



# SAFETY AT WORK BULLETIN

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## CONTENTS

NT	<i>Greater clarity needed on NT workplace safety laws</i>
VIC	<i>Master Builders &amp; HIA Disappointed over Safety Compliance Deadlock</i>
WA	<i>Patisserie fined for not complying with WorkSafe notices</i>
SA	<i>Cleaner Seriously Injured At Mawson Lakes</i>
SA	<i>Union welcomes measures to make trucking safer</i>
QLD	<i>Qld Innovation Breaks New Ground For Mining Safety</i>
FED	<i>Aussie Employees Want To Plug-And-Play During The Day: Survey</i>
ACT	<i>Stanhope Government Needs To Act Now On Action Safety</i>
VIC	<i>Man jailed for WorkCover fraud</i>
WA	<i>Court case a reminder to guard machines and report workplace injuries</i>

## Greater clarity needed on NT workplace safety laws

2 May 2006

Workplace health and safety laws in the Northern Territory must keep pace with the modern workforce by addressing the unique situation of on-hired workers, according the peak body for the recruitment and on-hire industry.

In its submission to the Northern Territory's Review of Work Health Act, the RCSA (Recruitment and Consulting Services Association) has called for Occupational Health and Safety (OHS) legislation to be updated to reflect current labour market practices and better protect employees.

"On-hired employees now form a significant part of the workforce, with the industry contributing over \$10 billion to the economy every year. We've moved away from the relatively simple two-party relationship between employer and employee and the Territory's laws need to reflect this by incorporating specific provisions for on-hired employees and contractors," Ms Julie Mills, CEO of the RCSA said.

The submission argues that the unique relationship between on-hired (also known as labour hire) employee service providers, their clients (host organisations) and on-hired employees requires its own legislation.

"One of the greatest difficulties in addressing OHS issues in NT is that the current Work Health Act was drafted with traditional employment patterns in mind.

"This Review is a crucial opportunity for regulators to provide greater clarity on the responsibilities of each party, as the legislation's current ambiguity limits the ability of on-hired service providers to confidently comply with their OHS obligations," Ms Mills said.

One of the RCSA submission's key arguments is that the Act needs to recognise the limited capacity of on-hired employee service providers to effectively control risks within client worksites.

"While on-hired service providers have an obligation to determine whether the client/host worksite is safe, the host organisation is the most suitably placed party to effectively identify hazards, assess risk, and monitor OHS.

"The Review needs to consider which party has principal responsibility for areas such as conducting workplace risk assessments, providing job specific training, and ongoing enforcement of safety procedures.

"The ultimate objective is to prevent employees being exposed to risk by agreeing on a clear, justifiable and realistic assignment of responsibility for on-hired employee service providers and their client host sites," Ms Mills said.

Source: RCSA

### Master Builders & HIA Disappointed over Safety Compliance Deadlock

May 3 2007

WorkSafe Victoria's refusal to consider industry suggestions regarding proposed new OH&S regulations on residential work sites is frustrating and disappointing. "After months of discussions and meetings we are no nearer a solution, primarily because of WorkSafe's obfuscation," said Executive Director, Brian Welch. "Despite our best efforts the Government seems not to be listening," he said. Master Builders and HIA have made joint submissions to the Government on the proposed changes, calling for the home construction industry to be exempt. Both organisations

Continued on page 2

## ADVERTISING

A limited amount of advertising has been approved by the Safety Institute of Australia.

If you want to advertise to over 3,000 safety professionals in Australia, please contact Joanne at the SIA Secretariat through [natadmin@sia.org.au](mailto:natadmin@sia.org.au)





# SAFETY AT WORK BULLETIN

Continued from page 1

have independently concluded that the new regulations are an unnecessary burden on home builders. "We are at one in stressing that workplace safety continues to be our highest priority," said Mr. Welch. But instead of saving lives and improving safety these regulations will simply drown builders in paperwork and seriously affect housing affordability."

