



# SAFETY AT WORK BULLETIN

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## WorkCover Conspiracy Leader Given 3 Years Jail

July 27 2006

The ring leader in a major WorkCover fraud conspiracy has been sentenced to three years in jail – finalising matters brought before the courts by WorkCover since August 2002.

Conspiracy “mastermind” Rocco Reginald Musolino, 38, of Salisbury North, pleaded guilty to 112 counts relating to the fraud, which involved five people and the creation of bogus jobs and back injury claims.

In the Adelaide Magistrates Court this afternoon, Musolino was sentenced to more than three years in jail, with a non parole period of 19 months, and was ordered to pay WorkCover a total of \$60,000.

In 2002, WorkCover laid a total of 174 charges against five defendants for various breaches of section 120 of the Workers Rehabilitation and Compensation Act 1986. Investigations started following an anonymous tip off.

Cousins Rocco Reginald Musolino and Rocco Benito Musolino, and Juliette Tripodi, Peter Theodoropoulos, and Jose Nicola Pietrantonio all had dishonestly obtained workers compensation payments (total just over \$80,000).

In total, they have been sentenced to about 10 years in jail (some suspended) and ordered to pay fines and costs of about \$160,000. The charges relate to:

- Obtaining a payment or benefit by dishonest means
- Dishonestly making a statement about a claim
- Dishonestly making a claim for compensation
- Aiding, abetting, counselling or procuring the making of an application for compensation.

Tripodi and Rocco Benito Musolino were sentenced in 18 March 2004. Theodoropoulos and Pietrantonio were sentenced on 17 and 18 August 2005 respectively.

A WorkCover spokesman said “this case demonstrates that WorkCover takes the issue of fraud very seriously. The sentence should serve as a significant deterrent to anyone contemplating similar actions.”

The spokesman said the case also underlined the contribution the public can make to tackling WorkCover fraud. “We use a range of techniques to identify potential fraud (which can involve injured workers, employers and service providers), but information from the public remains an important element.”

Source: WorkCover Corporation

### New code to provide work-life balance

July 26 2006

Western Australians work the longest hours in the country and the State Government today launched a code of practice to ensure workers do not suffer or die as a result of fatigue.

The new Working Hours Code of Practice, developed by the Commission for Occupational Safety and Health, promotes a holistic approach to identifying the hazards and assessing the risks of extended working hours.

Employment Protection Minister John Bowler said the new code was unique in Australia.

“Although guidance material has been made available in the past, this is Australia’s first comprehensive code for addressing the occupational safety and health risks associated with a range of working hours issues across all industries,” Mr Bowler said.

New figures released last week by the Australian Bureau of Statistics showed that Western Australians continued to have the highest average hours worked per week by those employed full-time.

“This is no doubt at least partly attributable to the resources boom, but it is also a timely reminder of the need for work-life balance and the need to ensure that occupational safety and health standards are not compromised,” the Minister said.

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The new code provides a set of 'risk management guidelines' to allow workplaces to gauge the level of risk in their specific workplace so control measures can be put into place. Some industries have developed their own guidelines on working hours, but the new code can be adapted to a wide range of industries and occupations.

"This code has been developed in response to concerns about long working hours and their potential effects on workplace safety and health," Mr Bowler said. "Although I believe we still need to look closely at the social impact of long working hours, this code of practice goes a long way to address the workplace safety and health issues.

"I strongly urge all employers to obtain copies of the code, and to use the guidelines it contains to assess the unique risks of long working hours in their own workplaces."

Further information on long working hours and copies of the code of practice can be obtained by telephoning WorkSafe on 9327 8777 or on the website at <http://www.worksafe.wa.gov.au>.

Source: WA Minister for Employment Protection

## Sheet metal firm fined

26 July 2006

South Australia's occupational health and safety agency, SafeWork SA, is warning of the need for managers, supervisors and workers to heed workplace safety laws and safe operating procedures, after a conviction today in the South Australian Industrial Relations Court.

