



SAFETY AT WORK BULLETIN

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Syringe in Bin Costs KFC

By Danny Rose

August 2 2005

A used syringe poking out of a garbage bag has cost KFC, and a company that runs many of its restaurants, more than \$50,000 in fines and court costs.

The fast food giant, and major franchise operator St Mina's Global Restaurants Pty Ltd, today pleaded guilty in the Melbourne Magistrates Court to breaches of Victoria's occupational health and safety act.

It came three years after former KFC casual worker Daniel Mikronis, then aged 17, was jabbed in his forearm by the needle as he handled bags of refuse at a KFC restaurant in suburban Vermont.

After today's guilty plea, Magistrate Charlie Rozencwajg said the companies had failed to ensure there was adequate information, instruction and training for its young workers in relation to garbage.

KFC, and the company which operates 34 KFC restaurants across Australia including the Vermont site, were each fined \$10,000.

The companies, which had previously sought to contest the breaches, also must pay court costs of \$20,000 and \$11,000 respectively.

Outside the court, Mr Mikronis told journalists: "I'm happy with the decision, and glad it's all over."

Worksafe Victoria spokesman Michael Birt said the case showed the importance of ongoing hazard identification on work sites.

He said level of blame in this instance was low - as the needle was discarded anonymously in one of the restaurant's outdoor bins - but workers must still be safeguarded against the possibility of such injuries.

"Employers need to find better ways of getting these jobs done ... (and) identify a hazard that ought to be guarded against," Mr Birt said.

AAP

Federal Minister Speaks about Industrial Manslaughter

28 July 2005

At a recent Award ceremony in Canberra the Federal Workplace Relations Minister, Kevin Andrews, presented his thoughts on Industrial Manslaughter legislation and other OHS penalties.

"I believe that the Commonwealth leads the way in promoting an environment in which employers and employees are encouraged to take a cooperative approach to identifying and eliminating hazards that may cause injury or death.

The Government has always emphasised prevention rather than punishment after the incident as this fosters a workplace environment which promotes safety rather than allocates blame.

The Commonwealth has in place an effective enforcement and compliance regime which promotes safer workplaces. There exist dual civil and criminal penalty regimes for OHS breaches, with all Commonwealth employers liable to the full range of civil penalties and remedies.

The maximum criminal penalty that a number of Commonwealth employers face for a breach of their duty of care which causes death or serious injury is nearly \$500,000. This is one of the highest penalties for OHS breaches in Australia and importantly, there are no gaol terms provided for under the OHS Act for breach of duty of care.

The criminal offences provided for under the Commonwealth's legislation also covers conduct by a wide range of persons, including manufacturers, suppliers and employees. This is in stark contrast to the approach taken by a number of States and Territories.

For example, you would all be aware that the ACT has enacted an industrial manslaughter law which will only create uncertainty for employers and employees by removing the focus from prevention of workplace fatalities and serious injuries.

The ACT law targets only employers and senior officers, ignoring a range of other parties and factors that may contribute to workplace deaths and serious injuries. It fails to recognise that some of those factors may be outside the employer's control.

The State and Territories appear to favour an adversarial approach to OHS matters, where the onus for responsibility is entirely upon that of the employer. Whether by design or accident, the States and Territories appear determined to single out employers for punishment and wrongly presume that employers are responsible for all workplace deaths.

The NSW Government has recently passed the NSW OHS Workplace Deaths Bill 2005, where employers will face up to five years jail and a \$165,000 fine if they are convicted of causing an employers death through 'recklessness'. Once again employers are being singled out for punishment.

The inevitable effect of such offences is that they will create uncertainties for employers which may discourage employers and employees from being closely involved in safety issues and place the parties in an adversarial environment for fear of personal prosecution."

Source: Department of Employment and Workplace Relations

Draft DG Regulations in Tasmania

Workplace Standards Tasmania has two Dangerous Goods DRAFT Regulations available

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for comment. Dangerous Substances (Safe Handling) Bill 2005 & Dangerous Substances (Safe Transport) Bill 2005 can be downloaded at <http://www.wst.tas.gov.au/resource/poldangerous-2.htm>

Drafts open for public comment by COB Friday 26 August 2005

Safety forum in Hervey Bay

August 3 2005

Maritime Safety Queensland has organised a forum in Hervey Bay for the marine industry to encourage more safety awareness on the water.

