



SAFETY AT WORK BULLETIN

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Safety Changes in SA Government

15 August 2005

Major reforms that will make South Australia's workplaces safer are now law following the historic proclamation of the Rann Government's SafeWork SA legislation.

State Industrial Relations Minister Michael Wright says that the SafeWork SA legislation will deliver significant workplace improvements for all South Australians.

"This Government has made the biggest investment in Occupational Health, Safety and Welfare (OHSW) in the history of the state," says Mr Wright.

"It is our clear intention to slash the long term costs of workplace injury and disease in South Australia and the only effective way to achieve that is to ensure that our workplaces are as safe as possible," he says.

Under the changes Workplace Services - the Government's existing Occupational Health, Safety and Welfare agency - will be re-named SafeWork SA. All OHSW functions will be consolidated into one administration. This includes the transfer of all OHSW functions at WorkCover to SafeWork SA.

Mr Wright says that this consolidation of functions to SafeWork SA allows WorkCover to focus on its core responsibilities to efficiently administer the workers' compensation system and deliver the best possible rehabilitation and return-to-work results.

He says the reforms have the backing of both the trade union movement and the business community.

"In particular, Business SA and SA unions are to be commended for strongly advocating for this legislation. They've supported it because it's in the best interests of all South Australians."

Under the SafeWork SA reforms :

- Employers have a duty to make sure that the health, safety and welfare of everyone in the workplace is protected - including contractors, customers and visitors.
- Workplace bullying and abuse issues can be referred to the Industrial Relations Commission.
- Government departments can now face prosecution over OHSW offences
- A balanced package of OHSW training will make sure that both management and employees are informed about OHSW issues and can then work better together to improve workplace safety.

Over the next few months bosses and workers will become familiar with the implications of the new SafeWork SA reforms. Major education and awareness campaigns will inform all parties of the legislation and how the new laws will affect them. Source: SA Government

Burrow Stands Firm On Workplace Safety Comments

17 August 2005

ACTU president Sharan Burrow sees no reason to apologise for her controversial remark on workplace safety which Treasurer Peter Costello condemned as offensive.

Ms Burrow has been filmed telling a colleague she needed to find a mum or a dad of someone injured or killed, apparently to produce emotional testimony to bolster their case for a tougher stand on workplace safety.

"That would be fantastic," Ms Burrow said in the video.

Today, she said her comments were to a colleague who had offered assistance. "I have an effusive personality so I certainly wasn't making those comments in regard to what is a very very serious issue," she told the Nine Network. "But if the minister wants me to apologise for exposing the risks to lives that his current bill in regard to the building industry poses, then I can't do that because it is very serious."

Ms Burrow said they saw on average one death a week in the building industry and her appeal to find a bereaved relative had succeeded, with the mother of a young apprentice killed in his first week on the job speaking at a union rally.

"Of course I would never want those comments to be seen as insensitive," she said. "But I am very serious about my work and the stories of people lives when they are put at risk is something that is central to trying to raise the awareness of a government who seems oblivious to it."

Treasurer Peter Costello said Ms Burrow had been caught on camera asking the ACTU executive to find someone to use for advertising for political propaganda.

"It is one of the most offensive things that has ever been captured out of an ACTU meeting," he told the Nine Network.

"They obviously thought that when the cameras were rolling that it wouldn't actually pick up this incident.

"Sharan Burrow ought to apologise to the ACTU, its members and the public that she is

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prepared to try and find relatives who have suffered bereavement or loss and use them for political propaganda. Sharan Burrow owes the public a very large apology over that.”

AAP

Labor Says Government Wants Unions Off Work Sites

18 August 2005

Labor has accused the federal government of changing occupational health and safety laws for the sole purpose of removing trade unions from workplaces.

The opposition opposes new laws the government says will make it easier for employees and employers to make decisions about how best to reduce any risks to workplace health and safety.

But the government used its numbers to ensure the bill passed the House of Representatives.

