

## QUICKSCAN

- 1 *Proposed IR would jeopardise employee safety and lead to more workplace accidents and deaths, the WA government says*
- 2 *Tests on standard-issue police firearm equipment have revealed dangerous flaws.*
- 2 *Karratha will host two Work Safe 2005 Forums*
- 2 *ACT WorkCover Inspectors will visit dry cleaning businesses*
- 2 *The Victorian Government will establish a Workcover Ombudsman to handle WorkCover and TAC complaints*
- 3 *The WA Government has appointed judge Peter Nisbet to oversee the new workers' compensation dispute resolution system*
- 3 *The SA Government's bill to crackdown on crowd-controller violence and organised crime associated with the security and hospitality industries has passed*
- 3 *Tasmanian businesses, organisations and individuals are being encouraged to enter the 2005 Workplace Safe Awards.*
- 4 *BHP Billiton is facing four charges over a fatal gas explosion at its Boodarie iron plant in Western Australia's north.*
- 4 *The NSW government has strengthened the powers of the state's transport regulator*
- 4 *Rail safety in Tasmania will be enhanced with the provision of additional funding for the State Government Rail Safety Unit.*
- 5 *The WA Government has provided an additional \$1million to improve regulation of the resource and dangerous goods industries.*
- 5 *NSW Minister for Commerce announced the formation of a panel to advise the Government on changes to a key definition within workers compensation legislation.*

## Gov't Says OHS Jeopardised if IR Laws Change

By Heather Quinlan

May 26 2005

Proposed industrial reforms would jeopardise employee safety and lead to more workplace accidents and deaths, the West Australian Labor government says.

A reduction in job security and lower wages were also inevitable, WA Consumer and Employment Protection Minister John Kobelke said.

Prime Minister John Howard outlined to federal parliament today the government's planned IR reforms, including the creation of a single national system, changes to the way the minimum wage is set and an exemption from unfair dismissal laws for businesses with up to 100 workers.

State government concerns about Mr Howard's much-vaunted workplace overhaul were today echoed by WA's Liberal Opposition Leader Matt Birney, who maintained reform could be achieved without abolishing state systems.

Mr Kobelke launched a scathing attack on Mr Howard's "arrogance" and "right-wing political views", which he said would return Australia to 19th century industrial exploitation.

"That causes me concern, that a prime minister of Australia would have the arrogance to put his own ideology and right-wing political views above having effective and efficient workplaces and making sure they are safe and pay decent wages," Mr Kobelke told reporters.

"When you remove the right to take an unfair dismissal, who is going to speak up when there is unsafe equipment or unsafe work practices?"

"(Workers) will know that if they lose their job they will have no way of taking a claim to get reinstated.

"What you are doing is throwing health and safety out the window.

"This is something the Australian people, I believe, totally reject, but Howard having the arrogance of the numbers in the Senate believes he can impose his personal view on the employers and businesses of this nation."

Mr Birney said his party supported the retention of state and federal industrial relations systems for WA employers and employees.

"While I support the outcome of the federal government's industrial relations reform, I have some difficulty with the process," Mr Birney said in a statement.

"I believe the outcome sought by the federal government can be achieved with state-based legislation, and that is something I am discussing within the confines of the WA Liberal Party at the moment."

Mr Kobelke rejected Mr Howard's claim minimum wages would not drop.

"That's what the (Richard) Court government said and within a few years the minimum wage in WA was \$50 a week below the rest of Australia," he said.

Mr Kobelke said WA would join other states to fight implementation of the IR reforms.  
AAP



Canberra, May 26, 2005. Prime Minister John Howard announces his industrial relations policy with workplace relations Minister Kevin Andrews. (AAP Image/Mark Graham)



# SAFETY AT WORK BULLETIN

## Slain Officer's Gun Flawed

May 27 2005

Tests on standard-issue firearm equipment used by a Victorian police officer who was shot dead with his own gun have revealed dangerous flaws.

