

Summary of Evidence

Hamilton City Council

Re: Fatal Tiger Attack on
 20 September 2015
 Samantha Lynda KUDEWEH

File: 5582962

Introduction

Hamilton Zoo Curator, Samantha Lynda KUDEWEH was killed by male Sumatran tiger 'Oz', when she entered one of the zoo's tiger enclosures while he was still able to access the enclosure.

Facts

Parties

Hamilton City Council ('HCC')

The employer. The HCC is responsible for staffing and resourcing at the zoo and controls such things as budgets and recruiting.

Hamilton Zoo

Owned by the Hamilton City Council, the Hamilton Zoo covers 25 hectares (62 acres), and is situated on Brymer Road in the Hamilton suburb of Rotokauri. The zoo was founded in 1969 as the Hilldale Game Park and has grown in size and now houses a large number of exotic animals including White Rhinoceros and Sumatran tigers.

Samantha Lynda KUDEWEH (nee STEPHENS)

First employed by the HCC in 2005 as Team Leader – Mammals, Mrs KUDEWEH came with extensive experience having already worked at the Auckland Zoo, Melbourne Zoo and with various wildlife projects in Thailand and South Africa. Mrs KUDEWEH held a degree in Zoology and was heavily involved in the Australasian White Rhinoceros breeding programme. She became Zoo Curator in September 2012 and had over 20 year's zoological experience.

The Event

On Sunday the 20th of September 2015, Mrs KUDEWEH was at her place of employment, the Hamilton Zoo. As Zoo Curator, Mrs KUDEWEH worked every third weekend as part of the zoo roster and would often cover the role of tiger/ carnivore keeper due to her experience. Not all keepers are qualified to look after the Sumatran tigers.

As part of her duties, Mrs KUDEWEH was required to feed the tigers, cheetahs, wild dogs and a number of other animals on the 'carnivore run'.

While Mrs KUDEWEH was performing these feeding duties, a torrential downpour and hail storm passed over the Waikato area.

As she was working on her own at the time, the following events are speculative and are based on documented procedures. It appears that Mrs KUDEWEH placed the tiger's meat in the 'feed flap' located in the

Where Evidence Recorded & How Element Proved

Refer to attached Employment Agreement

Refer to attached Employment Agreement and work history.

Refer to DOLI9 **s.9(2)(a)** Page 4,5

Refer to DOLI9 – **s.9(2)(a)** page 2

Refer to NIWA data on rainfall – 20/09/2015

'off-display enclosure' and carried on to the Cheetah enclosure. While there, she spoke with Rhinoceros Keeper **s.9(2)(a)** by radio and discussed the downpour and the affect it was having on the zoo.

A short time later, after several attempts to contact Mrs KUDEWEH, Ms **s.9(2)(a)** drove to the tiger enclosure and located Mrs KUDEWEH deceased inside the main enclosure. Oz, the zoo's male Sumatran tiger, who weighs 137 kilograms, was sitting next to her. Mrs KUDEWEH was found to have injuries that were consistent with a tiger attack.

Investigation

Emergency Services were called and Worksafe New Zealand was notified by Police. Inspector Jason GIBSON attended the scene and liaised with Police CIB staff. The scene was visited and details recorded and photographed. As the scene was still considered a crime scene at that point, limited access was granted to Worksafe NZ until Police had established no foul-play had occurred.

It appeared that Mrs KUDEWEH had entered the main enclosure through the 'keeper gate' with the intention of cutting bamboo for the Red Panda's. This was evident by the presence of a pair of loppers located next to a clump of bamboo situated several metres inside the enclosure. To cut down on feeding costs, the zoo would often use its own vegetation as fodder. The keys to the gate were hanging with the padlock on the inside of the gate which is zoo policy; this indicates that a keeper is present.

Her uniform cap and portable radio were located on the ground close by. It appeared that the impact of the tiger's attack had 'flung' the items away for 2 – 3 metres. Drag (heel) marks were observed leading away to where Mrs KUDEWEH's body was located; a distance of approximately 10 metres from her equipment.