Labor backbencher Craig Emerson says the changes are a recipe for disaster for workers and proves the government has a pathological hatred for members of the union movement.

He says trade unions effectively monitored occupational health and safety standards in Australia's workplaces for years but the government is determined to stop the practice.

AAP RTV

James Hardie called on to finalise compo pay-outs

August 19 2005

Asbestosis sufferer Bernie Banton has called on James Hardie Industries to finalise its asbestos compensation deal.

James Hardie Industries said today it was continuing to work towards finalising the deal, after announcing a strong increase in first quarter profit.

But the building products company indicated one issue holding up the agreement was whether or not its compensation payments would be tax deductible.

Mr Banton, a vocal compensation campaigner, accused the company's chief negotiator of making himself unavailable for today's annual information meeting in Sydney.

Asbestos sufferers and unionists plan to protest at the meeting, urging the company to move ahead with its compensation scheme, which was agreed to in-principle eight months ago.

“We do have an in-principle agreement with Hardies and then we had to move on to a principle deed agreement, which is the legally binding agreement,” Mr Banton told ABC radio.

“This is where the struggle has been for the government for the last eight months.

“Hardies have squirmed and turned and really made life very difficult and continue to do so.”

Mr Banton said it was to James Hardie's detriment that it complained the NSW government was holding things up, when the company's chief negotiator had been tied up all this week and then “flitted off overseas”.

“It's a bit harsh for Hardies to be calling on the government, saying that they're using stalling tactics, when in fact their chief negotiator has been unavailable and will be unavailable until towards the end of next week.”

Mr Banton said the company should postpone salary increases for its executives until asbestos disease sufferers were paid.

Under a draft agreement reached last December, James Hardie said it would set aside part of its cash flow for asbestos compensation over the next four decades, on the condition such payments were tax deductible.

“We are continuing to discuss tax deductibility of the payments with the Australian Tax Office and the Commonwealth Treasury,” the company said in a statement.

AAP

Workplace deaths and injuries down

19 August 2005

Victorian workplace deaths are at their lowest level since records began and the rate of workers being injured is also at generational lows.

WorkSafe's Executive Director, John Merritt, said the figures were good news for Victorian workers, families and businesses.

“There were 22 reported fatalities during the 2004-2005 financial year, the lowest for any year on record.

“More than half the deaths were in the construction and agriculture sectors.

The farming sector reported record low fatality rates in the past year, and not one work-related farm death has been reported to WorkSafe so far in 2005. Victoria's last farm death was in November last year.

The figures follow the introduction of new Victorian Occupational Health and Safety laws which encourage employers and employees to work together to identify and eliminate risks.

“When you get the balance right between regulation and advice, fewer people are hurt at work and employers are more likely to maintain safer workplaces.

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NOHSC Exposure Standards Amendments

Public Comments are being sought on proposed amendments to the **Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment** [NOHSC:1003(1995)]

Public Comment opens on 2 August 2005 and closes on 31 October 2005 with more information available at

<http://www.nohsc.gov.au/PublicComment/NatExposure/default.asp>

New Cash-In-Transit Guide

WorkSafe Victoria has released a new guide for Cash-In-Transit. “Cash-In-Transit” is a 32 page publication outlining practical guidance for Cash In Transit (CIT) employers, and duties of designers, managers, contractors and employees. The publication covers risk management, safety and security risk assessment, vehicles and robbery. It is available for download at

www.worksafe.vic.gov.au

Adobe Acrobat V7 Update

Please note that the latest edition of Acrobat Reader is version 7.03.

The important security download is available by clicking **HELP - CHECK FOR UPDATES NOW** in Acrobat Reader 7.

Recent versions of Acrobat Reader are available as a FREE download at

<http://www.adobe.com/products/acrobat/readermain.html>



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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
2005/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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it contains the better it serves the
members needs.**

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"WorkSafe is taking a more constructive role in terms of on-site guidance, while collaborative development of health and safety projects is a priority.

