

CONTENTS

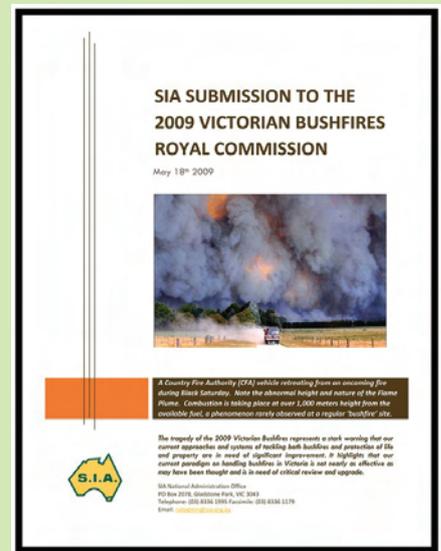
SIA	Safety Institute of Australia Bushfire Submission
SIA	Living Safety Culture
VIC	Record Fine After Go Cart Death – Bar Raised In OHS Prosecutions
WA	Furniture Business Fined \$15,000 Over Unsafe Work Practices
WA	WorkSafe WA Investigates Death Of Worker At Australind
VIC	Man Left Paraplegic, Another Hurt, When Demolition Job Goes Wrong
SA	Safety Initiative Reduces Work Injuries
QLD	Scandalous Case Confirms Union’s Safety Role
TAS	Tasmanian Cement Workers Asked To Participate In Health Screening Program
QLD	Construction Industry Commits To Zero Harm At Work
WA	Fatigue Roadblock Finds Good Levels Of Compliance

Safety Institute of Australia Bushfire Submission

By Kevin Jones FSIA

The Safety Institute of Australia (SIA) is well-placed to provide an independent and fresh perspective to the 2009 Victorian Bushfires Royal Commission. In its submission the SIA advocates a ‘Living Safely Culture’ approach (see page 2 for an elaboration) for bushfire-prone areas and makes the following recommendations:

- That the building-related legislation and standards be revised to provide a safe place for the occupants.
- That research into the provision of ‘Safe Refuge Shelters’ be undertaken
- That local government be assisted in the implementation, maintenance and improvement of broadly-based fire management plans
- That the Victorian Government establish a dedicated and well funded ‘Safety Science/Bushfire’ Research and Test Centre
- That the Victorian Government improved emergency communication will all relevant parties, including the public
- That current fire assessment tools be upgraded
- That a suitable standardised ‘Risk Assessment’ model be developed to determine the risk to communities and facilities from bushfires.
- That the Victorian Fire Brigades review their community fire safety education programs.
- That the Royal Commission investigate disparities within the new version of AS3959
- That the Local Government Act be expanded to introduce laws that state any new Development Application in a ‘bush fire prone’ area must also submit an emergency evacuation plan as part of the approval process
- A complete review of the “Leave early or stay and protect your home” policy, as the SIA believes it to be fundamentally flawed from a safe systems perspective.
- A review be undertaken of the OH&S status and safety and equipment compatibility concerns of volunteer fire fighters and ES personnel.



Dr George Rechnitzer FSIA of the SIA working group on the submission said, “The SIA has a broad membership of safety professionals, many who have been directly involved with bushfires over decades, both as firefighters and victims. This submission has drawn on the best first-hand experience and safety science available through our membership and other technical safety resources.

The SIA is proud to have been able to contribute to the deliberations of the Royal Commission, just as many of our members fought the firefronts on Black Saturday, Ash Wednesday and other major bushfire threats.”

More information on the SIA submission is available at

http://www.sia.org.au/news/updates/rc_siasubmission.html

Living Safety Culture

By Gary Lawson-Smith

During the preparation of the submission to the Royal Commissions the SIA felt that a major change in safety culture should be encouraged to occur nationally. The analogy used was the very successful compulsory requirement for all Australians, young and old, to wear seat belts in cars. Today, we see young children reminding their parents and brothers and sisters and friends to fasten their seat belts prior to a journey commencing, as an automatic example of a "Living Safely Culture". The same approach now needs to be adopted as a major outcome from this Royal Commission.