Fielders Australia Pty Ltd was convicted and fined \$16,500 plus costs after pleading guilty to a breach of section 19(1) of the Occupational Health, Safety and Welfare Act 1986, in that it failed to ensure that its employee was safe from injury and health risks whilst at work.

"For all the advice that SafeWork SA and its inspectors are able to give on workplace safety, we still have disappointing incidents such as this," says SafeWork SA's Acting Director of Field and Frontline Services, Neill Baker.

In the prosecution by SafeWork SA, the court heard that on 8 December 2003, 25 year old worker Daniel Dew, was under supervision at the company's metal fabrication plant at Mile End, operating a machine used to roll, form and cut sheet metal.

The machine guard was damaged, but on instructions from his supervisor, Mr. Dew operated the machine with the guard raised. As a result, Mr. Dew's glove was caught and drawn into the machine resulting in severe lacerations, tendon and bone damage to his left hand and forearm.

"Again we have a number of critical workplace factors highlighted by this case," Mr. Baker says. "A young worker just 10 weeks on the job, was asked to perform a risky procedure that was contrary to the firm's own written safe operating procedure."

In today's judgment, Industrial Magistrate Michael Ardlie took into account the company's early guilty plea and discounted the penalty by 25%. Last Friday, the supervisor was fined \$2000 after pleading guilty in a separate prosecution over the same incident, and has since left the company.

Source: SafeWork SA

## Two experts added to ABC cancer investigation team

BRISBANE, July 25 2006

Two experts have been added to a panel investigating the incidence of breast cancer at Brisbane's ABC headquarters at Toowong.

Professor Malcolm Sim and Dr Joanne Aitken would join the panel chaired by Dr Bruce Armstrong, ABC managing director Mark Scott said today.

Mr Scott also said a staff reference group had been established to work alongside the panel.

ABC management earlier this month launched an independent review of the site after it was revealed 12 women who worked at the broadcaster's headquarters in Brisbane's inner-west, had been diagnosed with breast cancer in the past 11 years.

Professor Sim is an occupational and public health physician who heads Monash University's Centre for Occupational and Environmental Health.

Dr Aitken is a cancer epidemiologist and the Director of the Viertel Centre for Research in Cancer Control at the Queensland Cancer Fund.

Epidemiology is the scientific study of factors affecting the health and illness of individuals and populations.

"This team of experts together with Dr Bruce Armstrong, one of Australia's foremost authorities on the causes and control of cancers, will give the greatest insight into whether we have any issues arising from the technology, buildings or location of the facility," Mr Scott said in a statement.

ABC staff members Ian Eckersley, Nadia Farha and Kate Scanlan will make up the reference group who will meet regularly with Professor Armstrong to discuss the panel's progress.

"I am committed to achieving trust and transparency without hindering the capacity of Professor Armstrong's panel to do their work," Mr Scott said of the reference group.

"This (reference) group will make a significant contribution to the investigative effort."

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Mr Scott said support services including free mammograms for all women working at the Toowong office and a free counselling service would continue to be available during the investigation.

Staff resolved to suspend industrial action for the time being, despite Mr Scott indicating he would not relocate staff unless the investigation found evidence of a cancer cluster.

Media Entertainment and Arts Alliance (MEAA) Queensland secretary David Waters said the staff would await the outcome of the investigation - expected to take months - before deciding on their next course of action.

AAP

## Energy firm fined after worker nearly buried alive

1 July 2006

As a result of a prosecution launched by South Australia's occupational health, safety and welfare agency, SafeWork SA, a major gas company has been fined over the injury to a worker in a trench collapse, two years ago.

In the South Australian Industrial Relations Court, Epic Energy Corporate Shared Services Pty Ltd was convicted and fined \$18,750 after pleading guilty to breaching section 19(1) of the Occupational Health, Safety and Welfare Act 1986, in that it failed to ensure that an employee was safe from injury and risks whilst at work.