Senior Constable Tony Clarke, 37, was shot once in the upper body with his own service revolver by a man he had pulled over on a lonely stretch of the Warburton Highway at Launching Place, east of Melbourne, on April 24.

Tests conducted by firearms experts on Senior Constable Clarke's holster have shown that its safety cover popped easily when grabbed, a Melbourne newspaper reported today.

Police investigations have shown that Mark Bailey, a man with a history of mental illness who later shot himself, probably managed to remove the policeman's revolver from his service belt even though the holster is designed to stop offenders from grabbing police weapons.

More than 7,000 police gun holsters will be checked following tests that showed the dead policeman's gear almost certainly failed when he was attacked by Bailey, The Age said today.

The holsters are used by all operational police despite senior officers becoming aware of safety concerns within months of their issue in 2003, the paper said.

During testing on the holsters two years ago members had concerns that offenders may be able to grab police guns during a struggle.

Despite the concerns, voiced to Chief Commissioner Christine Nixon by the police association, the holsters became standard issue.

Sen Const Clarke, an 11-year veteran of the force who was attached to the Knox regional traffic management unit, left behind his wife, Tina, and 16-month-old son Connor.

AAP

## Karratha Hosts Workplace Safety Forums

20 May 2005

Karratha will host two Work Safe 2005 Forums on May 25 and 26, providing an opportunity for Pilbara residents to learn more about workplace safety.

WorkSafe WA Commissioner Nina Lyhne said today the Forums aimed to bring together people with an interest in occupational safety and health to update their knowledge on the latest developments in this arena.

"The Karratha Forums will cover a range of issues and give participants the opportunity to network with others interested in workplace safety," Ms Lyhne said.

"There have recently been significant changes to WA's occupational safety and health laws across all industries including mining, and the Forum will cover these in some detail.

"Of particular interest will be the recent introduction of Provisional Improvement Notices (PINs), which can now be issued in workplaces by suitably trained and qualified workplace safety and health representatives.

"The Forum will also offer the chance to find out more about the emerging workplace issue of bullying. There has been a sharp increase in the number of bullying incidents reported, and there is also an increased awareness of the potential effects on workers."

The Work Safe 2005 Forum is presented by WorkSafe, the Commission for Occupational Safety and Health and the Department of Industry and Resources.

Speakers will include the WorkSafe WA Commissioner, industry experts and Associate Professor Tony Cooke, Chair of the Commission for Occupational Safety and Health.

The Karratha Forums will take place at the Tambrey Centre at 8.00am on Wednesday May 25 and Thursday May 26.

Source: DOCEP

## Safety Audit in Dry Cleaning Industry

May 25 2005

ACT WorkCover Inspectors will visit dry cleaning businesses across the ACT over the next two weeks as part of a major safety audit in the industry. Approximately 41 businesses will be visited during the inspection program to promote awareness of health and safety and ensure employers are meeting their legal obligations under the ACT Occupational Health and Safety Act 1989 (the Act).

"Inspectors will be checking for risk management processes, reporting of injuries and dangerous occurrences and the level of safety training in the workplace," ACT WorkCover Commissioner/CEO Erich Janssen said.

The audit of the dry cleaning industry is in alignment with the national OHS strategy

aimed at reducing occupational disease and the incidence and severity of injury in the workplace agreed between all OHS jurisdictions. A key element is to develop the capacity of business operators and workers to manage OHS effectively.

Key hazards associated with the dry cleaning industry include excessive noise, exposure to solvents and other hazardous substances, ventilation issues and manual handling.

"The audit will assess the performance of the industry in dealing with these safety hazards and will cover all the dry cleaning businesses in the ACT," Mr Janssen said.

The audit will also target compliance in the areas of first aid, workplace amenities and the purchasing and maintenance of appropriate plant and personal protective equipment.

"A letter outlining details and the intent of the planned inspection program has been sent to dry cleaning businesses prior to the audit, and information packs will be supplied by Inspectors on site," Mr Janssen said.