The 2009 Victorian Bushfires were clearly bushfires of a scale and intensity not seen before. An underdeveloped "Living Safely Culture" could be seen in existing planning; research & development; practices & procedures; regulations; standards; design; and emergency services considerations and activities.

The greatest risk to this Royal Commission achieving long lasting improvements is to adopt a "reactive approach" as opposed to a "proactive approach" to safety management. Whilst we applaud recent government actions, the common lesson from past fire tragedies is that a reactive approach has shown little improvement in the Living Safety Culture that existed prior to, and at the time of, these respective tragedies.

The Institute's submission includes recommendations well-founded improvements to all elements of a "Living Safely Culture" listed above. However, our major recommendation is to seek the Royal Commission's support for immediate and sustainable improvements in the current "Living Safely Culture" to all other

Continued on page 3

Continued from page 1

Record Fine After Go Cart Death – Bar Raised In OHS Prosecutions

12 May 2009

The County Court today handed down a record \$1.4 million fine to a Port Melbourne go cart company after a female customer died there three years ago.

AAA Auscarts Pty Ltd went into liquidation in 2008 and did not defend the case involving three charges laid under the Occupational Health and Safety Act 2004. It's the highest ever fine in Victoria for an offence under the 2004 Act.

The only higher fine for OHS Act breaches was in relation to the Esso Longford gas plant explosion which resulted in fines totalling \$2m for 11 charges. The prosecution of Esso was under the OHS Act 1985.

WorkSafe Victoria's Executive Director, John Merritt, said today's decision sent a clear message to those who operate all businesses, but particularly amusements.

"Public and worker safety must be paramount and that the consequences of ignoring it will be harsh. Today's penalty won't bring back Lydia Carter, a wife, mother, workmate and friend to those at Summit Holden, but it underlines the potential consequences when there are serious safety failings.

The jury heard that on Friday 6 October 2006, 51-year-old, Lydia Carter and a group of workmates attended a social function at Auscarts in Salmon Street Port Melbourne. Mrs Carter was driving a cart slowly around the track when her cart struck a barrier made from tyres.

Witnesses rushed to help her to discover her unconscious and bleeding from the nose and mouth. She died as a result of injuries which included a fractured skull at the back of the neck caused by a 'whiplash' type injury.

WorkSafe investigations found the barriers made from car tyres and used to protect patrons from crashing into concrete walls were inadequate and offered little protection. An expert report also found that Mrs Carter's head struck the go cart's steering wheel hub because her seatbelt harness was not adequately fitted and tightened.

The court was told that before the death, seven separate incidents resulting in injuries to patrons had occurred at the Port Melbourne site over a three-year period.

Judge Allen said the evidence provided to the court demonstrated serious breaches of the Occupational Health and Safety Act 2004.

Judge Allen also said the obvious hazards and risks at the site meant there was a 'high likelihood' that workers and patrons could suffer injuries and death.

WorkSafe's, John Merritt, said the case was a senseless tragedy that could have been easily avoided. "Seven previous incidents over a short time at this business should have been more than a wake up call that fundamental safety processes used by this employer were flawed.

Source: WorkSafe Victoria

Furniture Business Fined \$15,000 Over Unsafe Work Practices

May 13, 2009

A Balcatta furniture importing and wholesale business has been fined \$15,000 for failing to provide a safe workplace after a labour hire worker was injured in a fall from a forklift.

Charles Watsford Lindsay Thomson (trading as Ford Thomson International) pleaded guilty in February and was fined in the Perth Magistrates Court on Friday.

In September 2006, a labour hire worker and a Ford Thomson employee were engaged in picking furniture stock from racks at the Balcatta premises, with the labour hire worker standing on a raised unsecured pallet while the other man operated the forklift.

The worker was approximately three metres above the concrete floor when the unsecured pallet moved and he fell to the floor, breaking his ankle and elbow.