On 2 February 2004, contractor Edward Murphy, was welding under the direction and control of Epic Energy's employees in an excavated area up to 2 metres deep as part of work on the Moomba-to-Adelaide gas pipeline, at Dry Creek.

The wall of the excavation collapsed, burying Mr. Murphy up to his neck.

With the use of an excavator, and then shovels and hands, Mr. Murphy was eventually freed, and treated for bruising and shock.

In today's judgement, Industrial Magistrate Michael Ardlie said the trench was of an unsafe design in all circumstances:

"Despite the presence of a job hazard analysis, the defendant failed to adequately analyse whether or not the trench was suitable or stable. There was also the failure on the part of the defendant to either shore the walls of the excavation or adequately batter or bench the walls of the excavation."

"This case highlights the dangers in earthworks, and to contractors," says SafeWork SA's Acting Director of Field and Frontline Services, Neill Baker. "The Magistrate highlighted the lack of adequate safety precautions, and all concerned can consider themselves fortunate that this did not end up as another workplace death."

In another successful prosecution by SafeWork SA, a supervisor was convicted and fined \$2,000 after pleading guilty to breaching the Occupational Health, Safety and Welfare Act 1986, for failing to take reasonable care to avoid adversely affecting the health or safety of another person through an act or omission at work.

On 8 December 2003, a worker under George Vrynios' supervision at a Mile End metal fabrication plant suffered arm and hand injuries whilst operating a machine used to roll, form and cut sheet metal.

The machine guard was damaged and the worker operated the machine with the guard raised, on instructions from Mr. Vrynios.

Industrial Magistrate Michael Ardlie said the operation of the machine in such a manner was contrary to the written safe operating procedure in place. "The reasons or explanations advanced by the defendant for his behaviour are just that and do not amount to an excuse for such a behaviour," he said.

Source: SafeWork SA

## Safety Audit Of Printing Businesses

July 31 2006

ACT WorkCover Inspectors will visit up to 57 businesses associated with the printing services industry over the next few weeks to audit compliance with the Occupational Health and Safety Act 1989 and the Dangerous Substances Act 2004 (the Acts).

"The printing services sector employs around 1000 workers in the ACT private sector in businesses ranging from big printing companies to small copy shops, and these workplaces each present their own occupational health and safety challenges," ACT WorkCover Commissioner, Erich Janssen said.

Inspectors will be checking that businesses are meeting legislative requirements in eight key compliance areas under both Acts.

"Inspectors will be checking for OHS policies, first aid facilities, evidence of risk assessment processes, injury reporting procedures, dangerous substances registers and that safety information is available for hazardous substances stored and used by the business," Mr Janssen said.

Control measures implemented to deal with hazards specific to the industry will also be assessed. "Inspectors will be looking for controls put in place to deal with manual handling hazards, noise from plant and machinery and atmospheric contaminants such as vapours from glues and inks," Mr Janssen said.

The aim of the audit is to highlight the importance of proactive safety management to reduce the risk of occupational injury and disease.

"Each year around 50 workers compensation claims are accepted by insurers from workers injured in the printing services sector in the ACT, with over \$1m spent annually in compensation and treatment payments," Mr Janssen said.

Source: ACT WorkCover

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## Forestry worker dies as log falls

MELBOURNE, July 25 2006

A Victorian truck driver died when he was struck by a log that fell while being loaded onto his rig.

The man, aged 62, was working in a forest coupe on the Big Hill Track near Mt Beauty in north-east Victoria when the accident happened.

WorkSafe is investigating.

WorkSafe executive director John Merritt said it was the third workplace death reported this week and the 17th for the year.

There have been five forestry deaths in the two-and-a-half years since the start of 2004.

"The overwhelming majority of the deaths and serious injuries reported to WorkSafe happen to people doing routine tasks," Mr Merritt said. "These are tasks which hold hazards that can be foreseen and therefore prevented."

