



SAFETY AT WORK BULLETIN

Proudly Sponsored by the Safety Institute of Australia (Victoria Division)
National Office: PO Box 2078, GLADSTONE PARK Victoria 3043

Issue 7 June 21 2005 ISSN 1832-6714

Website: www.sia.org.au

Email: natadmin@vic.sia.org.au

Supplied by SAFETY AT WORK magazine

QUICKSCAN

- NSW Workcover Fake Certificates** 1
- New Sun Protection Covering** 2
- New Trucking Laws to Cover Fatigue and Deadlines** 2
- AGL Fined \$325,000 over Explosion that Killed Two People Ten Years Ago** 2
- WA Draft Code on Working Hours out for Comment** 3
- Near Miss Results in \$15,000 Fine** 3
- NSW Workcover Premiums get a Shake-Up** 3
- Tilt Trains to Get Automatic Protection** 4
- Survey shows changes in Attitudes to Workplace Smoking** 4
- Man Loses Right Hand in Auger** 4
- NSW Announces Panel for Review of OHS Act** 4
- New Safety Guide on Restumping** 5
- A Parliamentary Inquiry Recommends that the ADF be Stripped of Much of its Power to Investigate Complaints of Abuse and Crime.** 5

WorkCover Officers Took Money for Fake Certificates: ICAC

By Tara Ravens

June 14 2005

A senior New South Wales WorkCover officer accepted money to issue thousands of dodgy certificates enabling people to operate heavy machinery and high-powered construction tools, NSW's corruption watchdog was told today.

Three officers from the WorkCover licensing unit in Gosford on the state's central coast, including senior officer Wendy Whitcher, issued more than 2,500 false certificates for scaffolding, mobile cranes and explosive-powered tools, the Independent Commission Against Corruption (ICAC) was told.

"Investigation has disclosed a very substantial scheme generating the production of false Certificates of Competency which, it seems, are sought after by some of the people responsible for carrying out construction work," counsel assisting the commission, Greg Farmer, told the hearing in his opening address.

"A number of the certificates issued were not supported by the usual paperwork nor by the payment of fees."

Kylie Atkins and Julie Trindall were also implicated in the scam, having collected up to \$400 for each dodgy certificate, Mr Farmer said. "However the evidence obtained by the investigators reveals that the worst offender by far was Ms Whitcher," he said. "It is alleged that Ms Whitcher is responsible for issuing thousands of false certificates."

Ms Whitcher and her defacto husband, Grant Whaanga, allegedly charged \$100 for certificates in dogging, explosive-powered tools, excavator, forklift and basic rigging. The pair charged \$250 for certificates relating to more advanced employment including scaffolding, rigging, mobile cranes and tower cranes, the commission heard. The allegedly corrupt activity was first noticed in May 2004, when WorkCover referred it to the ICAC.

Grant Whaanga worked at WorkCover's licencing unit for eight weeks in 2001, and is the de facto husband of senior WorkCover officer Wendy Whitcher.

He told the Independent Commission Against Corruption he and Ms Whitcher easily set up the bogus licence business because of lax working conditions at WorkCover. He says it was common for workers to use each other's identifications, which made it hard to detect the source of illegal certificates.

Mr Whaanga says he pocketed more than \$60,000 from the dodgy trade between 2000 and 2004, and handed out more than a thousand phoney licences.

Outside the hearing, on June 15, WorkCover said the agency was helping the ICAC with

its investigations.

"WorkCover is also conducting its own investigation internally and externally and has taken disciplinary action against some staff members," the agency said in a statement. "WorkCover has also made substantial changes to the licensing system to prevent corruption."

Construction workers were on waiting lists to buy bogus safety licences from an alleged black market racket which had sold thousands of the fake tickets, a corruption inquiry was told on June 16.

The inquiry today heard evidence from Zoran Ratkovic, a carpenter for Formbrace, Bankstown, who also operated as a middleman or distributor for senior WorkCover officer Wendy Whitcher.

When word got out Mr Ratkovic could easily get hold of the dodgy licences, he said he had no trouble filling an order for at least 10 a month.

"Since we had done it for some guys then they would tell a few people and we wouldn't even need to ask any more," Mr Ratkovic told the court. "People at different sites would ring me and say I have got a few names ... and bring me their lists. The names just built up. I had them waiting there for when we could get them (the tickets)."