WorkSafe WA Commissioner Nina Lyhne said today that the case should serve as a reminder to ensure that safe systems of work were in place, especially where forklifts were in use.

"There are many hazards involved with the use of forklifts, and it is extremely important that they are used safely," Ms Lyhne said. "In this case, standing on an unsecured pallet on the fork arm was the usual method used for picking stock in this particular workplace.

Continued on page 3

Continued from page 2

Victorians and Australians. This can be achieved with Federal and State Government support for legislative and regulatory action in an approach that is similar in scale and scope to the compulsory wearing of seat belts. It also will require each and every Australian to take greater responsibility for their own safety.

SIA NEWS

Sydney Safety Conference – Call for Papers

27-29 October 2009, Sydney Showground, Sydney Olympic Park.

The Sydney Safety Conference attracts health & safety personnel from a wide range of industries. The Conference Committee is currently working on the Speaker Program and is calling for papers from industry leaders who wish to present a session on relevant issues/objectives. Papers can take the form of case studies, research, workshops, time for presentation can vary from 20 to 45 minutes. For further information please go to <http://www.sia.org.au/>

SIA - SUPPORTED EVENTS

Play - "Prophet & Loss"

'Prophet and Loss' is a thought-provoking and powerful theatre performance telling true stories of some WGS clients bereaved by work-related death. As we at Creative Ministries Network seek to understand the challenges of responding to injustice and grief, we have found others have grappled with these challenges from Biblical times. This unique production draws upon the Biblical writing in the book of Isaiah and the ancient practice of walking the labyrinth to honour the journey imposed upon so many of our clients by unjust

Continued on page 4

Continued from page 2

"Since this incident, a far safer system of work has been introduced whereby stock is stored on pallets which are then raised and lowered by forklift, removing the hazardous practice of workers being elevated to pick stock. The employer could also have either fitted purpose-built workcages to the fork arms or used order picking lift trucks that are specifically designed for this situation.

"The court case revealed that the employer was aware of the unsafe system of work being used and failed to take any steps to prohibit it.

"The labour hire worker involved in this incident could easily have been spared the pain and inconvenience he suffered as a consequence of the employer's failure to ensure that safe systems of work were in place."

Further information on safe systems of work and the safe use of forklifts can be obtained on the website at www.worksafe.wa.gov.au.

Source: WorkSafe WA

WorkSafe WA Investigates Death Of Worker At Australind

12 May, 2009

WorkSafe WA is investigating the work-related death of a 41-year-old Water Corporation contractor after a fall at a water treatment plant at Australind, near Bunbury, yesterday.

The man was believed to have fallen more than four metres. He was airlifted to Perth, but died in Royal Perth Hospital overnight.

Inspectors travelled to the site this morning and will investigate the circumstances. It is believed that the man was working alone.

WorkSafe thoroughly investigates serious work-related injuries and deaths in WA with a view to preventing future incidents of a similar nature.

Source: WorkSafe WA

Man Left Paraplegic, Another Hurt, When Demolition Job Goes Wrong

13 May 2009

Safety shortcuts which left a man a paraplegic and another in hospital for nearly a month has resulted in two related companies being fined a total of \$45,000.

Tuftmaster Carpets Pty Ltd and Tuftex (Preston) Pty Ltd admitted breaching health and safety laws and that they were working outside their level of expertise when ordering workers to demolish a hopper at their Cope Street, Preston, factory.

No documented work plans, job safety analysis or risk assessments were produced for the demolition of an old wool-blending bin nor was there fall protection for workers doing the job.

Heidelberg Magistrate Barry Docking was told a service agreement between the companies provided that Tuftex paid staff salaries and other employee expenses, while Tuftmaster maintained equipment.

Part way through the May 2007 demolition work, part of a roof panel the workers were removing gave way. One worker fell 3.8 metres to the concrete floor. Another grabbed hold of something above his head as he fell, and managed to pull himself back onto the roof.

As a result of this incident, the worker that suffered the fall sustained serious injuries, resulting in incomplete paraplegic. The worker who avoided the fall suffered sprains and a sore back and could not work for four weeks.