Police provided Worksafe NZ a copy of their Sudden Death file four days later.

Analysis

There are a number of factors to be considered in this case. These are:

- Keeper experience,
- Procedure,
- Enclosure,
- Other factors, i.e. weather, workload etc.

1. Keeper Experience:

Mrs KUDEWEH was the zoo's senior tiger keeper and had played a major role in the breeding programme which resulted in the birth of two tiger cubs to female Sumatran tiger, Sali. She had trained all of the other tiger keepers at the zoo and with twenty years' experience, was considered one of the country's top keepers, in particular with tigers.

In her roles as Team Leader and Curator, Mrs KUDEWEH had written a number of policies for the zoo. Inexperience therefore does not appear to be a factor.

Where Evidence Recorded & How Element Proved

Refer to photograph 5582962/01

Refer to DOLI9 - **s.9(2)(a)** Page 2, 3

Refer to Police Pol 47 Report for Coroner form

Refer to Investigation Log - GIBSON

Refer to photograph 5582962/02

Refer to DOLI9 - **s.9(2)(a)** Page 20

Refer to photograph 5582962/03

Refer to Police Sudden Death File

Refer to DOLI9 - **s.9(2)(a)** Page 11

Refer to tiger keeper training records – Tab 'S' Hamilton Zoo Documents folder

Refer to DOLI9- **s.9(2)(a)** Page 14

2. Enclosure:

The tiger enclosure that is involved in this incident was originally built in 2000 / 2001. It is referred to as the 'old tiger house' as another tiger enclosure was built some years later for Sali and her cubs. (The new tiger house). The 'old tiger house' remained unchanged until 2012 when modifications were made in anticipation of future breeding programmes.

In 2013, following a near-miss incident with Sali, the keeper gate was relocated and altered. The original single gate system was replaced with a two gate 'airlock' system where one gate must be closed before the other is opened. This new gate needed to be big enough to accommodate a wheelbarrow and therefore its original position was not sufficient for the area the new gate required. Options considered were:

1. Realign the fence – which was deemed too expensive and the tigers would have required to be locked up for long periods.
2. Place the 'airlock' inside the enclosure – this is contrary to animal containment standards as a tiger could jump up on top of it and use it as a stepping stone to escape over the fence.
3. Move the gate to another location.

Subsequently, the keeper gate was moved away from its original placing and the new modified gate installed adjacent to the off-display enclosure.

In its original location, the keepers had to walk along the 'cat chute', the walkway that the tigers use to exit and enter the dens and off-display enclosures and could check to see whether the sliding containment gates were up or down, before entering the enclosure.

Following the repositioning of the keeper gate, the keepers were less likely to do this. This was to prove a factor in this incident.

As stated, the 'cat-chute' is fitted with a number of sliding steel gates, which are used to either contain the tigers, or stop them from entering different areas of the enclosure. Each gate is fitted with a heavy steel counter-weight which sits on the outside of the 'cat-chute'. These counter-weights assist in lifting the heavy steel gates which without the help of the counter-weights, would be too heavy to lift on their own.

The counter-weights work in opposition to the sliding gates in that when the gate is down, the counter-weight is up and vice versa.

At the time of Mrs KUDEWEH's incident, all of the steel work, gates, and counter-weights were a galvanized grey colour. This made identifying which gate was up or down difficult to see, unless a close-up inspection was made.

The zoo had explored painting the counter-weights a distinctive colour which would have made identifying whether a gate was up or down considerably easier, even at a distance. When this was raised prior to Mrs KUDEWEH's incident, it was determined that the zoo could not afford to buy the paint.

Following this incident however, the counter-weights have been painted.