AAP

## WorkCover will check driver fatigue is managed right

SYDNEY, July 25 2006

NSW's safety watchdog is warning trucking operators to ensure they are meeting regulations related to driver fatigue management plans.

WorkCover NSW chief executive John Blackwell said inspectors would begin contacting drivers' employers next month to make sure they were complying with the new regulations, introduced in March.

The Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005 applies to heavy trucks with a gross weight of 4.5 tonnes or more transporting freight more than 500 km.

The new regulations require trucking operators to manage their business so the risks of harm to drivers are assessed and eliminated.

They also require operators to put an effective driver fatigue management plan into place.

"These plans," said Mr Blackwell, "need to address matters including fatigue, trip schedules and driver rosters, management practices, work environment and amenities, driver training, loading and unloading schedules, vehicle accidents and mechanical failures."

"Inspectors will be taking action to secure compliance. This will include providing advice, information and assistance, and taking appropriate action to prevent lives being placed at immediate risk," he added.

AAP and WorkCover

## Man crushed by truck on worksite

ADELAIDE, July 25 2006

A man has been crushed to death by a truck at a cement and lime plant in Adelaide.

The man died about 8.40am (CST) today in the accident at Adelaide Brighton Cement's plant at Birkenhead, west of Adelaide, police said. Work safety inspectors and police are at the scene.

AAP

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## Seven treated after noticing gas smell

ADELAIDE, July 24 2006

Seven people required medical treatment today after reports of a gas leak in Adelaide's north.

Officers from the Metropolitan Fire Service (MFS) was called to a workplace at Cavan about 8.30am (CST) after a worker noticed a faint odour of gas.

MFS spokesman John Foody said the smell dissipated and crews left the scene, only to be called back at 10am (CST).

"The gas (smell) seemed to wax and wane throughout the morning," he said. "I don't think anybody described it as a strong smell but it was noticeable."

Mr Foody said that at the second callout, seven people required medical treatment by ambulance officers for nausea and headaches. He said MFS officers had been called to a similar incident at nearby Regency Park yesterday.

A leaking gas cylinder at that site was moved to the site of the incident at Cavan today.

Mr Foody believed the cylinder was the cause of today's event, despite the cylinder being emptied before it was moved. "My understanding of today was it was just the smell of gas - there was no actual chemical," Mr Foody said.

AAP

## Ship operator fined for asbestos offences

25 July 2006

The operator of a bulk cement carrier, Alcem Calaca, was fined \$180,000 in the Brisbane Magistrates' Court on 14 July 2006 for failure to maintain a safe workplace by not properly managing the presence of asbestos on the ship.

The prosecution followed an investigation by the Australian Maritime Safety Authority (AMSA), in its capacity as the Inspectorate under the Occupational Health and Safety (Maritime Industry) Act 1993.

The Australian operator of the ship, Queensland Cement Limited, pleaded guilty to offences under the Act which occurred over several months in 2003 when the vessel was registered in Australia.

The operator was found to have failed to take reasonable steps to protect the health and safety of employees and contractors. It was also found not to have put adequate practices and procedures in place to prevent exposure to asbestos. The magistrate took into account the gravity of the risk involved and the fact that 66 persons potentially were exposed to asbestos.

AMSA investigated breaches of the Act in consultation with asbestos specialists who conducted an audit of the extent of asbestos aboard the ship.

AMSA's Chief Executive Officer, Mr Clive Davidson, said that this is the largest single fine of its kind in Australia and that the substantial fine sent a strong warning to ship operators that occupational health and safety issues must be treated seriously and addressed in a timely way.

"The ship had been operating in Australia for some months before it became apparent that material containing asbestos was aboard although this situation was known to the operator prior to coming to the Australian coast. I expect that this penalty will be a significant deterrent to ship operators not fulfilling their obligations to provide a safe workplace for employees and contractors."

