

1 August 2024

Adverse Publicity Notice

Lyttelton Port Company Ltd Section 153 Health and Safety at Work Act 2015

Lyttelton Port Company Ltd was convicted and sentenced in the Christchurch District Court on 31 July 2024 for one offence against sections 36(1)(a) and (2), 38(1) and 48 of the Health and Safety at Work Act 2015. The charge attracts a maximum fine of \$1.5 million. The charge arose from an incident where a worker was struck and killed by coal being loaded into a hatch using a jet-slinger.

Lyttelton Port Company Ltd exports 1.2 million tonnes of coal each year. After it arrives at the port, the coal is loaded onto coal ships prior to being exported. It is loaded onto the ships by conveyors to a ship-loader. It then travels up the boom of the ship-loader on conveyor belts before dropping down chutes and onto the jet-slinger, a conveyor belt which fires the coal into the hold of a ship.

On the morning of the incident, the victim was working as a “hatchman”. A hatchman is stationed on the deck of the ship and gives directions via radio to the operator of the ship-loader as to placement of the coal within a hatch. The ship-loader operator, who controlled the jet-slinger from a cabin attached to the shiploader, could not see the loading zone from his position, and did not have any cameras to provide a visual of the loading area. There was no separate radio channel for their communication or an emergency stop control available to the hatchman.

The ship-loader operator controlled the direction of the jet-slinger, the angle of fire of the coal, and the feed-rate of the coal. The jet-slinger could also be controlled from five other computers in the port. As coal filled the hatch, the jet-slinger was required to operate higher firing coal nearer to the edge of the hatch. There were no engineering controls to prevent the coal from firing outside the hatch.

On the day of the incident, the jet-slinger was operating near the very top of the hatch and the jet-slinger belt was tilted up so that the coal would be thrown far enough to reach the seaward (opposite) side of the hatch. The feed rate of the coal conveyor system was increased by someone other than the ship-loader operator from 1,200 tonnes/hour to 1,500 tonnes an hour without warning to the victim. Lyttelton Port Company Ltd had not imposed any limits on the feed-rate.

The victim was standing at the proper viewing station, the furthest away from the line of fire of the coal directing its movements. Without instruction from the victim or knowledge of the ship loader operator, the jet-slinger began to rotate clockwise approximately 45 degrees towards him. Due to the height that the jet-slinger was operating in the hatch, in combination with the tilted angle, when it rotated the coal began shooting onto the deck at a rate of 1,500 tonnes/hour.

The victim was killed when the jet-slinger stopped rotating when the stream of coal was directed exactly where the victim was standing, striking him and causing him to fall from his viewing area. Because the ship-loader operator could not see the victim, the jet-slinger continued to fire coal in his direction for a further two and a half minutes burying him in coal.

An investigation by Maritime New Zealand found that Lyttelton Port Company Ltd failed to ensure the health and safety of its workers and ships' crew by:

- removing the need for the hatchman to be stationed within the range of the jet-slinger while it was operating;
- implementing engineering controls to prevent the jet-slinger from firing coal outside the hatch;
- providing effective emergency stop controls for the coal loading operations;
- effectively monitoring the risk posed by the jet-slinger and the controls in place to address that risk;
- providing effective safe systems of work for the coal loading operation;
- effectively restricting access to the controls for the ship-loader and jet-slinger;
- ensuring the ship-loader and jet-slinger operating system provided accurate information and precise control to the operator;
- providing workers with appropriate PPE and ensuring it was worn;
- providing effective training and supervision about the risks posed by the jet-slinger and the controls in place to address that risk;
- providing ships' crews with information and instruction about the risks posed by the jet-slinger and the controls in place to address that risk.

Judge Kellar stated that the culpability of Lyttelton Port Ltd was high and that an appropriate fine was \$480,000. The Judge ordered \$35,000 to be paid to Maritime New Zealand.

In addition Maritime New Zealand sought an adverse publicity order to deter Lyttelton Port Company Ltd from further offending and to raise awareness of the risks of exposing workers to high risk plant with inadequate controls and safe systems of work.

Accordingly, this notice is published by Lyttelton Port Company Ltd in accordance with the Order of the District Court of Christchurch made on 31 July 2024 in the proceedings taken by Maritime New Zealand.