Source: ACT

WorkCover

## New Powers To VWA/TAC

May 21, 2005

The State Government will establish a Workcover Ombudsman to handle WorkCover and TAC complaints, the latest move in a series of historic reforms to the accident compensation sector in Victoria.

Announcing the move at ALP State Conference, the Premier, Steve Bracks, said the WorkCover Ombudsman would in effect be WorkCover's watchdog.

"Injured workers who believe they have been treated unfairly will be able to make a complaint and that complaint will be heard by an independent umpire," Mr Bracks said.

Mr Bracks said the Government regarded access to fair compensation for any person injured on our roads or in our workplaces as a fundamental right.

"This change will ensure all injured workers, regardless of their employer's insurance arrangements, will have access to the same level of service," Mr Bracks said.

"It makes sense because it will result in greater efficiencies that may lead to reduced premiums for motorists and employers in the future."

WorkCover Minister John Lenders said the change was part of the Accident Compensation and Transport Accident Acts (Ombudsman) Bill 2005 introduced into Parliament this week.

The Bill confirms the current powers of the State Ombudsman to include VWA claims agents and self-insurers, so all Victorians have equal access and rights to resolution.

Continued on page 3



Continued from page 2

"The reforms ensure Victoria continues to lead Australia in accident compensation through a combination of strong financial management and socially progressive benefits and supports," Mr Lenders said.

The Ombudsman, George Brouwer, welcomed the changes. "These powers are consistent with the mandate of the Ombudsman's office and will help ensure claims are managed in the most efficient and fairest way possible," he said.

The main functions of the WorkCover Ombudsman will include investigating and resolving individual complaints, educating the public and the industry about the role, as well as recommending solutions to systemic problems.

Source: Premier's Office

## Eminent judge to oversee workers' compensation disputes

May 25 2005

The State Government has appointed eminent judge Peter Nisbet to oversee the new workers' compensation dispute resolution system, Consumer and Employment Protection Minister John Kobelke announced today.

Mr Kobelke said he was pleased to be able to secure a person of Judge Nisbet's calibre as commissioner of the new Dispute Resolution Directorate, established by the Gallop Government as part of its comprehensive reform of workers' compensation laws.

"Judge Nisbet has considerable experience both as a judge and as a solicitor and barrister practising across a wide range of civil and criminal law, and I am confident he will carry out the duties of commissioner with distinction," the Minister said.

The new Dispute Resolution Directorate comes into operation on November 14, along with improvements to the workers' compensation injury management system and simplified access for injured workers claiming compensation in the common law system.

Mr Kobelke said Judge Nisbet, who would take up the position on July 1, would play a crucial role in shaping and overseeing the Gallop Government's new workers' compensation dispute resolution framework.

"The commissioner's first task will be to establish the procedures by which the Government's new, streamlined workers' compensation dispute resolution process will operate," he said.

"Once the system is operating, it will be Judge Nisbet's role to hear appeals against the decisions of workers' compensation arbitrators, as well as to determine any new or complex questions of law that come up in resolving workers' compensation disputes. "I am sure that, under the direction of such an experienced judge, the appeal resolution process will be considerably improved, operating with greater

fairness, efficiency and speed."

The Minister said work on the new dispute resolution rules had begun ahead of Judge Nisbet's appointment, with consultation undertaken with legal practitioners and other interested parties on a set of draft rules.

The commissioner will remain a judge of the District Court.

More information about the reforms that will be implemented on November 14 and those implemented on January 4 is available on the WorkCover website at <http://www.workcover.wa.gov.au>

Source: Consumer and Employment Protection

## Tougher Crowd Controller Conditions Pass Parliament

23 May 2005

The State Government's bill to crackdown on crowd-controller violence and organised crime associated with the security and hospitality industries has passed through both houses of Parliament.

The legislation provides for more robust checks on licensees and disciplinary action against existing licensees who may be involved with organised crime.

