

File Ref: CAS-39158-V5Q8H8

Thursday 3rd September 2026

Kyle Burnett
Epsilon Ventures Limited
167 Main North Road
Christchurch
New Zealand

Dear Mr Burnett,

Formal warning for offending by Epsilon Ventures Limited

WorkSafe New Zealand has been investigating Epsilon Ventures Limited under the Health & Safety at Work Act 2015 regarding the incident that occurred at their workplace on 23rd December 2025. We have now completed our investigation and are writing to inform you of the outcome.

WorkSafe considers that Epsilon Ventures Limited has likely breached the Act by failing to manage the risks associated with pedestrians and mobile plant operating in the same area of the workplace.

WorkSafe considers that this conduct is likely to be an offence under Sections 36(1)(a) & 48(1) & 48 (2)(b) of the Health & Safety at Work Act 2015. Based on the information available, WorkSafe has decided to issue Epsilon Ventures Limited with a formal warning rather than begin a prosecution. This does not amount to a finding that you have breached the Act, as only the courts can make such a determination. However, this warning may be taken into account by WorkSafe or a court in any future proceedings.

The investigation

On Tuesday 23rd December 2025 WorkSafe received a notification regarding an incident that had occurred at your workplace at Westfield Mall, Riccarton Road, Christchurch, and began an investigation. Following a scene attendance, the investigation included obtaining information and documentation from Epsilon Ventures Limited and speaking with the injured party. After reviewing all of the evidence obtained during the investigation, WorkSafe has formed the view that the following events occurred:

- A worker (the victim) for Epsilon Ventures Limited, was working in the warehouse area, close to the main roller door access.
- Another worker for Epsilon Ventures Limited was operating a forklift in the same area.
- The other worker had just finished taking a pallet out through the roller door entrance to a waiting truck and then, having signed the driver's paperwork, he had driven back into the warehouse.
- He then began reversing towards the roller door. The driver does not appear to have seen the victim when he started reversing.
- The victim was putting boxes on to a pallet near to the roller door. He walked backwards alongside the pallet, into the path of the reversing forklift.
- The victim was struck by the forklift, which knocked him to the ground and ran over his right leg, causing significant injury.

- At the time of the incident, the warehouse area was quite congested, with numerous stacks of pallets in the loading area, along with bins and other items.

WorkSafe believes that in these circumstances it was reasonably practicable to have:

- Managed the risk of serious injury arising from pedestrians and mobile plant working in the same area of the warehouse.

Duty holder response: Epsilon Ventures Limited have indicated they are prepared to accept a formal warning with regards to this incident.

Reason for issuing this formal warning

After assessing the evidence gathered during the investigation, having regard to those factors and taking into account, the Solicitor General's Prosecution Guidelines, WorkSafe's [How we make prosecution decisions](#) and [How we use formal warnings](#) policies, WorkSafe has decided to issue a formal warning rather than begin a prosecution.

While WorkSafe considers the breach to be serious, we have taken into account the circumstances of Epsilon Ventures Limited including the significant remedial actions, and considerable investment in improvements to traffic management throughout the workplace. WorkSafe also has taken into account the interest of the victim including the level of support provided to the victim during his recovery and Epsilon Ventures Limited's willingness to cooperate with WorkSafe throughout the investigation. It is also noted that Epsilon Ventures Limited had taken over operation of the Riccarton Mall site in April 2025.

This formal warning explains WorkSafe's opinion that Epsilon Ventures Limited likely broke the law, as set out above.

The consequences of this warning are as follows:

- If Epsilon Ventures Limited carry out similar conduct in the future, WorkSafe may proceed with a prosecution.
- WorkSafe may take this warning into account when making future decisions about Epsilon Ventures Limited, including when considering future enforcement.
- WorkSafe may draw this warning to the attention of any court dealing with relevant proceedings involving Epsilon Ventures Limited.
- Details of this warning will be published on our website for three years and WorkSafe may issue a media release about the outcome of this investigation.
- A copy of this warning will be kept by WorkSafe and held on record for three years. We may share the outcome of the investigation following an Official Information Act request, or as part of information sharing with other regulators.

Your rights

If you have concerns about the details of this warning being published on the WorkSafe website, you may write to us at the address given below with reasons why we should not make this publication within ten working days from the date of this letter. If we do not receive a request from you by then, WorkSafe will publish the warning. If you do write to us within this timeframe, we will consider your reasons before making a final decision on publication and advise you of our decision.

Reviews

In some circumstances, we may review and reconsider warnings if new evidence has been found. Reviews are undertaken independently of the original decision-maker, and we seek legal advice as part of the review process.

You may request a review of our decision to issue a warning. This can be made via our [website](#) within ten working days of this letter being issued.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Adrian van Dyk', with a stylized flourish at the end.

Adrian van Dyk

Regional Manager - Southern

WorkSafe New Zealand

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