"Small family-run builders are most at risk, and will be challenged to cope with the mass of paperwork and consultation required under these new regulations."

"Worksafe is proposing a one-size fits all regulatory regime which is entirely unsuited to the residential building sector; but it seems to have a 'take it or leave it' approach without even considering our representations," Mr. Welch said.

Compliance clauses in the regulations, if adopted, will have a significant impact on the cost of housing. The most conservative cost estimate for compliance with the proposed regulations is an extra \$9,712 per project, but could be as high as \$37,138 if all relevant costs are included.

Source: Master Builders Association of Victoria

## Patisserie fined for not complying with WorkSafe notices

May 3, 2007

A successful court case against a patisserie has promoted a reminder that WorkSafe notices must be complied with and displayed in a prominent place.

Logan Pty Ltd – trading as Chopin Patisserie in Joondalup – pleaded guilty in the Joondalup Magistrates Court in April and was fined a total of \$2000 on three charges for failing to comply with a number of WorkSafe notices and failing to display the notices.

A WorkSafe inspector issued 10 improvement notices against the patisserie in September 2005. He returned in January 2006 to carry out a further inspection and found that although the business operator had claimed to have complied with seven of the notices, he had in fact only complied with one.

The inspector gave the operator two weeks in which to comply with the notices, and returned in February to find that around seven of the notices had still not been complied with.

The company was charged over two of the notices, with an additional charge for failing to display the notices in a prominent position in the workplace, as required by the Occupational Safety and Health Act.

One of the charges related to a fire extinguisher that had not been adequately serviced or maintained, and the other to a steel mesh protective glove not being readily available to operators of a slicing machine.

None of the ten notices issued had been displayed in the workplace since they were issued in September 2005.

WorkSafe WA Commissioner Nina Lyhne said the court case served as a reminder to employers that WorkSafe notices could be ignored only at the risk of prosecution.

"WorkSafe inspectors issue notices only where action needs to be taken to guard against an unsafe situation," Ms Lyhne said. "Notices are essential for protecting everyone in the workplace from injury and disease – they are not issued lightly and should not be taken lightly.

"This case should serve as a reminder to employers that the remedial action required in WorkSafe notices needs to be attended to promptly, and that failure to do so will result in prosecution action.

"It is fortunate that no-one was injured as a result of these breaches of the laws, and this case demonstrates the value of notices being issued proactively before an injury

Continued on page 3

## SIA SECRETARIAT NEWS

### Safety Institute of Australia (Inc) Victoria Division Submission to the Proposed Occupational Health and Safety Regulations 2007

The Victoria Division Committee of Management wishes to thank and is grateful to the following participants for their involvement in assisting on the proposed changes to the Victoria OHS Regulations - Kelvin Blackney, Susan Butler, Cipriano Corva, Frank Deutsch, Paul Flood, Leo Gillman, Catherine Jeffries, Kevin Jones, Phil Kamay, John Lambert, Michael Lawrence, Mary Lewis, Wendy McInerney, Colin McLean, Tony Payne, Barry Pratt, David Provan, Dylan Reynolds, David Skegg, Tony Smith, Stephen Wyley

### Safety In Action 2007 Dart Board Competition

With a score of 220 the winner of the SIA 2007 Dart Board competition is Sandra Nicholson from Victoria. The prize for winning the competition is one year's free membership.

Congratulations Sandra

### Upcoming Victorian Elections

Nominations for the upcoming Victoria Division Committee elections will be mailed out to members within the next few weeks. Nominations will only be accepted from financial members.

Continued on page 3



# SAFETY AT WORK BULLETIN

Continued from page 2

can happen.”

Further information on workplace safety can be obtained on the website at [www.worksafe.wa.gov.au](http://www.worksafe.wa.gov.au)

Source: DOCEP

## Cleaner Seriously Injured At Mawson Lakes

1 May 2007

SafeWork SA inspectors are on site at Mawson Lakes, to investigate an incident, which has left a window cleaner seriously injured this afternoon.