It also deals with assaults in and around licensed premises by licensed crowd controllers and provides for greater accountability of crowd controllers and licensees of licensed premises.

Attorney-General Michael Atkinson says it's the first law of its type in the nation and it is designed to put a stop to the involvement of biker gangs and other organised-crime groups in the liquor, gambling and security industries.

"This clean-up is in response to police concerns that more than 60 licensed premises around the State had hired security firms with links to outlaw motorcycle gangs and as many as eight out of 10 licensed venues in Adelaide's CBD hired staff from companies with biker connections," says Mr Atkinson.

"Crowd controllers are supposed to be there to make sure that patrons are safe and that all is in order in our pubs and clubs.

"They should not be a front for drug dealing and other criminal behaviour, such as siphoning profits or running I.D. theft and fraud rackets.

"As well as tightening the rules when it comes to who can be a bouncer, we're spending an extra \$1 million a year on more policing and licensing requirements .

Under this new regime, an applicant for a crowd controller licence will be judged by the company he keeps, as well as any intelligence police may have about him ( Police information can be provided to licensing authorities confidentially, so as not to harm any investigation or legal proceedings).

Continued on page 4

## Workplace Safety Awards Go National

22 May 2005

Tasmanian businesses, organisations and individuals are being encouraged to enter the 2005 Workplace Safe Awards.

The Minister for Infrastructure, Energy and Resources, Bryan Green, said for the first time winners in three of this year's awards categories would go on to compete in the inaugural national safety awards.

"The awards always provide excellent recognition for winners within the State, but this year there is also the potential for recognition Australia-wide," Mr Green said.

"Whether you're Tasmania's smallest or biggest company, or a farmer who has created a smart safety system, the annual Workplace Safe Awards are a great opportunity to gain recognition for workplace health and safety initiatives."

Mr Green also urged small businesses to enter their safety initiatives in the small business category of this year's awards.

"As a small business in Tasmania, receiving an award for a good safety initiative tells potential customers that you're a leader in your field and worth dealing with," he said.

"The winner of the small business category in 2004 was St Leonards company, D&L Morrison Machinery Spares.

"D&L Morrison's entry was based on identification of a manual handling hazard in moving large glass sheets and the development of an innovative glass handling jib to remove the hazard."

Awards entries close at 5pm on Friday, 1 July and winners will be announced at a gala presentation dinner on Friday 28 October. This year's Master of Ceremonies is to be renowned radio and television presenter, mathematician, author and comedian, Adam Spencer.

It's easy to enter - simply download the entry information from Workplace Safe's website at [www.workplacesafe.tas.gov.au](http://www.workplacesafe.tas.gov.au)

Source: Minister for Infrastructure, Energy and Resources



# SAFETY AT WORK BULLETIN

## BHP Charged On Fatal Explosion

May 25 2005

Resources giant BHP Billiton is facing four charges over a fatal gas explosion at its Boodarie iron plant in Western Australia's north.

Operations at the hot briquetted iron (HBI) plant near Port Hedland have been suspended since the explosion that claimed the life of 32-year old James Wadley as he carried out maintenance on a closed section last May.

Three other workers suffered serious burns in the blast.

WA's Department of Industry and Resources (DoIR) today said it had charged BHP Billiton Direct Reduced Iron under sections 9(1) and 9(8) of the Mines Safety and Inspection Act 1994.

The charges follow the department's assessment of a report ordered into the Boodarie HBI operations by the State Mining Engineer and DoIR's own investigation of the incident.

The act states an employer must, as far as practicable, provide and maintain at a mine a working environment in which employees are not exposed to hazards.

It also states that an employer who contravenes this requirement, causing the death of, or serious harm to an employee, has committed an offence.

A maximum penalty of \$200,000 for employers, or \$20,000 for an individual, applies where it is found a breach caused death or serious harm.

BHP Billiton spokesman John Crowley said the company was reviewing the documents but it would be inappropriate to comment further on the matters as they were before the courts.