"AMSA will continue to pursue ship operators that ignore occupational health and safety requirements, including prosecuting those who deliberately flout the law," Mr Davidson said.

Source: Australian Maritime Safety Authority

## Smoking banned from pubs and clubs

PERTH, July 30 2006

Smoking will be outlawed in all pubs and clubs in Western Australia from tomorrow when a raft of tough new anti-smoking laws come into effect.

Smokers who feel the urge for a cigarette while visiting any of the state's hotels, sporting clubs or nightclubs will have to go outside to light-up or face a \$2,000 fine.

Clubs and pubs who allow smoking on their premises will face similar penalties.

Health Minister Jim McGinty said the bans aimed to protect staff and patrons from the hazardous effects of tobacco products.

He said the new laws would mean that 45,000 staff working in pubs and clubs throughout the State would no longer have to breathe in dangerous second-hand smoke at work.

Mr McGinty said passive smoking was thought to be responsible for the deaths of at least 220 Australians a year and was costing the nation around \$50 million a year in hospital care alone.

"Overall smoking accounts for about 19,000 deaths in Australia each year, with about 1,500 of those deaths in Western Australia," Mr McGinty said. "WA is proud to be leading the nation when it comes to combating smoking, with some of the most comprehensive tobacco control laws in Australia."

He said the smoking ban was being implemented with the cooperation of industry and health groups.

AAP

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## New regulations for safer show rides

ADELAIDE, July 28 2006

Tougher safety regulations have been put in place to help prevent a repeat of a ride collapse at the Adelaide Royal Show six years ago which injured 37 people.

The Spin Dragon ride failed in 2000 when 44 of its 48 bolts, which held a passenger carriage to its two lifting arms, sheered off or came loose.

The failure caused the carriage to break free from its mountings and crash to the ground.

South Australia's Industrial Relations Minister Michael Wright said state operators would have to comply with new regulations including a more comprehensive repair and maintenance program and stricter inspections.

Anyone working on a complex ride also had to be aged 18 or over.

"This change follows extensive consultation with the amusement ride industry," Mr Wright said. "Nobody wants to see a repeat of the Spin Dragon disaster in 2000 which saw 37 people injured. Safety must always come first and we won't stand for any blatant disregard of these new requirements."

To back up the new safety requirements, the government has qualified more engineers to inspect rides and has placed the ultimate responsibility for their safety with owners rather than the manufacturers.

"These new regulations, together with a rigorous inspection regime, will help all South Australians enjoy the thrill of a show ride while minimising the risk." Mr Wright said.

The next Adelaide Royal Show will be held in September.

AAP

## WorkSafe WA investigates death of worker

July 26, 2006

WorkSafe is investigating the work-related death of a Beechboro man in his 50s at an Attadale construction site this morning. The truck driver was believed to have been working at a construction site when he was run over by his own vehicle.

Inspectors arrived at the site soon after the incident, and will interview witnesses and continue to investigate.

WorkSafe WA Commissioner Nina Lyhne said any work-related death was a tragedy, and relayed her sincere condolences to the man's family and friends.

Source: DOCEP

## Adobe Acrobat V7.08 Information

Some readers have expressed difficulty in upgrading to the latest version of Acrobat Reader with one of the problems being that the download can be over 20 megabytes - a substantial burden to dial-up internet connections.

Safety At Work publishers are now allowed to distribute the latest edition of Acrobat Reader on a CD. If you want a copy of Acrobat Reader 7.08 please email me at [jonesk@sia.org.au](mailto:jonesk@sia.org.au) and include your full postal address. A CD will be mailed to you shortly after.

The CD won't be pretty as it is a burnt copy of the software that Adobe permits us to distribute. It is not allowed to be given to anyone other than the person requesting the CD and all CDs will be checked for viruses before distribution.

For those readers who are unconcerned about download limits, the latest version of Acrobat Reader is available for free from <http://www.adobe.com/products/acrobat/readstep2.html>

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