliest industry in 2024 with 14 workers killed and vehicles are the leading cause of death and injury. On average, five people are killed on New Zealand farms each year in work-related quad bike incidents. Four were [killed](#) in July alone last year. In addition, there are more than 100 severe injuries from quad bikes each year on farms. Guidance on the safe use of quad bikes is available [here](#).

New guidance on managing natural hazards for outdoor activities providers



"It's the Coast Guard – they want to know how many lifejackets we have onboard."

The tragic death of a 15-year-old student at [Abbey Caves](#) and the devastating eruption at Whakaari White Island highlight the risks of natural hazards when undertaking outdoor activities. WorkSafe has now published [new guidance](#) to help adventure activity operators and outdoor recreation providers manage risks from natural hazards such as flooding, landslips, and snowfall.

The comprehensive guidance is relevant for both registered adventure activity providers and outdoor recreation providers like schools, sports clubs and recreation venues.

WorkSafe says the guidance will help businesses and organisations:

- identify, assess, and manage risks from natural hazards that may affect participants, workers, and others
- understand their duties under the Health and Safety at Work Act (HSWA), the Adventure Activities Regulations, and the General Risk and Workplace Management Regulations
- follow good practice for managing natural hazard risks.

In addition, the guidance covers the use of dynamic risk management and trigger points that guide workers on which control measure to use to manage an identified hazard. This part of the guidance may also be useful for a wide range of businesses outside the outdoor activities sector.

Six-metre fall leads to prosecution of Wellington roofing company

A Wellington roofing company was [sentenced](#) this month after a worker sustained critical injuries when he fell six metres from a slippery, unsafe rooftop in April 2023. The company was fined \$40,000 and ordered to pay reparations of \$77,456.

The 38-year-old victim, who had only been in the job for two months, had no experience or training in working at height when he fell from a commercial rooftop in central Wellington. Conditions were rainy at the time and the iron roof was new and had cleaning product on it.

As a result of the fall, the victim spent six months in hospital recovering from a traumatic brain injury and multiple broken bones. The father of five still lives with continuous pain and has been unable to work since.

The WorkSafe investigation found there was only limited

edge protection on the roof. In its absence, a harness system should have been used to keep workers safe – but was not. In any event, WorkSafe found that the victim had no formal training on the use of a harness or roof-anchors.

The victim's employer was unable to provide WorkSafe with any policies, or risk/hazard identification and control process to prove it had a safe system of work in place.

Falls from height are a well-known and obvious risk. WorkSafe says the best controls are those that don't require active judgement by a worker. This includes solutions such as edge protection or scaffolding. If a worker slips or missteps, there is a physical barrier to prevent the fall off the edge. WorkSafe has extensive guidance on working safely at height including this good practice publication for working on [roofs](#).

Enforceable undertaking accepted with AI technology to monitor hazards

New Zealand's largest manufacturer and exporter of premium pine products, [Claymark Group Limited Partnership](#), is putting \$481,000 into a range of initiatives as part of the latest enforceable undertaking (EU) accepted by WorkSafe.

The EU was proposed and accepted after the company was charged for health and safety failings in relation to an industrial wood planer machine at Claymark's Rotorua factory. A worker had two fingers amputated on the machine in an incident in February 2023. WorkSafe's investigation found the machine was unguarded and that there was an ineffective system for maintenance. Training and supervision of workers also fell short.

The charges were withdrawn this month after WorkSafe accepted the EU. An [EU](#) is an agreement between WorkSafe and a duty holder made under the HSWA. It is entered into voluntarily by the duty holder following a breach (including an alleged breach) of HSWA and, once in place, is legally binding. It is generally used as an alternative to prosecution.

As well as paying reparations to the victim, part of the Claymark EU will involve the company installing CCTV systems incorporating AI technology to identify situations or events that could indicate risks to workers' health and safety. The findings will be used to drive continuous improvements. In addition, the company will fund a series of webinars showcasing the AI technology and trials for businesses in the wood manufacturing sector, while sharing insights from collected data. As we observed in [The Safe Side](#) last June, WorkSafe seems particularly attracted to novel technology in EUs.

Claymark will also redesign its health and safety documentation into accessible microlearning modules and install interactive displays in break rooms to facilitate worker training.

Finally, at the community level, the EU also provides funding for the Generation Programme initiative, meaning some students in the Central North Island will have the opportunity to achieve the Level 2 Certificate in Forestry Industry Foundation Skills.

First charges filed after Australian engineered stone banned

[Victorian regulations](#) banning work involving the manufacture, supply, processing or installation of engineered stone benchtops, panels and slabs took effect on 1 July 2024. Silica dust can be deadly when inhaled, causing incurable lung diseases such as silicosis. When engineered stone is processed, the silica dust generated has different physical and chemical properties that likely contribute to more rapid and severe disease.

A Victorian [bathroom wholesaler](#) has now become the first company to be charged for directing or allowing a worker under their management or control to perform an engineered stone process in July 2024. The company also faces a further 21 charges for directing or allowing a

worker to supply engineered stone benchtops, panels or slabs.

Meanwhile, the New Zealand Council of Trade Unions (NZCTU) has launched a new [campaign](#) to ban the import, supply, and use of engineered stone in Aotearoa New Zealand. The NZCTU has been calling for a ban for many years. In December 2024, the [Minister of Workplace Relations and Safety](#) also announced that she was running a standalone consultation on engineered stone to understand what the industry is currently doing to manage the risks, and whether further regulatory intervention is needed.

This newsletter is published as part of Vero Liability's commitment to supporting better work health and safety outcomes for all New Zealanders. We want everyone to go home safe.

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