The case will be heard in Perth Magistrate's Court.

Mr Crowley said a decision on the long-term future of the hot briquetted iron (HBI) plant would be made in coming months.

AAP

Continued from page 3

The new reforms include :

- Compulsory licence suspension for crowd controllers charged with certain offences (e.g. assault, drug or firearms matters);
- Power to suspend the licence of any security agent (by the Commissioner for Consumer Affairs);
- Automatic cancellation of a security agent's licence if convicted of prescribed offences;
- Fingerprinting of security agents;
- Random alcohol and drug testing of crowd controllers;
- Power to require a psychological assessment of crowd controllers or applicants;
- Requirement of crowd controllers to undertake specified refresher training.
- There is right of appeal against a Commissioner's determination.

Funding for the tougher licensing and enforcement regime will provide 15 extra SAPol employees (six previously approved) and five more positions in the Office of Consumer and Business Affairs.

Source: SA Government

### Gov't upgrades rail legislation

May 26 2005

The NSW government has strengthened the powers of the state's transport regulator to ensure a safer and more reliable rail system.

Minister for Transport John Watkins said new legislation, introduced to parliament overnight, further enhanced the powers of the Independent Transport Safety and Reliability Regulator (ITSRR).

As part of the government's response to the Waterfall Rail Accident, Mr Watkins said the government had implemented a number of the recommendations from an inquiry into the tragedy.

"The legislation is part of our commitment to the victims of the Waterfall accident and their families, and our promise to the people of NSW to deliver a safe and more reliable rail system," Mr Watkins said in a statement.

Seven people and driver Herman Zeides died when a train derailed two km south of Waterfall railway station, south of Sydney on January 31, 2003.

Mr Watkins said the legislation provided legal backing for the minister to establish boards of inquiry to investigate serious accidents.

"The government has simplified the inquiry process for serious transport accidents to allow for a more efficient and rapid response," he said.

The legislation also includes additional regulation-making powers for the Rail Safety Act, to clarify the obligations of rail operators.

"These new powers will ensure ITSRR can enforce set standards against train communications, rolling stock, passenger security and rail infrastructure," Mr Watkins said.

"ITSRR will be able to provide more explicit guidance for industry as to expectation of safety performance.

"These changes are another step towards a safer and more reliable rail network for passengers and staff across NSW." AAP

### Rail Safety Unit To Be Enhanced

26 May 2005

Rail safety in Tasmania will be enhanced with the provision of additional funding for the State Government Rail Safety Unit.

The State Budget allocates \$258,000 towards rail safety.

The Minister for Infrastructure, Energy and Resources, Bryan Green, said today that the funding would strengthen the unit's ability to provide strategic direction for, and day-to-day administration of, rail safety.

The unit provides critical support for the Rail Safety regulator in his role of administering rail safety in Tasmania.

There are eleven accredited railway operators in Tasmania, encompassing commercial freight, commercial tourist and heritage railways.

The West Coast Wilderness Railway alone carries 60,000 passengers of the 91,000 passengers carried each year.

"The railway industry in Australia is undergoing significant reforms, especially in the area of rail safety, and there is a commitment by both Federal and State Governments to raise the level of safety throughout the railway industry," Mr Green said.

"Among the Rail Safety Unit's ongoing objectives are the development and implementation of a three-year strategic rail safety plan which includes trend analysis of the underlying cause of rail incidents, a strengthening of the compliance auditing process and the ongoing implementation of a contemporary approach to the assessment and management of railway risks.

"It will also enable the Government to fulfil its rail safety statutory obligations to the Tasmanian community and commitments to the national rail reform program and national rail safety forums."

Source: Minister for Infrastructure, Energy and Resources

Continued on page 5



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Continued from page 4

## Move To New Mine Safety Regime

27/05/05

The State Government has provided an additional \$1million to improve regulation of the resource and dangerous goods industries.