Where Evidence Recorded & How Element Proved
Refer to map of tiger enclosure
Refer to DOLI9- 9(2)(a) Page 14
Refer to MAF Biosecurity Standard 145.03.04 Containment Facilities for Zoo Animals page 32
Refer to DOLI9- 9(2)(a) Page 20, 21
Refer to photograph 5582962/08
Refer to photograph 5582962/06
Refer to DOLI9 – Richard KUDEWEH page 8
Refer to DOLI9- 9(2)(a) Page 27
Refer to DOLI9 s.9(2)(a) Page 32, 33
Refer to DOLI9- 9(2)(a) Page 15
Refer to photograph 5582962/07
Refer to DOLI9 – Richard KUDEWEH page 10,11
Refer to photograph 5582962/06 & 07
Refer to DOLI9 – 9(2)(a) Page 18
Refer to DOLI9 s.9(2)(a) page 20
Refer to DOLI9 s.9(2)(a) Page 38 Refer to DOLI9 9(2)(a) Page 9

3. Procedure – Old tiger house:

The Hamilton Zoo currently has 5 Sumatran tigers; 2 females, 2 cubs and one male, Oz. The mother tiger, Sali and cubs are kept separate in another tiger enclosure referred to as the ‘new tiger house.’

Oz and the other female, Mencari are free to interact during the day in the outside enclosure, the main enclosure where members of the public would normally view the animals, but during the night, the tigers are separated in the event that they fight and injure each other. They have alternate nights out in the outside enclosure.

The tiger that is outside during the night has access to its den and holding or ‘off-display’ area. The other tiger is secured in its own den during that time.

In the morning the ‘outside tiger’ is usually waiting in the off-display enclosure as it is in the routine of being fed the same time every morning. This strict routine also helps to minimise the development of stereotypical behaviour in caged big cats whereby they pace back and forth. Sometimes however, the tiger will not be in the off-display area and needs to be called or coaxed into the enclosure so that it can be secured.

At feeding time, both tigers are secured in their individual dens, and the keeper places meat in the ‘feed flap’ located in the fences of the ‘off-display’ enclosures. The tigers are then let out into the off-display enclosures to eat; the keeper then walks around to the sliding doors on the ‘cat-chute’ and locks the tigers in ensuring at least 2 sliding doors are closed between the cats and the outside enclosure. This leaves the outside enclosure safe to be entered by keepers for cleaning or whatever is required, as both tigers are secured.

Other factors:

Workload / distractions:

All zoo keepers interviewed stated that their workloads were such, that it was a daily struggle to get their routines done. Add to that daily distractions and unforeseen events and often there were not enough hours in the day to complete their work.

In 2013, Tiger Keeper [REDACTED] s.9(2)(a) forgot to lock a den door which allowed female tiger Sali, to exit her den. The tiger then passed through another open internal door, which was routinely left open to allow the washed floor to dry. She then walked outside and through the single keeper gate and entered the enclosure behind Ms [REDACTED] s.9(2)(a)

Ms [REDACTED] s.9(2)(a) calmly left the enclosure and secured Sali who fortunately, had been hand reared and was used to close contact with keepers.

When spoken to about the incident, Ms [REDACTED] s.9(2)(a) stated the following:

- It was her first day back after three weeks leave.
- It was a weekend when there were less keepers working.
- As well as her normal carnivore routine, she had the added workload of having to check injured Wild Dogs who had been fighting and some of which were injured, hand feed baby Red Panda’s and on top of that had a public tiger show to set up.

Where Evidence Recorded & How Element Proved

Refer to photograph 5582962/04

Refer to DOLI9 [REDACTED] s.9(2)(a) Page 8
Refer to DOLI9 [REDACTED] s.9(2)(a) Page 11-13

Refer to photograph 5582962/01 and 5582962/06

Refer to DOLI9- [REDACTED] s.9(2)(a) Page 13

Refer to DOLI9 [REDACTED] s.9(2)(a) Page 13,14

Refer to DOLI9- [REDACTED] s.9(2)(a) Page 19

Refer to DOLI9 [REDACTED] s.9(2)(a) Page 20

Refer to DOLI9 [REDACTED] s.9(2)(a) Page 7

Refer to DOLI9 - [REDACTED] s.9(2)(a)

Refer to DOLI9 [REDACTED] s.9(2)(a) page 3

Refer to DOLI9 [REDACTED] s.9(2)(a) page 7,8

Refer to DOLI9 [REDACTED] s.9(2)(a) page 19

- o The PA system was playing up which added more distraction / stress to her already busy day.