Mr Ratkovic told the court since he met Mr Whaanga in 2002 he had sold about 80 to 100 fake licences but admitted the number could be higher. His cut, anywhere between \$20 to \$50, earned him about \$5,000.

Mr Ratkovic's connection with the fraud ring was instigated by Peter Fraser, a labourer for A&G Formwork at Dulwich Hill, who met Mr Whaanga in 2001. "I just give him the name and address and \$100," Mr Fraser told the commission. "He would give some of them to me for free for bringing them to him."

Mr Fraser said the racket grew rapidly as more and more people hopped on board. "I would have people ringing me who I never met and they wanted tickets (licences) for themselves and friends - that was all the time," he said. "People I got tickets for would take on the same roll as me and sell them too."

Mr Whaanga, a labourer and former security officer, said he worked at WorkCover's Licensing Unit in Gosford, on the state's central coast, for about eight weeks in 2001.

He was responsible for printing out the safety qualifications construction workers needed to operate certain types of machinery.

Continued on page 2





SAFETY AT WORK BULLETIN

New Sun Protective Head Covering

The Kalahari Hat is an adaptable, lightweight head covering which provides outdoor workers with excellent protection against direct, reflected and scattered UV radiation.

Conforming to AS/NZ 4399:1996 and made from max. 50+ UPF rated soft and breathable Micromesh or 100% Cotton fabric; the Kalahari has a toggle/elastic cord adjustment for a comfortable and perfect fit for all head sizes. The touch tape patches on the front panels can be easily secured behind the head or in front of the neck for enhanced protection.



Many of the features incorporated in this special design result from consumer research; for example the Kalahari incorporates a soft towelling sweatband for extra comfort & a deep curved peak to ensure excellent sun protection to the face and eyes. The patented 'covered vents' on the sides of the crown assist with the escape of heat from the head whilst maintaining protection from harmful UV, and the releasable back panel allows for increased ventilation around the neck.

This easy wash & care head covering is available in Navy Blue, Bottle Green, Silver Grey, Atlantic Blue, Camel, White, Fluoro Yellow & Fluoro Orange (Fluoro colours conform to AS/NZ 1906.4 1997 - High Visibility for Safety Garments) and comes in 100% cotton in Navy.

For further information on the Kalahari please visit www.uveto.com

Source: Uveto

"I had worked there and they were pretty lax - how they worked and the whole work atmosphere," he told the inquiry. "It was common for workers to use each other's identifications, making it difficult to detect the source of illegal certificates, Mr Whaanga said.

"A lot of people were using each others' IDs," he told the inquiry. "All you needed was a name, date of birth and phone number (to issue a safety licence)."

He told the inquiry that although Ms Whitcher issued the tickets she was not aware he charged money for them because he used the funds to feed a gambling habit.

"I told her they were for work friends. I think I might have said I could keep my job longer," he said. "I was gambling - poker machines and horses".

Mr Whaanga said he charged \$100 for certificates for fork lifting, basic rigging, scaffolding and mobile cranes as well as explosive power tools.

He visited building sites and recruited at least seven middlemen, or distributors, into the fraud ring to cope with the growing demand for the fraudulent certificates, he told the inquiry.

The hearing continues.

AAP

New NSW Trucking Laws

June 13 2005

WorkCover has welcomed new legislation designed to reduce the danger of driver fatigue in the trucking industry.

Under the new laws, freight customers will have to ensure they do not set truck drivers unreasonable deadlines for deliveries.

They will also have to confirm drivers have a fatigue management plan.

WorkCover NSW chief executive Jon Blackwell today said the ground-breaking laws would help tackle the excessive hours that lead to driver fatigue.

"More than 71 NSW truck drivers are killed on the road each year - fatigue is killing truck drivers," Mr Blackwell said in a statement.

"For the first time, employers, head carriers and large consignors will be responsible for assessing the risk of harm from fatigue.

"In recognition of the influence they have on driving timetables, consignors and consignees with more than 200 employees in industries such as retailing, wholesaling and transport services will also have a responsibility to ensure they do not impose unreasonable deadlines for freight deliveries."

The draft Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005 allows WorkCover to investigate whether trip schedules, driver rosters, or loading schedules have contributed to incidents involving long-haul trucks.

