

This month, we report on a case where spending \$20,000 to guard a machine could have prevented a worker's tragic death and saved over half a million in fines and reparations for a waste and recycling company. We also cover the prosecution of a property owner who wouldn't stop work after receiving a prohibition notice and ended up with a conviction and fine of \$32,000 instead. In addition, we have articles on the sentencing of two companies following the death of a logging truck driver on a private forestry road in Coromandel and the latest enforceable undertaking accepted by WorkSafe after a worker sustained serious burns from an electrical arc flash. Finally, we point to the just published WorkSafe Safety Alert about working with large agricultural tyres.

Machinery death costs company \$560,000 in fines and reparations

Spending \$20,000 to guard a waste shredder could have prevented a worker's tragic death and saved a company more than half a million dollars in Court-ordered fines and reparations.

In April 2022, a 47-year-old worker was killed after becoming entangled in a waste shredder at a transport and recycling facility in Gisborne. The subsequent [WorkSafe investigation](#) resulted in a charge being filed against the company.

The Court heard that the company should have installed a perimeter guard with an interlocked gate around the shredder – a system that would have automatically shut the machine down when the gate was opened. This would have cost an estimated \$20,000 to install. The Court found that this simple safety measure could have saved the victim's life. "The non-installation of the relatively low-cost engineering step... constituted a serious and elementary breach," said Judge Warren Cathcart at sentencing.

The company was fined a hefty \$420,000 and ordered to pay a further \$140,000 in reparations.

WorkSafe said that the incident should prompt every business operating industrial machinery to take a hard look at their own sites. "If your machinery can still run while workers can reach dangerous parts, that needs to change," it said. "When workers are operating dangerous machinery, businesses cannot rely on training and procedures alone to keep them safe. In this case, the Court found that automatically stopping the machine when a worker got too close was a straightforward, affordable fix. There was no good reason not to do it."

WorkSafe is currently focussing on machinery safety in the manufacturing sector, with an emphasis on machinery guarding and safe maintenance. You can find more information on the safe use of machinery, including guarding, in WorkSafe's [Best Practice Guidelines](#).

Property owner fined \$32,000 for "deliberate" and "repeated" non-compliance



"Mr Human Spider? I'm from Health & Safety. May I have a word...?"

A property owner has been [convicted and fined](#) \$32,000 for breaching a prohibition notice, failing to give reasonable assistance to an inspector and intentionally removing a prohibition notice.

A prohibition notice, or what is often called a "stop work" notice, is issued under [Section 105](#) of the Health and Safety

at Work Act. An Inspector may issue the notice if they reasonably believe a workplace activity involves or will involve a serious risk to health and safety arising from an immediate or imminent exposure to a hazard. Prohibition notices usually require that the activity subject to the notice is not carried out or stopped. Breaching a prohibition notice is an offence.

In this case, inspectors began issuing notices in May 2022. Inspectors observed work continuing in breach of the prohibition notice, and the defendant was seen removing notices affixed to the building's entrances. The defendant also repeatedly ignored statutory requests to provide documents and information.

WorkSafe described the offending as repeated and deliberate. "This was not a one-off lapse. There were multiple chances to engage and put things right. Ignoring our notices did not avoid accountability – it led to a conviction and a fine. When we issue a prohibition notice, work must stop immediately. That notice exists because there is a risk of serious harm. It is a legal requirement, not a suggestion," a WorkSafe spokesperson said after sentencing.

Two companies sentenced over 2023 forestry road driver death

Two forestry companies have been [sentenced](#) in the Thames District Court following the death of a logging truck driver on a private forestry road in May 2023.

The companies were charged with failing to, so far as is reasonably practicable, consult, co-operate with, and coordinate activities, with the forestry management company in charge of the site who had a duty in relation to the same matter. The Judge found each party assumed someone else was ensuring the road was safe, so nobody took responsibility.

The 59-year-old driver was killed when his fully laden logging truck rolled while negotiating a bend. The road had no warning signs, road markers or berms, and its

sharp corner was well outside any recommended specifications for heavy logging vehicle traffic. Wet surfaces, mud-caked tyres, darkness, and a steep downhill approach made the bend even more dangerous.

The forest owner and the transport contractor were ordered to pay reparations of \$171,258 as well as a combined fine of \$26,250. The maximum fine available for each company was \$100,000.

The forestry management company separately entered into an enforceable undertaking (EU) last year after agreeing to invest over \$400,000 in response to the death. You can read more about that EU on WorkSafe's [website](#).

WorkSafe accepts EU after electrician suffers third degree burns in arc flash

In February 2025, an electrician suffered third degree burns to his hands, arms, and face after an arc flash incident. He was working on an energised main switchboard on a commercial construction site in Māngere at the time. As a result of his injuries, the victim required multiple skin grafts and a lengthy period of rehabilitation. He is expected to return to work.

An arc flash is a sudden, explosive release of energy caused when electricity jumps through the air between conductors. It creates extremely high heat (up to 20,000 degrees Celsius), bright light, and pressure that's similar to a small electrical explosion.

WorkSafe's investigation found that the electrical company that employed the victim had failed to identify and control arc flash risks, provide workers with adequate instruction and information, and ensure appropriate testing equipment was available and used.

The company has now entered into an [enforceable undertaking](#) (EU) with WorkSafe. An [EU](#) is an agreement between WorkSafe and a duty holder made under the

Health and Safety at Work Act 2015 (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.

The EU's terms include the payment of amends to the victim, governance training for the director in health and safety, worker engagement training, an article in *Safeguard* magazine on arc flash risk management, seminars for the wider electrical industry focused on arc flash risk assessment, testing procedures, the correct use of personal protective equipment (PPE), and a donation to the Burns Support Group. All up, the expected minimum spend will be \$88,624.

This is the first time an EU has been accepted by WorkSafe before a charge has been filed in Court. It follows a change to WorkSafe's approach to EUs in late-2025. [WorkSafe](#) says the changes give it the opportunity to consider EUs earlier in investigations, resulting in more timely decisions, including for the victim, and enabling collaborative solutions to improve health and safety outcomes.

Safety alert issued on the hazards of changing tractor tyres

WorkSafe has issued a safety alert after a Canterbury farmer was killed when working alone to fit a new tyre into the rim of a tractor in January this year. WorkSafe says that large agricultural tyres and rims are extremely heavy and can move suddenly resulting in crush and asphyxiation hazards.

The safety alert recommends using a competent tyre professional, but if doing the work oneself, not to work alone. It also recommends avoiding using improvised tools, keeping outside the crush zone and making sure the tractor is stable. The full safety alert is available [here](#).

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.

Vero Liability provides a full range of liability insurance products suitable for almost any business or operation in New Zealand. Our extensive range of liability products include Professional Indemnity, Directors and Officers Liability, Public and Products Liability, Statutory Liability, LegalEdge and other speciality products. We support these products with an experienced team of insurance underwriters, specialist claims lawyers and managers to ensure our policyholders get early and effective help with unexpected legal issues.

For more information on VL's specialist liability insurance products, including our statutory liability cover for non-deliberate health and safety breaches, visit our [website](#).