No harm resulted but subsequently, the zoo moved the single keeper gate to the new location and modified it into a double gate system. A key retention system was also introduced. Ms **s.9(2)(a)** was stood-down from working with the tigers for over 12 months.

The key retention system made securing Oz more difficult following the incident. The sliding containment gates in the 'cat-chute' were now required to be locked open. When Ms **s.9(2)(a)** was attempting to secure Oz after luring him away from Mrs KUDEWEH, she had to locate the tiger enclosure keys to unlock the gates, as well as try to keep the aggressive tiger at bay so to allow her to do this.

The previous method would have simply involved sliding a bolt and dropping the gate. Keepers spoken to could see no benefit to locking the gates open.

Staffing numbers:

Keepers interviewed stated that the zoo was critically under staffed and under resourced and had been that way for many years. As previously stated, keepers struggled to complete their daily tasks and routines and rarely finished work on time. Added to that was daily distractions, unforeseen events, animals becoming sick or injured or public interactions. On weekends it was exacerbated because there were less staff rostered on. Both tiger incidents that have occurred at the Hamilton Zoo occurred on weekends.

A number of staff had heard it said, 'someone is going to die if changes aren't made'. In his statement Mr STANDLEY stated that he had advised the HCC that with the current staffing level, an accident was more likely. He however never believed that a fatality would occur.

Due to staffing numbers, keepers of the most dangerous animals, the Chimpanzees and Tigers, worked alone. The only keepers that worked in pairs were the Savannah keepers and this was due to the large number of animals to care for and the sheer size of the enclosure.

Zoo Director Steven STANDLEY provided ratios of keepers to animals which were taken from the International Zoo Yearbook. It stated that Auckland and Wellington Zoos had a ratio of 1 keeper per 7 animals, Orana Park in Christchurch had a ratio of 1 keeper per 14 animals and Hamilton had a ratio of 1 keeper per 21 animals.

Gun handler policy:

Zoos are required to have trained and licensed gun handlers on site in the event of a dangerous animal escaping. The MAF Biosecurity Standard 145.03.04 Containment Facilities for Zoo Animals states that during visiting hours, a handler must be no more than 5 minutes away and within 30 minutes after visiting hours. In her statement Miss **s.9(2)(a)** stated that on most weekends the zoo did not have a gun handler on site.

On the day of this incident, gun handler **9(2)(a)** was phoned

Where Evidence Recorded & How Element Proved
Refer to photograph 5582962/09
Refer to DOLI9 - 9(2)(a) Page 21
Refer to DOLI9 - s.9(2)(a) Page 34
Refer to DOLI9 – Richard KUDEWEH page 8
Refer to DOLI9- s.9(2)(a) pages 8 -12
Refer to DOLI9 - 9(2)(a) Page 19
Refer to DOLI9 – Richard KUDEWEH page 13
Refer to DOLI9 – s.9(2)(a) page 31 – 33 ,43
Refer to DOLI9- s.9(2)(a) Page 17,18,25
Refer to DOLI9 – s.9(2)(a) Page 13,37,39
Refer to DOLI9- STANDLEY Page 11
Refer to DOLI9- 9(2)(a) Page 10
Refer to DOLI9- s.9(2)(a) Page 15
Refer to DOLI9- s.9(2)(a) Page 28
Refer to DOLI9- STANDLEY Page 7
Refer to MAF Biosecurity Standard 145.03.04 Containment Facilities for Zoo Animals page 34 8.2.3.6
Refer to DOLI9- s.9(2)(a) Page 28
Refer to DOLI9- STANDLEY Page 29

and it took him 25 minutes to arrive from his home in s.9(2)(a) Both he and Mr STANDLEY confirmed that the Hamilton Zoo's policy states that a gun handler must be available within 30 minutes. g(2)(a) believes this is too long.