The new legislation, which will come into effect on March 1, 2006, follows a NSW government-backed inquiry and three years of consultation with industry and unions.

NSW secretary of the Transport Workers Union (TWU) Tony Sheldon said the legislation held consignors like Coles and Woolworths accountable for driver safety.

"This is the first time in the world there has been this degree of accountability in dealing with a matter which kills and injures more people than all the other industries put together," he said. "Running in conjunction with industrial manslaughter laws, it means that the people who put these crazy deadlines, resulting in deaths, could be facing jail terms. I have no doubt that this will go a long way to improving trucking fatalities."

But the new laws will only be effective if they are enforced, Mr Sheldon said. "The facts is [sic] there are still major economic pressures driving the industry so there is a need for education and enforcement," he said.

More than 70 truckers are killed on the roads each year with accidents costing the state \$178 million.

The Regulation can be downloaded from http://www.workcover.nsw.gov.au/Publications/LawAndPolicy/Regulations/long_distance_truck_driver_fatigue.htm AAP

Gas company fined for 1995 fatal explosions

June 10 2005

A gas company has been fined \$325,000 following two gas explosions which killed two people at a Sydney shopping centre 10 years ago.

AGL Gas Networks was found guilty of breaches to the Occupational Health and Safety Act in the NSW Industrial Relations Commission (IRC) today for the explosions at Kogarah Shopping Centre on Sydney's south.

A gas pipeline at Railway Parade was cut and capped by AGL in preparation for the demolition of four shops in November 1995.

But several weeks later the line severed causing a leak which led to an explosion and blaze in the nearby shopping centre.

An AGL maintenance crew was sent to the scene and while they searched for the shutdown valve, for which they did not have a map, a second explosion occurred.

Two people were killed and 17 others were injured in the explosions.

Justice Monika Schmidt today fined the company \$325,000 and said it had failed to ensure the health and safety of its employees and the public.

"I am satisfied that the risks to safety were foreseeable," she told the IRC.

Continued on page 3



SAFETY AT WORK BULLETIN

Continued from page 2

"They included the risk of death and injury, which must be reflected in the penalty imposed." AAP

Public Comment Sought On Working Hours

June 15, 2005

Concern about the safety and health risks from the long hours being worked by some WA workers has led to the development and release of a draft Code of Practice for public comment.

The State Government completed a review of extended working hours in May 2004, and Consumer and Employment Protection Minister John Kobelke then asked the Commission for Occupational Safety and Health to develop the Code of Practice.

The Commission formed a tripartite working party consisting of employer and union representatives and experts in the field, chaired by WorkSafe WA Commissioner Nina Lyhne, to develop the Code of Practice.

In announcing the period of public comment, Commission Chair Tony Cooke said today that there were many issues to consider in refining and finalising the Working Hours Code of Practice.

"One of the issues workplaces must consider is maintaining safety standards and preventing incidents arising from fatigue," Mr Cooke said.

"As with other safety and health issues in the workplace, any safety and health risks arising from shift or roster arrangements and long working days must be addressed."

The draft Code of Practice suggests ways to reduce risks at workplaces such as identifying tasks and operations in which fatigue may be an issue, and reviewing schedules to avoid worker fatigue.

The public comment period is an open invitation to anyone to submit comment on any aspect of the Code of Practice. The closing date for submissions is September 16.

Copies of the draft Code of Practice are available by telephoning WorkSafe on 9327 8626 or on the website at www.safetyline.wa.gov.au.

"Preventing incidents and risks arising from extended working hours is important to the safety and health of workers in this State, and I encourage all interested parties to make a submission," Mr Cooke said.

"I can assure anyone who does make comments that they will be fully considered, and that they will be making a valuable contribution to improving a situation that is of increasing concern in WA."

Source: Dep't of Consumer & Employment Protection

Court Case Leads To Reminder On Safe Workplaces

June 16, 2005

A Bunbury recycling company has been fined \$15,000 for failing to provide and maintain a safe working environment for its employees.

Koast Corporation Pty Ltd – trading as Green Recycling - was convicted in the Magistrate's Court of WA Bunbury Registry last week of failing to fulfil its duty of care as an employer to provide a safe workplace.

In February 2004, an employee was asked to clear a rotating drum and conveyor of accumulated rubbish, which he did with the help of another employee after switching off the machine.