Transport and Main Roads Minister Paul Lucas said the relationship between the industry in the Hervey Bay region and the state government was very important for maritime safety.

"Owners and operators should come along to the forum to find out the latest developments across a range of marine industry issues and initiatives," he said.

"Anyone who isn't fully aware of their responsibilities and safety obligations risks severe penalties that could be costly to their operation," Mr Lucas said.

Information sessions at the forum, which will also involve the Marine Board, will include an update on training initiatives and their impact on marine industry, improvements to ship management systems, and proposed changes in Queensland's maritime legislation.

The marine industry forum will start at 2pm on Thursday 18 August at the Outrigger Hervey Bay on Buccaneer Drive in Urangan.

More information about the forum is available from Maritime Safety Queensland on (07) 3120 7464 or by email to

marineboard@msq.qld.gov.au Source: Department of Transport & Main Roads

National Farm Equipment Safety Checks Underway Soon

August 3, 2005

Workplace safety and health authorities across Australia have launched a coordinated campaign to focus on the safety of farm machinery and equipment being sold to the farming community.

The campaign – jointly launched around the country this week – aims to ensure plant and other equipment meets workplace safety and health standards, and seminars will be held in regional areas to explain the project.

The campaign targets manufacturers, suppliers, importers and retailers of new and second-hand plant and equipment supplied to the agricultural sector.

It focuses on four specific types of plant:

- Tractors
- Tractor implements;
- Grain augers; and

- All-terrain vehicle (ATV) attachments.

Future campaigns will look at other types of plant.

WorkSafe WA Commissioner Nina Lyhne said today that manufacturers, suppliers and retailers all shared some responsibility for ensuring that farm machinery was safe.

"In Western Australia, WorkSafe inspectors will be looking at a wide range of situations including importers and machinery auctions, in fact any situation in which machinery changes hands," Ms Lyhne said.

"The inspectors involved are receiving excellent cooperation from agencies such as the Tractor and Machinery Association, Motor Trades Association, Farm Machinery Dealers Association, the WA Farmers Federation and Pastoralists and Graziers Association.

"Our objective is to work together with the industry to achieve safety improvements.

"Agriculture has the second highest number of injuries of all industries in WA – second only to manufacturing.

"With around 900 workers each year injured badly enough to warrant time off work and many of these injuries involving farm machinery, there is definitely room for improvement.

"Under occupational safety and health laws, suppliers of plant and machinery have clear responsibilities in relation to safety."

Information seminars will be held in all States during August to inform the industry of their legal obligations in relation to safety and the actions they should take to ensure they meet those obligations.

In WA, seminars will take place in Narrogin on August 9, Esperance on August 11, Wongan Hills on August 16 and Geraldton on August 18. Those wishing to attend should telephone WorkSafe's Bunbury office on 97222888.

WorkSafe inspectors will visit manufacturers, suppliers, importers and retailers of plant supplied to the agriculture industry across the State from September to December to verify the level of compliance with legislative obligations.

"This type of national proactive campaign is crucial in preventing potential injuries and deaths, and I encourage anyone involved in the supply chain for farm machinery to contact the Bunbury office and register to attend a seminar," Ms Lyhne said.

"The campaign is aimed at protecting the end user of the machinery by ensuring that all parties involved in supplying the machinery take their safety and health responsibilities seriously."

Further information on machinery safety can be obtained by telephoning WorkSafe on 9327 8777 or on the website at

www.safetyline.wa.gov.au. Source: Department of Consumer and Employer Protection

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Operational Matters

Acrobat Reader has always had an excellent search function but with the latest version this has improved. To use the software to its best advantage, we recommend that you save the SIA Safety At Work Bulletin to a designated folder in your PC. This establishes an effective research folder.

Open Acrobat Reader and click on SEARCH. When the window opens enter your search keyword. Click on the arrow next to MY DOCUMENTS and choose BROWSE FOR LOCATION. Then you can use the Windows File structure to refer to your research folder. Click ENTER and then click on SEARCH to begin looking for your search keyword.

Acrobat searches through the entire text of each PDF file in that folder and produces a results list. Clicking on any of the items listed opens the PDF file to the page where your keyword is, highlighting your keyword.