Although this was not a factor in this incident, it demonstrates the need for existing policies to be reviewed.

Portable radios:

Another issue that was highlighted during the investigation was the zoo's portable radios. It was common for the radios to be inadvertently turned off, turned down or knocked off the channel. Staff spoken to said that this was a regular occurrence and that you had to get into the habit of checking constantly. The use of or the carrying of cell phones was discouraged as it was believed that they would be a distraction.

Although not causative in this incident, the fact that no one was particularly concerned at first when Mrs KUDEWEH could not be contacted meant that if in fact she was need of assistance, help was delayed in getting to her.

Weather:

As mentioned elsewhere in this report, the zoo and Waikato area was subjected to a massive thunderstorm. In some areas, hailstones were 200mm deep. This had an adverse effect on the zoo in that pathways were flooded and animals required sheltering.

Prior to the fatal incident and during the downpour, Mrs KUDEWEH had spoken to Ms s.9(2)(a) about how her area of the zoo was holding up. Although it can only be surmised that this was an added distraction, it cannot be discounted as it is too much of a coincidence that it happened around the same time.

Most likely scenario based on evidence available

There were no witnesses to the event, so the following is based on evidence available, including statements, policy and procedure. Similarities with the 2013 incident have also been referred to.

- Mrs KUDEWEH was rostered on to her 'once every three weeks' weekend on.
- As a senior handler, one of seven that can work with tigers, she often worked the 'carnivore run'.
- It has been stated that it was several weeks since she last worked with the tigers. She had however worked the same run the day before. (s.9(2)(a), who was involved in the 2013 near miss, was away from the tiger run for 3 weeks.)
- Being a Sunday, there were fewer keepers rostered on, and therefore the runs included extra chores. (The 2013 incident also occurred on a weekend.)
- A visitor from another zoo arrived but it is unknown whether Mrs KUDEWEH was expecting them. During her run, a torrential downpour occurred which meant that paths became flooded, animals required shelter etc. These were added distractions. (Ms

Where Evidence Recorded & How Element Proved
Refer to DOLI9 g(2)(a) Page 6
Refer to DOLI9- s.9(2)(a) Page 23
Refer to DOLI9 s.9(2)(a) page 6,12
Refer to DOLI9 – Richard KUDEWEH page 35
Refer to DOLI9- s.9(2)(a) Page 22
Refer to NIWA data on rainfall – 20/09/2015
Refer to DOLI9- s.9(2)(a) Page 24
Refer to DOLI9- s.9(2)(a) Page 4,8,24
Refer to DOLI9 g(2)(a) Page 16,17
Refer to DOLI9 g(2)(a) Page 24
Refer to DOLI9 s.9(2)(a) page 27
Refer to DOLI9- s.9(2)(a) Page 11
Refer to DOLI9- s.9(2)(a) Page 26
Refer to DOLI9 s.9(2)(a) page 3

s.9(2)(a) was also distracted with extra tasks and responsibilities.)