A short time later, the man asked another employee to turn on the conveyor to get the rubbish moving, but a lack of labelling meant the other employee did not know which switch to use and pushed several buttons, activating several pieces of plant.

Eventually the button was pressed to start the rotating drum while the two employees were working inside it, resulting in minor injuries to both men.

A WorkSafe inspector found that no procedures existed for safe cleaning or shutting down of the drum, there were no labels on the switches and there was no provision for the machinery to be isolated during maintenance.

WorkSafe WA Commissioner Nina Lyhne said today that the case was a timely reminder to all employers of the importance of having suitable work practices in place for isolating machinery.

"It was fortunate that the two men involved in this incident only sustained minor injuries because the drum involved rotates comparatively slowly, but the lack of safe work practices at this workplace was still a great concern," Ms Lyhne said.

"Incidents like this are very easily preventable – it just requires simple procedures to be put in place for times when employees need to access machinery for maintenance, cleaning or repairs.

"WorkSafe's regional inspectors recently expressed their concern about the number of injuries that could have been prevented if safe work practices had been in place with regard to the isolation of machinery and lockout and tagging procedures.

"It seems that awareness of the requirements is quite low, and far too many injuries are being sustained when a machine is inadvertently activated while an employee is working on it."

Where practicable, machinery needs to be shut down and its energy sources

Continued on page 4

NSW Compensation Premium Changes

17 June 2005

NSW Minister for Commerce, John Della Bosca, today announced a broad range of improvements to the State's workers compensation premium system aimed at small and medium businesses.

"These changes are the result of more than a year of consulting with industry to make the premium system simpler and fairer for business," Mr Della Bosca said. "They will more fairly distribute costs among employers and provide business with greater incentives to improve occupational health and safety, reduce injuries and manage claims better."

Under changes which come into effect at the end of this month:

- Businesses will receive refunds if an employee's claim was fraudulent.
- More employers will be protected from premium increases, when a claim has been made.
- The Premium Discount Scheme will be wound down.

Improvements to be rolled out in the next two years include:

- The introduction of a new, fairer experience premium formula, affecting the largest eight per cent of businesses who pay more as a result of a claim
- Waiving the claim excess when businesses quickly report a workplace injury
- Grouping of related businesses when assessing premium
- Requiring insurers to offer the option of paying monthly or quarterly instalments for workers compensation premiums
- Requiring insurers to use plain English and simple graphs to explain premium calculations.

WorkCover released a comprehensive discussion paper on workers compensation premiums in March this year, asking for feedback from employers. Around the State, 20 forums were held to discuss proposals to make the system work better, particularly for small to medium businesses.

Details on each of the reforms are available at www.workcover.nsw.gov.au

Source: Minister for Industrial Relations



SAFETY AT WORK BULLETIN

Tilt Trains Get Automatic Protection

By John Sheed

June 17 2005

Queensland's high speed tilt trains will be fitted with computerised protection systems from next month enabling faster stops in an emergency.

The trains, however, will remain restricted to 100kph, despite a top speed capability of 160kph, brought in after a high speed derailment last year.

A diesel powered tilt train travelling from Brisbane to Cairns derailed on a bend near Bundaberg last November, injuring most of its 163 passengers and crew, some seriously.

An ongoing investigation by the Australian Transport Safety Bureau (ATSB) has been told the train was travelling at 112kph on a bend where it should have been at half that speed.

Queensland Rail CEO Bob Scheuber today said Automatic Train Protection (ATP) would be operating on all electric powered tilt trains from July 8, but would not be operational on the diesel trains until the middle of next year. The system links an onboard computer to transponders on the tracks and to signals, and could issue visual and audible warnings to the driver and apply the brakes to stop the train if the driver failed to respond.

Mr Scheuber said although ATP had been used on Queensland freight trains for several years, problems adapting it to the high speeds of the tilt trains prevented its introduction prior to the Bundaberg derailment. He said he was expecting the ATSB report later this year and until that report was received the tilt trains would be restricted to a top speed of 100kph.

He refused to speculate on whether ATP would have prevented the Bundaberg derailment. "We'll only know that when the ATSB brings down its report on the cause of the accident," Mr Scheuber said. He said the system, which would cost around \$10 million to fully implement, would not replace the driver, who would remain responsible for train safety.