Early indications are that the worker fell approximately six metres to the ground from an extension ladder, while cleaning windows at a restaurant under construction.

The male worker was taken to the Royal Adelaide Hospital.

Inspectors from SafeWork SA's Construction Team attended the site shortly after the incident.

They will examine the circumstances of the incident, and investigate the safety procedures in place at the time.

Falls are amongst the most common cause of injury in Australian workplaces accounting for more than 22 per cent of incidents.

Official statistics show that rate doubles in the construction industry.

SafeWork SA urges anyone who is working at heights to ensure the appropriate equipment is used to manage the risks.

This can include elevated work platforms, handrails and safety harness systems.

Advice and assistance is available from SafeWork SA 's telephone Help Centre on 1300 365 255 or (08) 8303 0400 and on-line at [www.safework.sa.gov.au](http://www.safework.sa.gov.au) Source: SafeWork SA

## Union welcomes measures to make trucking safer

30 April 2007

Alex Gallacher, SA Secretary of the Transport Worker's Union today welcomes moves which will see all parties in the trucking chain responsible for the weight of vehicle loads.

New national compliance and enforcement laws which come into effect today will see those who have breached loading rules could now be fined up to \$50,000.

Mr Gallacher says truck drivers have previously been liable if a truck was found to be overloaded which wasn't fair: "Often truck drivers were being blamed for the weight of their heavy vehicle, when they had nothing to do with the loading".

He says it will be interesting to see how the legislation is enforced "While anything which improves safety for truck drivers is welcome, it will be interesting to see how it is regulated".

"There are enough risks for truck drivers, including long working hours, and low rates of pay for them to be worrying about how much weight they're carrying" said Mr Gallacher.

Source: TWU SA

## Qld Innovation Breaks New Ground For Mining Safety

30 April, 2007

Australian Industry Minister, Ian Macfarlane, today announced the Australian government would help commercialise an innovative people carrier for use in underground coal mines.

Mr Macfarlane said Queensland company, Innovation Underground Transport Pty Ltd, would use the \$249,454 Commercial Ready grant to further develop the underground vehicle, which will be the first of its type to be compliant with the Coal Mining Safety and Health Regulation Act 2001.

Continued from page 2

## SIA SECRETARIAT NEWS

### Unfinancial Members

On the 16th April 2007, a second reminder notice was mailed out to SIA members who have not renewed their SIA membership subscription. All members who are currently un-financial are urged to seriously consider their SIA membership renewal and encouraged to contact the National Secretariat on 03 - 8336 1995 for assistance or further discussion



# SAFETY AT WORK BULLETIN

Continued from page 2

“The design entails a high level of innovation and technical risk, involving a prohibition of high operating temperatures, which is a necessary safety measure in a high-explosive environment,” Mr Macfarlane said.

“In the event of any part of the vehicle over-heating, the vehicle will simply stop. Sophisticated software regulates on-board fire suppression, as well as the vehicle’s location and speed.

“The risk of fire or explosion in underground collieries is ever-present, and when the company commercialises its product, it will be a significant boost to the safety and efficiency of the mining industry.”

Mr Macfarlane said the company had already identified local and international markets that would support the vehicles.

Twenty-three companies across Australia are sharing in over \$9.7 million in the latest round of Commercial Ready and Commercialising Emerging Technologies (COMET) funding announced today.

Source: Minister for Industry, Tourism and Resources

## Aussie Employees Want To Plug-And-Play During The Day: Survey

May 3 2007

The stresses of working-life are getting to Aussie employees with 25% of Australian workers saying they would like a Plug-And-Play Room at work in order to partake in a bit of escapism during the work-day according to a survey by Talent2, Australia’s leading human resources and recruitment firm.

A further 25% of workers say they would like to see the introduction of a meditation room in the office in order to bring a bit of peace and balance back to their life, according to the 1,731 respondents.