- It appears that Mrs KUDEWEH arrived at the tiger enclosure and had followed the procedure to a point as meat was still present following the incident.
- It appears that Oz was not secured in the 'off-display' enclosure as dictated in the procedure. Reasons for this could have included:
 - Oz could not hear Mrs KUDEWEH call him from where he was in the outside enclosure because of heavy rain.
 - In contrast it was stated that tigers would seek shelter in that type of weather. However it is unclear if Oz would have done this outside, either among vegetation or under a tree.
 - It is assumed that he did not enter the off display as the meat was not eaten and Mrs KUDEWEH would have subsequently secured him inside.
- Mrs KUDEWEH was found wearing full wet weather gear. She was known to rarely wear a raincoat unless it was raining hard. It is unknown whether she departed from process to put this on and simply missed a step in the procedure. It is also unknown when during the process, she would have put on the wet weather gear.
- A short time later, while at the Cheetah enclosure, which is located approximately 100 metres further along the carnivore run, she radioed Ms **s.9(2)(a)** and the two discussed how the downpour had affected the rhinoceros and surrounding enclosures.
- When Mrs KUDEWEH returned to the tiger enclosure, the process was to cut bamboo for the Red Panda's and she would have gone to get the loppers.
- It is not known where Oz was at the time Mrs KUDEWEH returned to the tiger enclosure. It appears however that she walked directly to the keeper gate and entered the main enclosure.
- There was no safety features or warning signs to indicate that the tiger had not been secured. The process relied on individuals following a set process and did not take into account lapses in focus; despite a similar event two years prior.
- Moments later, it appears Mrs KUDEWEH was attacked from behind and dragged away. This is suggested because she had not had sufficient time to cut any bamboo. Her loppers were located next to the bamboo as was her cap and radio. Injuries sustained indicated an attack from behind. This is also typical behaviour for a tiger.
- It has been suggested that Oz was not used to seeing keepers dressed in full wet weather gear and mistook Mrs KUDEWEH who was dressed in dark shiny (wet) clothing as a mussel buoy, which was his favourite toy. Mr **s.9(2)(a)** however stated that it would not have mattered what Mrs KUDEWEH was wearing, Oz would have acted the same.
- Reception attempted to contact Mrs KUDEWEH to advise that her visitor had arrived but there was no reply to radio or cell phone. It was then that Ms **s.9(2)(a)** went to see where she was. Initially there was no concern as often keeper's radio's got turned off, or turned down and they did not answer.

Where Evidence Recorded & How Element Proved

Refer to DOLI9-**s.9(2)(a)** Page 25,26

Refer to DOLI9-**s.9(2)(a)** Page 13

Refer to photograph 5582962/02

Refer to Police Pol 47 Report for Coroner form

Refer to Post Mortem Report

Refer to DOLI9 – Richard KUDEWEH page 2

Refer to DOLI9-**s.9(2)(a)** Page 2

Refer to DOLI9**s.9(2)(a)** Page 28, 29

Significant hazard Involved

Keeper contact with large aggressive carnivore.

Current State of Knowledge

In 2007, the Ministry of Agriculture and Forestry released Standard 154.03.04 Containment Facilities for Zoo Animals. This document describes the structural and operational requirements for enclosures used to house various zoo animals and is available on the Ministry for Primary Industries website.

It discusses each animal type chapter by chapter, the animals' physical abilities, behaviours etc and the best types of enclosures for each. It also covers the subject of Keeper Safety. Chapter 8 which focuses on Carnivores C1: Felids and Ursidae (Cats and Bears) excluding Cheetah, prescribes the types of fencing, gates and facilities required.

Husbandry Manuals and Standard Operating Procedures were acquired from Wellington and Auckland Zoos, both of who have Sumatran Tigers among their menagerie.

Both of these zoos use a two keeper system for tigers.

The United Kingdom's Health and Safety Executive also published a document - Managing health and safety in zoos.

This too prescribes containment and processes to be adopted and states: *Risk assessment covering greater risk species should specify what control measures are required prior to a keeper entering an enclosure, eg.*

- *The use of an effective system to check that the animals have been isolated prior to a keeper entering the enclosure.*