A driver who was travelling too fast or ignored a signal would get a maximum eight second warning before the ATP took over. A fully loaded tilt train travelling at 160kph could stop in 45 seconds in a distance of 1,250 metres, Mr Scheuber said.

AAP

Continued from page 3

locked out and tagged as part of an isolation procedure to ensure the safety of those doing the work.

An isolation procedure is a set of predetermined steps that must be followed to ensure that machinery and related hazards cannot jeopardise the safety of those working with them.

"We know of many instances where serious injuries such as amputations and even deaths have resulted from a machine being started when an employee has been working on it," Ms Lyhne said.

"This case should serve as a reminder to employers at every workplace with machinery needing maintenance or cleaning that they should look closely at their procedures and ensure a safe work environment is being provided.

"The Commission for Occupational Safety and Health has issued a Guidance Note on Isolation of Plant, and I strongly encourage every workplace that has hazardous machinery to ensure it has copies freely available."

Copies of the guidance note and further information on lockout and tagging procedures can be obtained by telephoning WorkSafe on 9327 8777, or on the website at www.safetyline.wa.gov.au Source: Department of Consumer and Employment Protection

Smokers Feel the Heat at Work

June 16 2005

Whilst 24% of people think smoke breaks are good for a career as they provide the opportunity to socialize with the boss or other superiors, a massive 71% of respondents said smokers should make up the time they spend on smoko's.

The survey of more than 1,100 people conducted by Australia's leading recruitment firm Talent2 also revealed that workers find it offensive if their work colleagues smell of smoke.

Ms Liliana Caputo of Talent2 says 63% of people said they hate the stink of smokers, with 71% of employees in the Legal profession and 67% of those in the sales/marketing industry most affronted.

"19% of the sample admitted that they were smokers with a whopping 83% of those respondents being female declaring they partake in the dirty habit compared to 17% of males.

"Only 12% of that number said they take smoke breaks at work with most of those taking between 3 to 4 breaks a day. Blue collar workers are more likely to take smoke breaks than any other job discipline with 67% taking 3-4 smoko's each day. Mid level or junior managers were not that far behind with 55% who admitted to smoking, taking 3-4 smoke breaks every day.

"People who do smoke but don't smoke during working hours said they believe

smoking is unprofessional, they don't like to smell of tobacco around their clients or colleagues, they don't feel the urge to smoke when they are busy or they don't have enough time to take a break.

"Women are more likely not to feel the urge to smoke during the day than their male counterparts. Source: Talent2

Man loses hand in auger

June 16 2005

A man's right hand has been severed in an accident at a Melbourne flour mill.

The worker's clothing became stuck in a grain auger, which dragged his arm into the machine up to the shoulder, severing his hand just above the wrist.

Emergency crews called to the Allied Flour Mills, in inner-suburban Kensington this afternoon, worked for almost an hour to dismantle the equipment and free the 41-year-old man, while paramedics gave him pain-killing drugs.

The man and his hand, which was packed in ice, were taken to the Royal Melbourne Hospital where surgeons were assessing whether the hand could be reattached.

WorkCover spokesman Michael Birt said the investigation into the incident was in its early stages.

But he encouraged workplaces with similar machinery to take the incident as an opportunity to review equipment and the level of guarding in place to secure workers. AAP

Statewide consultations for review of OHS Act

16 June 2005

NSW Minister for Commerce, John Della Bosca, today announced a review of the Occupational Health and Safety Act 2000 and a comprehensive program of statewide consultation sessions.

"This periodic review is a requirement under the Act and will be overseen by an expert Reference Group who will meet on a regular basis until completion of the review in November this year," Mr Della Bosca said.

Representation on the Reference Group is evenly split between employers and employees:

- Mark Goodsell NSW Director, Australian Industry Group
- Mark Lennon Assistant Secretary, Unions NSW
- Greg Pattison GM, Workplace Solutions, Australian Business Ltd
- Mary Yaager HS & Workers Compensation Coordinator, Unions

Continued on page 5



SAFETY AT WORK BULLETIN

SIA Safety At Work Bulletin
Issue 7, June 21, 2005 ISSN 1832-6714

Editor Kevin Jones
Editorial Inquiries +61 (0)3 9478 9484
jonesk@safetyatwork.biz

Designer/Publisher:
Workplace Safety Services Pty Ltd
849 High Street, Regent VIC 3073 Australia
A.B.N. 68 091 088 621
www.worksafety.com.au

This weekly news bulletin is produced on behalf of the Safety Institute of Australia (Victoria Division) by Workplace Safety Services P/L.