John Banks of Talent2 says that Australians are working harder and for longer hours than ever before, and as much as bosses wish they were, employees simply are not robots, they need a break from work every once in a while.

“One of the big questions facing employers today is how to cope with Generation-Y employees. Installing a video-game console is something that Gen-Yers are calling for, with 40% saying this would be an addition they would welcome.

“The idea off a Plug-And-Play room is not so outrageous when you think about it. Many organisations have a TV in their break-room, and many have games like air-hockey, snooker or foosball. This is just the logical next step.

“Introducing a video-game console into the workplace is a way for employees to take a break from their work, while still maintaining a high level of concentration, and keeping their brains active and alert in a fun and entertaining way.

“Employers need to come up with new and creative methods to retain and attract good staff in this candidate-short job market. Things like a Plug-And-Play room, or a Meditation Room, or even just allowing staff the freedom to work flexible hours are all tools that employers should consider.”

Source: Talent2

## Stanhope Government Needs To Act Now On Action Safety

5 May 2007

Shadow Minister for Police Steve Pratt has today urged the Stanhope Government to act immediately to implement stronger safety measures to protect ACTION bus drivers, supervisors and patrons.

This plea comes on the back of the Government’s announcement this morning that CCTV cameras will be implemented on the ACTION bus fleet by December this year.

“The Stanhope Government have promised to roll out this safety equipment for the past 2 years,

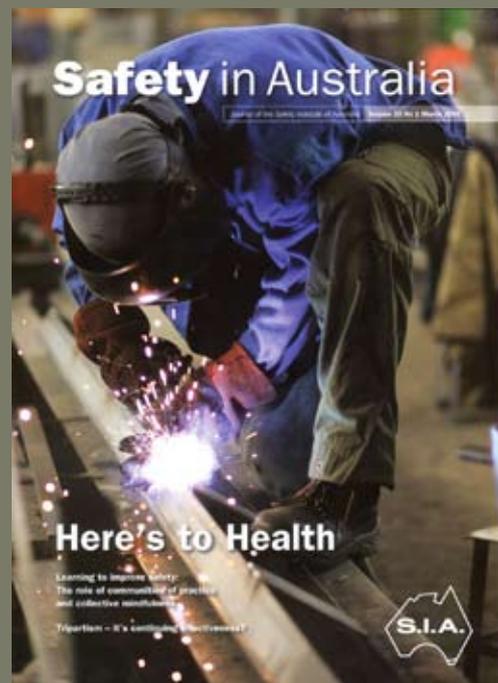
“It is outrageous that they are announcing what they announced 2 years ago regarding CCTV on buses - in effect they have failed to complete a task which was urgent 2 years ago.

“A large slab of the ACTION fleet earmarked for equipping with CCTV camera’s are still yet to see any safety

Continued on page 5

## March Edition of SAFETY IN AUSTRALIA

If you have not received your copy of SAFETY IN AUSTRALIA - MARCH EDITION please contact the SIA Secretariat on 03 8336 1995 or at [natadmin@sia.org.au](mailto:natadmin@sia.org.au)





# SAFETY AT WORK BULLETIN

Continued from page 2

improvements. This Government have acted with very little, far too late.

“In addition to this ponderous response by the Stanhope Government and the Department to belatedly implement safety equipment, it is entirely unacceptable that there exists a woefully inadequate Police presence at all interchanges, even during peak hour times.

“Today’s announcement is simply political spin from a Labor Government under pressure from the community and ACTION staff outrage.

“This Government knew 2 years ago that bus drivers, passengers and ACTION staff on buses and at interchanges were vulnerable to the growing incidence of violent attacks, intimidation, robbery and malicious damage to buses and ACTION offices.

“I have it on good authority from a number of ACTION sources that routine reports on a range of violent, threatening incidents and general insecurity, may have even been doctored by the Department to conceal the truth about the deterioration in security and safety.

“I call on Minister Hargreaves to categorically refute that doctoring of the facts by his Department has ever happened, and to take action immediately,” Mr Pratt said.