Tuftmaster engaged suitably qualified persons to complete the demolition work after the incident.

Tuftex was convicted and fined \$30,000. Tuftmaster was not convicted but was fined \$15,000.

Magistrate Docking said the risks of employees falling from the bin were known by the

Continued on page 4



Continued from page 3

circumstances. We hope it also adds a contemporary voice to the cry of people across the ages for healing, justice and reconciliation. It will be held at Wyselaskie Hall, Uniting Church Centre for Theology & Ministry, 1 Morrison Close, Parkville. Tickets cost \$30.00, or \$25.00 concession.

The seasons runs from 10th to 19th June 2009.

To purchase your tickets, please ring the booking office on 03 9340 8842.

Job Ad

The following job advertisement has been released in the last week or two.

VIC

Monash University - Director, Occupational Health and Safety

More information on these can be found at <http://www.sia.org.au/services/employment/jobs/jobads-vic>

Other News

Fatigue Roadblock Finds Good Levels Of Compliance

15 May, 2009

A WorkSafeWA roadblock exercise at Port Hedland last weekend has revealed generally good compliance with fatigue safety laws, but some continuing problems with rest breaks. The joint roadblock was conducted by WorkSafe inspectors, WA Police and Main Roads WA, with assistance from the State Emergency Service.

WorkSafeWA Commissioner Nina Lyhne said today the operation found there had been continuing improvements in compliance with the fatigue laws for commercial vehicles, but there was still room for improvement.

"Fatigue is still a significant occupational safety and health issue in the commercial transport industry and it's pleasing to see that transport companies are largely in compliance with the major aspects

Continued on page 5

Continued from page 3

company, and could easily have been overcome by the provision of harnesses or other fall restraints.

Source: WorkSafe Victoria

Safety Initiative Reduces Work Injuries

12 May 2009

A State Government safety initiative has achieved a big improvement in the number of work-related injuries at those SA businesses with the worst track records for injuries and claims.

South Australian Industrial Relations Minister Paul Caica told State Parliament today about the first available results on SafeWork SAs Industry Improvement Program, which began in April 2007.

"This program targets industry sectors and employers found to have contributed disproportionately to workplace injury and illness claims in South Australia," the Minister said. "The results show a very encouraging improvement within the first group targeted: 169 medium-sized worksites including residential care facilities, supermarkets, factories and construction sites."

By June 2008 (just over a year after the program started), there was a:

- 16.2% reduction in all claims (July 2006-June 2008). This compares with a 5.1% reduction for all WorkCover registered employers over the same period.
- 21.2% reduction in income maintenance claims (July 2006-June 2008). This compares with a 10.5% reduction for all WorkCover registered employers over the same period.

Using specific and tailored strategies for small, medium and large businesses, the Industry Improvement Programme provides information, advice, education and, where necessary, enforcement actions to foster a systematic approach to managing health and safety.

"SafeWork SA also received highly positive feedback from the employers who participated in the medium-sized employer strategy," Mr Caica said. "In a telephone survey of employers, 99% of respondents reported they were satisfied with the standard of service provided and 93% made a change to their policies and procedures as a result of being involved in the strategy. The Industry Improvement Program will continue throughout 2009

Source: SA Minister for Industrial Relations

Scandalous Case Confirms Union's Safety Role

11 May 2009

According to the CFMEU, Queensland's Mining Union has won an historic ruling in the Supreme Court of Queensland.

Walter Mining Pty Ltd made application to exclude the evidence of one of the CFMEU's Industry Safety Inspectors, Stephen Smyth, from an ongoing coronial inquest.

The inquest is being held into the death of Jason George Elliott Blee who died when allegedly crushed between a shuttle car and a rib of a mine wall at the Moranbah North Coal Mine on 9 April 2007.

The Inquest is ongoing and being conducted by Coroner Hennessey.

His Honour Justice McMeekin dismissed the application and costs were awarded against the company in what seemingly amounted to a slap in the face for Walter Mining.