Disclaimer

Entire contents, Copyright © 2004 – 2005 Workplace Safety Services P/L and its partners unless otherwise stated. All rights reserved. Reproduction, and redistribution, of this publication in any form without prior written permission is forbidden. The information contained herein has been obtained from sources believed to be reliable.

Workplace Safety Services P/L and the Safety Institute of Australia shall have no liability for errors, omissions or inadequacies in the information contained herein or for interpretations thereof. The reader assumes sole responsibility for the selection of these materials to achieve its intended results. The opinions expressed herein are of the authors.

No part of this magazine may be published or copied without permission from the publisher.

This file cannot be forwarded without the formal and written permission of the Safety Institute of Australia and Workplace Safety Services P/L.

Continued from page 4

NSW.

The reference group will be headed by the Chairman of the Board of WorkCover NSW, Greg McCarthy.

A discussion paper will be released at the end of the month with a call for public submissions by 19 August, 2005.

"During the public comment period there will be a program of public information sessions across metropolitan and country New South Wales," Mr Della Bosca said.

"In addition, there will be several issues-based workshops for more extensive consultation with industry on specific issues.

"The final report on the Review of the Occupational Health and Safety Act 2000 will be tabled in Parliament in December 2005.

"I look forward to a constructive debate on the issues and ideas to ensure that New South Wales remains at the forefront of workplace health and safety.

"Working collaboratively with employees and employers will allow us to continue to reduce the incidence of accidents, injuries and fatalities in NSW workplaces," Mr Della Bosca said. Source: NSW Minister for Industrial Relations

Restumping

A new guidance and checklist for restumping operations has been released by WorkSafe Victoria. It is available for download at <http://www.workcover.vic.gov.au/vwa/alerts.nsf/docsbyUNID/DA4BE473BB5E1FEFC A25702200004B4D?Open>

Senate Inquiry Result Welcomed By Westralia Sailor's Dad

June 17 2005

The father of a sailor killed in a warship fire has welcomed a parliamentary inquiry recommendation that the Australian Defence Force be stripped of much of its power to investigate complaints of abuse and crime.

The Senate inquiry into Australia's military justice system heard stories of suicide, racism and violence, drug use and abuse of power in training schools and cadet units.

Families told of their children taking their own lives after being humiliated by fellow personnel and re-abused by the justice system, which often took years without a proper result.

The report's key recommendation was that all suspected criminal

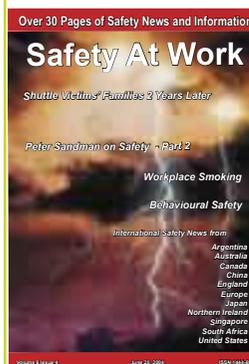
activity be referred to state civilian police for investigation and prosecution before civilian courts and that suspected criminal activity outside Australia be investigated by federal police.

Perth man Brian Smith, whose son Petty Officer Shaun Smith, 29, died with three others on HMAS Westralia when fire engulfed the engine room on May 5, 1998, said he had campaigned for years for a change in the military inquiry processes.

"I'm elated that our work of seven years ... has finally developed into something," Mr Smith said.

"The senators coming out and saying 'this system is broken, it is definitely no good and can't be fixed, it has to be absolutely revamped', I think it is tremendous.

"It is just not the suicides, it really started with Westralia when we kept pushing, saying the (military) board of inquiry was wrong, it was a whitewash." AAP



SAFETY AT WORK Magazine

The June issue of **SAFETY AT WORK** magazine is now available for purchase individually or by subscription at www.safetyatwork.biz

The current issue contains articles on the following topics and more:

- Columbia Victims' Families Prepare for Next Shuttle Launch
- Peter Sandman on Safety - Part 2
- Smoking "Room" Now Outside Office Buildings
- New Data on Work-Related Sickness
- Australian Unions - OHS, Behavioural Safety Update

It also includes shorter OHS news articles on over 12 countries. For independent safety news from around the world, you can't beat the value of **SAFETY AT WORK** magazine.