

# **CHERRY-PICKING SAFETY ISSUES**

## **A DISCIPLINARY VIEW**

This article appeared in Engineering Dimension in May 2014.

On 29 January 2013, a complaint was lodged by a member of the public about the professional conduct of Peter Lawrence Wastney CPEng of Nelson.

The complaint related to a pre-used Nikken Mobile Elevating Work Platform (MEWP) – commonly known as a “Cherry Picker” – which had been imported from Japan. Mr Wastney failed in his duty as a Chartered Professional Engineer by certifying the MEWP to be in a safe and serviceable condition. He also failed to identify the non-replacement of the safety stabiliser interlocks removed by the importer during maintenance work.

At a Disciplinary Tribunal in November 2013, the owner of the MEWP gave evidence that shortly after Mr Wastney’s certification of the MEWP it broke down for an unrelated reason. During its repair the original importer noted there had been an error in not replacing the outrigger interlocks and advised that a repair manual for the unit was not available and would need to be prepared. The Tribunal heard that as an imported machine, the MEWP required a major examination as detailed in AS2550.10 prior to being operated in New Zealand. The standard also required that operating manuals be available.

Mr Wastney used a checklist during his certification. In completing the checklist he had ticked “safety interlocks” and “stabiliser interlocks”. In his evidence Mr Wastney stated that if a component such as interlocks were not standard for a particular model, the item would be ticked as a pass. The Tribunal didn’t accept this explanation as there was nothing to indicate that a “tick” meant anything other than the item was present and satisfactory.

The Tribunal was also concerned Mr Wastney certified the MEWP without there being operating manuals available. Without manuals, the MEWP is non-compliant. The owner is entitled to rely on certification provided by a Chartered Professional Engineer. Through no fault of his own, the owner was operating a non-compliant and potentially unsafe machine.

Mr Wastney’s negligence was found to breach rule 43 which states that a Chartered Professional Engineer must in the course of his or her engineering activities take reasonable steps to safeguard people’s health and safety. The Tribunal found that Mr Wastney’s inspection and certification of the MEWP fell below the standard expected of a Chartered Professional Engineer and he had performed engineering services in a negligent manner. Mr Wastney was censured, fined \$1,500 and required to contribute \$3,000 towards costs of the investigation.