In a joint statement released today, State Development Minister Alan Carpenter and Consumer and Employment Protection Minister John Kobelke said the additional funds were part of a Government strategy to improve the way in which mine safety was regulated in Western Australia.

Mr Carpenter said the extra money would strengthen the capability of the regulator to deliver a quality service to the industry and the community.

He said the State Government would conduct a feasibility study into establishing a new safety authority for the resources and dangerous goods industries.

The feasibility study - to be conducted over a three-month period - will be undertaken under the auspices of the Minister for State Development.

Mr Carpenter said the study would also look at how much such a move would cost and the transitional arrangements needed to introduce a new regime.

"The feasibility study will examine methodologies, systems, procedures and funding as well as reporting arrangements for the resources safety regulator," he said.

"While the feasibility study is under way, the Minister for Employment and Consumer Protection will take responsibility for administering the relevant legislation, including the Mine Safety Inspection Act and the Dangerous Goods Act.

"This will involve all staff currently employed to administer these acts in the Department for Industry and Resources moving to the Department for Consumer and Employment Protection from July 1. The staff will operate as a separate, stand-alone unit."

Mr Kobelke said the recommendation to conduct the feasibility study was contained in an interim report prepared by the Mine Safety Improvement Group (MSIG) - established in January to advise the Government on how to implement the recommendations of the Ritter Inquiry 2004.

The group consists of two representatives each from unions, the mining industry and Government. Two independent experts, Professor Andrew Hopkins and Mr Peter Wilkinson, advised and assisted the group.

Releasing the MSIG's report today for public comment, Mr Kobelke said the group had made 46 recommendations for improvements that would be required to achieve a world-class safety regulatory regime specifically in the minerals industry. However, many of the recommendations could also be applied to the administration of safety in the resources sector generally.

"The report is an important step in our work to ensure Western Australia has a well-

resourced, world-class specialist regulator overseeing safety and health in our vital resources sector," Mr Kobelke said.

"It sets out the features of a proposed framework to regulate occupational safety and health, including promoting occupational safety and health in the minerals industry, policy formation and the setting of appropriate standards for the industry.

"It also highlights the skills and resources - both human and financial - we need to ensure we have the most effective and efficient regulator. This includes attracting and retaining qualified staff and the role of on-site safety and health representatives.

"The report highlights some areas where we can make improvements and I see no reason why we should not also be world-leaders in another aspect - the safety and health of the people who work in the industry."

The report, which will be open for public comment until Thursday, June 23, is available at <http://www.ministers.wa.gov.au/carpenter/> - click on the 'features' button.

To comment on the report, mark written submissions 'Private and Confidential' and post them to the Executive Officer, Mine Safety Improvement Group, Locked bag 14, Cloisters Square, Perth WA 6850 or email them to [jhunt@docep.wa.gov.au](mailto:jhunt@docep.wa.gov.au).

Source: Consumer and Employment Protection, State Development

## New panel to advise on workers compensation coverage

27 May 2005

NSW Minister for Commerce, John Della Bosca, today announced the formation of a panel to advise the Government on changes to a key definition within workers compensation legislation.

Earlier this year, WorkCover NSW released a discussion paper and conducted extensive industry consultation about proposals to make it easier to identify who should be covered by workers compensation policies.

More than 50 submissions were received, highlighting a number of issues relating to independent contractors, labour hire workers and outworkers.

Justice Macken, a former Judge of the Industrial Commission of NSW, has been appointed as the panel's independent facilitator. The panel comprises eight representatives from industry bodies, small business and unions.

"The panel will consider stakeholder comments from the initial consultation and make recommendations to the Government," Mr Della Bosca said. "Workers and employers have asked for clear rules to determine if someone is a 'worker' or a 'contractor' for the purposes of workers compensation premiums. The panel will help the Government deliver this outcome by the end of the year.

"WorkCover will be undertaking an extensive education program in the lead-up to the implementation of the changes," the Minister said.

Source: NSW Minister for Commerce