"Does Walter Mining have something to hide? Coronial inquests into these matters are about finding out the truth," said Stuart Vaccaneo, Senior Vice President of the Mining Union said today.

The role of industry safety inspectors is statutory and recognised under the Coal Mine Safety and Health Act 1999.

"Challenging the admissibility of evidence given by a 20-year underground coal industry veteran with a statutory role under the Coal Mining Safety and Health Act seems completely at odds with a search for the truth into this tragic death," Mr Vaccaneo said. Mr Smyth said he was disappointed with the company's actions. "I'm calling on Walter Mining to apologize to Mr Blee's Widow Rachel, who just wants to find out the truth, and will now have to wait longer as a result of the company's actions.

"Costs were awarded against the company in this case, so it highlights, in my view, the spurious nature of this application by Walter Mining Pty Ltd." Mr Smyth said. "Whilst no one should pre-empt the outcome of the inquest, this case serves as a major warning

Continued on page 5

Continued from page 4

of WA's fatigue regulations," Ms Lyhne said. "On this occasion, the inspectors found that companies and drivers operating solely within WA showed a higher level of compliance with the laws than interstate operators.

"Inspectors did find some continuing problems with mandatory rest breaks, and improvement and prohibition notices were issued when breaches were discovered. We've seen a steady increase in understanding of the fatigue laws since we began conducting these roadblocks five years ago, and it seems that the industry has generally come to grips with the fact that the laws are there to ensure commercial vehicle drivers are given sufficient rest."

A total of 171 commercial vehicles were stopped at the Port Hedland roadblock, with two improvement notices and one prohibition notice issued to drivers who had not had the mandatory seven-hour rest break.

In addition to these notices, inspectors will follow up with 30 transport companies on other fatigue-related issues such as medical checks for drivers, training of drivers and keeping proper records.

"Even so, there are still a small number of companies who continue to flout the laws – in fact, a Geraldton bakery was fined \$15,000 just last week in its second conviction on charges of failing to ensure its drivers took the required rest breaks.

"So although we're pleased with the improvement in compliance, it is worth reminding the industry that the human body has limitations and adequate sleep and rest is essential to safely undertake long-distance driving.

Further information on fatigue management can be obtained from the website at www.worksafe.wa.gov.au

Source: WorkSafe WA

Continued from page 4

to mining companies. The safety of miners must come first and the CFMEU will always exercise its statutory responsibilities under the act diligently and with vigour," he said.

"Commercial considerations must never take higher priority than the safety of underground coal miners. It can be a matter of life and death," Mr Smyth said.

Source: Mining and Energy Division - Construction, Forestry Mining and Energy Union

Tasmanian Cement Workers Asked To Participate In Health Screening Program

16 May 2009

The Australian Workers Union is urging people to take up the offer of a free health screening program if they ever worked at the Goliath Portland Cement Company in Railton, Tasmania.

"If you were employed at the plant between 1947 and 1986 you may have been exposed to asbestos fibres while the asbestos factory was in operation," AWU Tasmania Secretary, Ian Wakefield, says.

Ian Wakefield said that advertisements telling former workers about the health screening program will be placed, at first, this week in all Tasmanian newspapers.

Union works with Cement Australia on asbestos health screening program

"At a later stage the ads will also go into national media because some of the approximately 3000 people that may have worked at the former asbestos plant have moved to other parts of Australia.

"The health screening program - a joint program of the AWU and Cement Australia - is the latest stage of a ground-breaking joint project," Ian Wakefield said.

The AWU Secretary urged people who may know the whereabouts of former Railton cement plant workers - either in Tasmania or other parts of Australia - to download the advertisement from http://www.awu.net.au/ca0525_asbestos_advert_v3.pdf, and let them know about this new health screening program - as soon as possible.

Source: AWU

Construction Industry Commits To Zero Harm At Work

15 May, 2009

Queensland Industrial Relations Minister Cameron Dick will today launch the Zero Harm at Work Leadership Program for the Queensland construction industry, at a forum of around 50 CEOs and industry leaders.