Source: Canberra Liberals

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## Man jailed for WorkCover fraud

2 May 2007

A Noble Park man was sentenced to a month in jail today for fraudulently obtaining more than \$7,200 in workplace injury compensation payments and for falsely declaring that he had not worked during the time in which he received payments.

The Dandenong Magistrates Court heard that in 2004 Richard Gilling injured his lower back while working as a labourer with a scaffolding company. Mr Gilling submitted a WorkCover claim which was accepted.

He was certified as being unfit for any duties and he formally declared that he was not engaging in any form of employment while receiving weekly workplace injury compensation payments.

Some months later, Mr Gilling was seen working as a crowd controller at the Prince of Wales Hotel in St Kilda. A WorkCover investigation found he had worked 59 shifts over a four month period in 2005, while receiving compensation payments.

Mr Gilling pleaded guilty to one count of fraudulently obtaining payments and six counts of providing false information under the Accident Compensation Act 1985.

He was convicted and sentenced to one month’s jail.

These offences breached a suspended sentence previously imposed by the Court for driving while disqualified. As a result, Mr Gilling’s suspended sentence was restored and he was ordered to serve both concurrently.

Victorian WorkCover Authority Executive Director, Len Boehm, said identifying and prosecuting fraud cases helped protect honest workers, employers, and service providers, and maintained the integrity of Victoria’s WorkCover scheme.

“This case is an eye-opening reminder of the consequences to be suffered as a result of dishonesty.

“Most workers are honest, but a case like this undermines community confidence and support in the WorkCover system.”

Source: Victorian WorkCover Authority

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## Court case a reminder to guard machines and report workplace injuries

May 3, 2007

A farmer from the Shire of Chapman Valley near Geraldton has been fined a total of \$4000 for failing to adequately guard an item of machinery and failing to report an injury to WorkSafe.

Talmalmo Holdings Pty Ltd was found guilty in the Geraldton Magistrates Court yesterday. The company was fined \$3000 for failing to guard the machine and \$1000 for the failure to notify an injury.

In November 2005, a German backpacker employed by Talmalmo to undertake harvesting work was using a grain cleaner to separate grains of different sizes and remove contaminants.

The grain cleaner incorporated an auger, and the man reached into a section of the auger with moving parts and suffered amputation and partial amputation of the third, fourth and fifth fingers of his right hand.

The employer was aware of notification responsibilities because his son had suffered a notifiable injury some years before which was investigated by WorkSafe, but he did not report the injury until December.

A WorkSafe inspector visited Mallee Farm as part of the investigation into the November 2005 incident, and in the course of his investigation, observed a tractor with a front-end loader attachment that had an unguarded power

Continued on page 6





# SAFETY AT WORK BULLETIN

Continued from page 5

take-off.

The lack of this guard exposed operators to the hazard of being entangled in the moving parts and the risk of serious injury.

WorkSafe WA Commissioner Nina Lyhne said the case served as a reminder of the extreme importance of guarding the dangerous moving parts of machinery.

“In this case, a young visitor to this country lost some of his fingers because the employer failed to ensure his safety by guarding the dangerous parts of the machine he was using,” Ms Lyhne said.

“Guarding of machinery has been required by occupational safety and health legislation for many years, and it is one of the easiest and most obvious means of minimising the risk of injury to machinery operators.

“Guarding need not be expensive, and the cost will always be far less than the cost in human and economic terms of a serious injury to a worker.

“We have also had concerns for some time about the low level of reporting of injuries, and it is important that employers make themselves aware of their reporting obligations.

“When injuries are reported within a reasonable time period, a WorkSafe inspector can conduct an investigation with the aim of preventing similar incidents in the future.”

Further information on guarding of machinery can be obtained by telephoning WorkSafe on 9327 8777 or on the WorkSafe website at [www.worksafe.wa.gov.au](http://www.worksafe.wa.gov.au)

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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