Over time, you will find this is a very effective way of establishing a safety research database. The growth of OHS publications being made available for download increases the practicality of this process. Download OHS publications to your research folder and you can quickly establish a research library on safety that is the equivalent of a small university library.



UPCOMING EVENTS

**Visions 2005 Conference,
Cairns International, Queensland
28-30 September 2005**

More information at
[http://www.sia.org.au/publications/
Conferences/Safety%20in%20Action%20
02005/Visions%202005%20Conference.
pdf](http://www.sia.org.au/publications/Conferences/Safety%20in%20Action%202005/Visions%202005%20Conference.pdf)

**The Safety Conference,
Sydney NSW
26-28 October 2005**

More Information at:
[http://www.thesafetyshow.com/
?view=conference](http://www.thesafetyshow.com/?view=conference)

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circulated to all SIA members around
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special local SIA event, send the details
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natadmin@sia.org.au for possible
inclusion in this bulletin.
This is a bulletin produced on behalf
of the SIA and the more SIA content
it contains the better it serves the
members needs.**

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New Falls Guides

August 3 2005

WorkSafe Victoria has released a series of fall prevention guides dealing with working on roofs, accessing shelves and a range of other falls matters. The most general guides concern the use of ladders and a "basic steps" guide. Both of these are required reading with "basic steps" providing a very useful risk assessment flowchart.

The guides are available for download from
<http://202.12.135.46/vwa/home.nsf/pages/fallsfactsheets>

Stewards praised for calling off race

August 3 2005

Stewards have been praised for their midrace halting of an event at Queanbeyan on Saturday in which an apprentice jockey was in danger of being trampled by the field.

Queanbeyan Racing Club president Neil Head said the "swift and decisive action" by stewards prevented a potential disaster.

"The club wishes to loudly praise the efforts of the stewards and their directions to club track staff to halt midrace the Startrack Express (2000m) as apprentice jockey Joel Dessa lay on the track following a race fall going past the winning post the first time around," he said.

"Like all race clubs, QRacing shares the stewards absolute first priority towards jockey safety and to that of the general public.

"While the quick-thinking ambulance staff did manage to move Joel back under the running rail to safety very quickly, there was the possibility, for a split second, that he may not have been able to be moved.

"The stewards did the right thing by instantly ordering the race to be abandoned even as the remainder of the field was thundering down the back straight.

"It was a nasty fall as the horses exited the home straight, just past the winning post, en route to a lap of the course.

"No doubt the stewards will review the causes in retrospect. But Joel has been released from hospital and a potential tragedy has been averted." AAP

Navy to replace submarine hoses to reduce risk of floods

August 3 2005

The navy will replace flexible seawater hoses on its six Collins-class submarines as "insurance" against a major flood.

The move comes after a serious flood almost sank HMAS Dechaineux and its 55

crew off the coast of Perth in February 2003, The Australian newspaper reported today.

Rigorous testing had failed to explain why the hose failed on the Dechaineux, the paper said, and the navy was exploring options for a new type of hose.

Navy chief Vice-Admiral Russ Shalders told the newspaper the new hose would be introduced as "insurance" against another flood, but has defended the safety of the submarines.

A leaked internal report revealed that there were 67 "unacceptable" faults in the submarines, including potentially catastrophic floods, fires or equipment faults at sea in three of the six vessels.

But Vice-Admiral Shalders told the paper the safety hazards had been addressed since the report was written in May 2002. AAP

National push for "Safety is not an optional extra" message

4 August 2005

WorkSafe Victoria is leading a national campaign to protect farmers from the sale of unsafe equipment.

New and second-hand tractors, tractor implements, grain augers and All Terrain Vehicles are the focus of the campaign.

Around 700 random inspections of manufacturers, suppliers, importers and retailers will be carried out across Australia between September and December. One-hundred of those visits will be in Victoria.

WorkSafe is hosting briefings during August to inform affected industry sectors, including farmers, of their legal obligations and what need to be done to meet them (see below).

"WorkSafe is committed to working with industry by providing guidance and early warning of campaigns, but it must be accepted that safety is not an optional extra," Executive Director John Merritt said.