Practicable Steps that could have been taken

1. The HCC could have employed sufficient staff to ensure a 2 keeper system with the dangerous animals, particularly tigers. This in in line with both Wellington and Auckland Zoos. This was suggested by Worksafe NZ on the day of the incident and has since been adopted by the zoo. *Post-incident, four new keepers have been employed by the HCC.*
2. The HCC could have had fitted mechanical interlock devices to the gates at the tiger enclosure which would prevent the keeper gate being opened if the sliding gates in the 'cat chute' were all open. This technology is used in many workplaces and is readily available. *Post-incident, this option is being explored by the HCC.*
3. The keeper gate could have been left at its original location. This provided a 'second chance' for a keeper to double check that both tigers had been contained before entering the enclosure. This has been highlighted as a major component to this tragedy by a number of experienced zoo keepers. *Post-incident, the keeper gate is being moved back to its original position, albeit with a modified design.*
4. Staff working with tigers that have been away from the process for more than two weeks due to leave etc, should be placed on less

Where Evidence Recorded & How Element Proved

Refer to the Ministry of Agriculture and Forestry - Standard 154.03.04 Containment Facilities for Zoo Animals.

Refer to Auckland Zoological Park - Carnivore Section, Husbandry Procedures Manual

Refer to Wellington Zoo- Standard Operating Procedures for Serving Tigers.

Refer to The United Kingdom's Health and Safety Executive- Managing health and safety in zoos. Page 22

Refer to DOLI9- STANDLEY Page 22

Refer to DOLI9 **g(2)(a)** Page 14

Refer to DOLI9 **g(2)(a)** Page 21

Refer to DOLI9 – Richard KUDEWEH page 8

Refer to Zoo Action Plan D-1969518

dangerous runs and supervised, regardless of experience, for the first few days back at work. *This was put in place following the 2013 incident but appears to have been discontinued.*

5. CCTV inside the dens to allow the keepers to confirm that both tigers were secured or present.
6. The counter-weights on the 'cat-chute' sliding gates could have been painted bright colours so that at a glance, the keepers could tell if the gates were up or down before entering the enclosure. *Post-incident, these have been painted.*
7. Signage could have been placed on the keeper gates reminding keepers to double check that both tigers were secured. *Following the incident, these have been put in place.*

Conclusions

- The Hamilton Zoo has been running on a very tight budget for a number of years. This ultimately led to a shortage of staff which in turn led to staff having to work on their own with dangerous animals (tigers and chimpanzees).
- Staff interviewed all stated that workloads were barely manageable.
- The cheapest alternatives were often chosen in regards to enclosure modification as demonstrated by the moving of the keeper gate.
- Despite insisting that the 2013 incident was in no way related to this matter, it was the modifications made as a result of the 2013 incident that played a major role. Indeed, similarities between the two incidents include:
 - Both happened on a weekend when rostered staff have a greater workload,
 - Both keepers were working alone,
 - Both keepers had added distractions,
 - Both had been away from the process for several weeks.
- During the interview with Zoo Director Stephen STANDLEY, an Action Plan was offered up in which it lists a number of changes which have and are to be made.
- Further, a full health and safety review of the zoo's processes is planned and at a significant cost.
- These steps, it is suggested, could have been carried out prior to this incident and is likely that in doing so, this matter may have been prevented.
- When interviewed under caution, HCC representative Lance VERVOORT, General Manager Business – Community stated:
 - He was not aware of staff shortages and believed staffing

Where Evidence Recorded & How Element Proved

Refer to exhibit WAI/5582962/06

Refer to DOLI9 – VERVOORT

numbers were adequate. He stated that if the zoo had concerns with its staffing numbers it should have brought this to the attention of senior management.

- He felt that the zoo's 30 minute response time for gun handlers was adequate.
- He confirmed that Mrs KUDEWEH was an employee of the Hamilton City Council.
- He confirmed that she was 'at work' as Zoo Curator at the time of her death.
- He stated that 'potentially' the moving of the keeper gate in 2013 was a causative factor in this incident.

Recommendation

It is apparent that the Hamilton City Council has breached Section 6 of the Health and Safety in Employment Act 1992 in that being an employer, it failed to take all practicable steps to ensure the safety of its employee, namely Samantha Lynda KUDEWEH.

Given that this incident involved a death and with the amount of public interest in this case, it is therefore recommended that the HCC be prosecuted.

Where Evidence Recorded & How Element Proved

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RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982