

Farm company director sentenced for perverting the course of justice

Safety Alert Comment

Deliberate acts to lie or put workers at risk will not, and should not, be tolerated. We are getting very close to someone being sentenced to prison for acts such as this. Please ensure you are open, honest and diligent in meeting your duty of care to protect workers from harm.

2 August 2019

A farm company director from Southland has been convicted for perverting the course of justice during a WorkSafe health and safety investigation.

Davin Heaps is a director of 4 Hippos Farm Limited and was sentenced to four months community detention in the Invercargill District Court today. Heaps pleaded guilty to one charge of wilfully attempting to obstruct, prevent, pervert or defeat the course of justice by directing a worker to lie to WorkSafe NZ.

4 Hippos Farm Limited was also convicted on a Health and Safety at Work Act 2015 (HSWA) charge for failing to ensure the wood splitter he was using did not pose a risk of serious injury to the worker. The worker received significant crush injuries and lacerations to his hand while using the wood splitter.

Despite the court considering an end fine of \$273,288 appropriate, no fine was able to be imposed due to Heaps' financial circumstances. Heaps was also ordered to pay reparation of \$25,000 and \$16,110 for consequential loss.

On WorkSafe's application, Judge Robin Bates also imposed an adverse publicity order on 4 Hippos Farm Limited under section 153 of HSWA. This order requires 4 Hippos Farm to publish in newspapers nominated by WorkSafe the offence, consequences and penalty imposed.

WorkSafe's Chief Operating Officer, Phil Parkes said Heaps' actions in lying and pressuring the injured worker to lie were appalling.

"This worker received significant injuries and Heaps actively tried to escape any responsibility for the incident by lying. It was only the brave actions of the worker that brought the truth out.

"It is entirely appropriate that Heaps' behaviour has resulted in two firsts for WorkSafe – the first conviction for perverting the course of justice taken by WorkSafe under the Crimes Act 1961 and the first adverse publicity order under HSWA.

"WorkSafe's response to Heaps' behaviour should send a clear message – HSWA places responsibilities on duty holders to protect workers. WorkSafe will not tolerate duty holders trying to absolve themselves of that responsibility.

"Criminal behaviour by duty holders deserves appropriate enforcement action, and I am pleased to say the vast majority of businesses in New Zealand do care about their workers and make sure they can go home healthy and safe every day."

Notes:

Davin James Heaps

- Sentenced to four months community detention.
- Davin James Heaps was sentenced under s 117(e) of the Crimes Act 1961.
- Wilfully attempted to pervert the course of justice.
- S 117(e) carries a maximum penalty of seven years imprisonment.

4 Hippos Farm Limited

- The court deemed an end fine of \$273,288 appropriate, but no fine was able to be imposed due to Heaps' financial circumstances
- Reparation of \$25,000 was ordered (\$10,000 to be paid immediately and the remainder to be paid over three years) as well as \$16,110 for consequential loss (to be paid over five years).
- An adverse publicity order was imposed.
- 4 Hippos Farm Limited was sentenced under sections 38(1), 48(1) and 2(c) of the Health and Safety at Work Act 2015.
 - Being a PCBU, who manages or controls fixtures, fittings, or a plant at a workplace, namely a commercial wood splitter, failed to ensure, so far as was reasonably practicable, that the fixtures, fittings or plant, were without risk, to the health and safety of any person, who was exposed to risk of serious injury, arising from the exposed blade.
- S 48(2)(c) carries a maximum penalty of \$1,500,000.

Media contact details

For more information you can contact our Media Team [using our media request form](#). Alternatively, you can:

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