"Whatever is needed to make plant safe, power take-off guards and rollover protection on tractors, for example, should be sold with it. The equipment should be sold in good condition and suited to the task for which it is to be used.

"Suppliers can't be responsible for what someone does with the equipment once it is sold, but it must be as safe as possible when it leaves their premises," Mr Merritt said.

The Executive Director of the Tractor and Machinery Association of Australia, Vin Delahunty, said the organisation endorsed the campaign and had advised its members.

"Machinery dealers must be able to demonstrate that they've gone through a risk

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management process for new and used equipment, manuals should be available and any guarding needed should be fitted.

"In the case of used machinery, workshop reports should also be kept so repairs are recorded. Ultimately it's in the interests of purchasers, individual businesses and the industry that equipment is put on the market without concerns for the operator's health and safety.

"The involvement of all states means the information and advice provided by the OHS authorities will be consistent across the country."

Briefings Will Be Held At....

Warragul: 15 August - Lardner Park, Burnt Store Rd, Lardner.

Ballarat: 17 August - Victorian Farm Safety Training Centre, O'Donnell's Road, Ballarat.

Horsham: 18 August - Longerenong Agricultural College, Longerenong Road, Doon.

Shepparton: 24 August - Goulburn Ovens Institute of TAFE, William Orr Campus Wanganui Rd, Shepparton.

Epping: 26 August - Northern Melbourne Institute of TAFE, Epping Campus, Cooper Street, Epping.

Glenormiston: 31 August - University of Melbourne, Glenormiston Campus, 333 Glenormiston Road, Glenormiston.

Bookings are essential: Contact Anna Bencic on (03) 9485 4541 or email anna_bencic@workcover.vic.gov.au

The sessions run from 10am to 2pm. Morning tea and lunch will be provided.

Source: WorkSafe Victoria

Firefighters ill-equipped for CBR hazards: Liberals

August 5 2005

South Australian firefighters have not had sufficient training to attend chemical, biological or radiological (CBR) incidents, the state opposition says.

SA Liberal emergency services spokesman Angus Redford said Country Fire Service (CFS) volunteers had been told by the state government they were required to deal with CBR incidents.

But he claimed at least one CFS brigade had received only a single six hour training session to deal with CBR hazards.

"I know for a fact that members of the brigade in question are astounded that, having received so little training, they could be called on to provide a front-line response to a serious incident involving chemical, biological or even radiological contamination," Mr Redford said.

"These events could range from a minor chemical spill to a major terrorist attack using

biological or even radioactive weapons.

"If the experience of this particular brigade is typical of what has - or hasn't - happened throughout South Australia, then I am deeply concerned about our ability to deal with a serious CBR incident." AAP

Warning on underground gas tanks

5 August 2005

WorkSafe and the VACC have called on service station operators and users of bulk LPG to review maintenance and safety measures around underground gas tanks after an explosion at Kensington early today.

WorkSafe is investigating the incident in which a 25-year-old man received burns to the upper body while checking gas levels at a service station's underground gas tank.

The cause of the incident is not clear however WorkSafe is investigating the possibility of a leak allowing gas, which is heavier than air, to build up.

A source of ignition for the gas is yet to be confirmed, however a naked flame or faulty electrical equipment are among the potential sources.

WorkSafe's Executive Director, John Merritt, said the incident should trigger an immediate review of safety measures and training for any worker who needs to read gas gauges.

"Without commenting on this case, an 'intrinsically safe'* torch or fixed electrical lighting that is suitable for use in a potentially flammable environment is all that is needed to avoid incidents which can obviously have serious consequences.

Commenting on the issue VACC Service Station and Convenience Store Division manager, Terry Conroy said, "This serves as a reminder of the hazards involved when handling volatile fuels.

"The VACC encourages all service station operators to ensure that fuels are handled in accordance with the requirements of the Australian standards and that operators are aware of their health and safety obligations.

"There is no excuse for not being aware of your obligations to use appropriate equipment and care," Mr Conroy said.

Mr Merritt said there had been many cases where adults used cigarette lighters to illuminate gauges.

In August 2002, two boys, aged 13 and 16, were badly burned on the face, hands and legs at Yea.

* An 'intrinsically safe' torch is a special sealed torch that does not allow the entry of dangerous gases which could be ignited by the batteries and electrical connections

Source: WorkSafe

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