Mr Dick said the program aims to improve safety on building and construction sites in Queensland, by changing attitudes from the top down.

"Zero Harm at Work aims to build a positive safety culture in Queensland workplaces, to help reduce the number and severity of workplace health and safety incidents," Mr Dick said. "While the construction industry is making progress in the area of Workplace Health and Safety, there is still an urgent need for change, to prevent death and injury on Queensland construction sites. We want all Queensland workers to make it home to their families at the end of each day."

Mr Dick said rate of injury in the construction industry is 18 workers injured per 1,000 employees. This compares to an all industry rate of 15 workers injured per 1000, in 2008.

"Significant cultural changes need to occur within the construction industry to turn these figures around," Mr Dick said. "Real and sustainable improvements in workplace health and safety can only be achieved by the engagement and unwavering commitment of industry leaders. Today's forum is a big step in the right direction, with around 50 CEOs and industry leaders from across the construction industry coming together to make a commitment to make a culture of Zero Harm at Work the norm and not the exception."

Mr Dick said building safe workplaces has huge social and economic benefits for businesses and the state as a whole.

The Bligh government has set targets through Workplace Health and Safety Queensland to reduce injuries by 40% and fatalities by 20% by 2012.

"We want to ensure our businesses are as safe and productive as possible, to secure Queensland jobs and keep the economy strong," said Mr Dick.

Continued on page 6

Letters to the Editor

If you have any safety issues to discuss, or concerns about SafetyWeek itself, please consider communicating with the Editor through natadmin@sia.org.au

SafetyWeek
Issue 193, 18 May 2009
ISSN 1834-8297

Editor Barry Silburn CFSIA
Editorial Inquiries 03 8336 1995

natadmin@sia.org.au

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

www.safetyatwork.biz

Continued from page 5

Effective management of health and safety risks can:

- greatly reduce the potential for people getting killed, injured or sick at work;
- maximise productivity and wellbeing of all workers by reducing absenteeism, downtime, and labour turnover;
- avoid negative effects on profitability, such as lost time and high workers' compensation costs;
- minimise the likelihood of prosecution for safety breaches;
- encourage better relationships with contractors and suppliers; and
- improve the organisation's reputation in the eyes of investors, customers, competitors, suppliers and the community.

Queensland Workplace Health and Safety Board Chair Vince O'Rourke told industry leaders at the forum today that they must drive the cultural change needed to implement a zero harm approach to workplace health and safety in their own organisations.

"Industry leaders can motivate their peers and encourage their industry to achieve higher health and safety standards," Mr O'Rourke said. "But in individual companies it is the attitudes and decisions of boards, CEOs and senior managers that set the priorities, so they are critical in fostering a zero harm culture in their workplaces.

"Leadership is at the heart of building a zero harm safety culture. They must drive cultural change from the top down to create positive change in their own organisations."

Mr O'Rourke said the program was designed to motivate and encourage organisations to voluntarily strive for zero harm at work by:

- providing an ongoing forum to foster and promote leadership in workplace health and safety in the construction industry;
- providing examples of good practices and sharing lessons learnt that can assist other workplaces to improve;
- promoting the adoption of a zero harm at work culture through cooperation and knowledge sharing;
- providing practical advice, support, materials and tools to implement a zero harm culture.

While the inaugural forum targeted construction CEOs, the Zero Harm at Work Leadership Program will be expanded in coming months to include other priority high-risk industries.

For further information visit www.worksafe.qld.gov.au or call Workplace Health and Safety Queensland on 1300 369 915 and ask for the Zero Harm at Work Leadership Program coordinator.

Source: Attorney-General and Minister for Industrial Relations

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 the SIA Secretariat through natadmin@sia.org.au

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

Disclaimer

Copyright © 2009 Safety Institute of Australia 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.

Any views and opinions in this Bulletin are solely those of the authors and do not necessarily reflect those of the publisher or the Safety Institute of Australia.

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

Privacy

While on administrative matters, it is worth reiterating that the publishers have no access to SIA member details. The PDF file is distributed through the SIA Secretariat.