"Obviously one death is too many, and each one extracts a huge toll from the worker's family, colleagues and their community, but these figures show that employers and employees are recognising that incidents that result in death and injury can be predicted and prevented".

"The work undertaken by WorkSafe to raise the profile of workplace health and safety is paying off."

Mr Merritt also released details of improving injury rates during the 2004-2005 financial year.

These included:

- the largest reduction in the number of WorkCover claims since 1997-1998 – this amounted to a reduction of nearly 8% over the past year* - taking the injury rate to the lowest ever on record;
- a 4.6% decrease in the number of more serious injuries and workers visiting hospital because of an injury*; and,
- more than 40,000 workplace visits by safety inspectors, a reduction in the need for compliance notices for employers and more advice about how to improve safety.

Mr Merritt said employers and their workers should use these results as the new baseline.

"There is no room for complacency when it comes to human life or workplace safety and this information provides a new starting point for everyone to refocus their efforts on changing the way they work and do business".

*claims per '000 workers

Source: VWA

Mining Health And Safety Conference Gets Top Vote

15 August 2005

Hundreds of delegates will gather in Townsville this week as it plays host to the nation's leading health and safety conference for the mining industry, Mines Minister Henry Palaszczuk said today.

Now in its 17th year, Mr Palaszczuk said the annual Queensland Mining Industry Health and Safety Conference was the ideal forum to review the safety and health performance of the mining industry over the last 12 months.

With more than 400 delegates from throughout Australia this year, it was also a

chance to collectively look to the future, he said.

"Delegates at the Townsville conference have embraced the conference theme Confronting the Real Issues and have made a commitment to protect the health and safety of all mine workers across Queensland," he said.

However, they recognised the industry had no room for complacency, he said.

"Queensland has one of the best mine health and safety records in the world and one of the challenges facing the industry is to ensure that the hard-won safety and health gains are not just maintained but continuously improved."

Mr Palaszczuk said safety performance in the Queensland mining industry varied over the last twelve months.

"It is with deep regret to all of industry that four fatal accidents occurred in the non-coal sector of the Queensland mining industry during the 2004-2005 financial year.

"We are further saddened at a death earlier this month in the coal sector.

"Any fatality is one too many and we must continue to direct our efforts to the goal of zero fatalities within the Queensland mining industry," Mr Palaszczuk said.

"On a positive note, both the industry and the Department of Natural Resources and Mines are pleased that most of the Queensland mining safety performance statistics for 2004-05 showed continued improvement, as has been the case in recent years. Lost Time Injury Frequency Rates also showed improvements in 2004-05. The rate of 4.6 is an improvement of 26 per cent from 2003-04, and is the best performance ever achieved in this State.

"And compared to the rate of 24.7 from a decade ago - after the 1994 Moura mine disaster - this achievement shows that industry best practice for lost time injuries is within reach. This lost time injury rate is even more impressive when you consider it was achieved despite the increased number of people working in the mining industry - more than 5000 - and mine production has doubled in most areas.

"On another level, all concerned must appreciate the reduction in human suffering and trauma reflected in this improvement, as well as the reduction in associated costs," Mr Palaszczuk said.

Papers presented at the conference by government, mining industry and union representatives will cover topics such as how to lift safety performance in the industry, road transport monitoring and effective restraints in underground vehicles.

There will also be lessons to be learned from previous mining disasters and new mining technology.

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"The conference provides a unique opportunity for all those who work in the state's mining industry to share health and safety related information and to extend networks of health and safety contacts within the industry."

Source: Department of Natural Resources and Mines

Uncertainty Over Working Directors To Be Resolved.

17 August 2005

The Gallop Government has acted to remove uncertainty over workers' compensation coverage for working directors, with legislation introduced in Parliament today.

Consumer and Employment Protection Minister John Kobelke said the Workers' Compensation Legislation Amendment Bill 2005 would allow working directors to receive workers' compensation benefits if they were injured at work.

"The legislation will clarify the definition of working director and restore the ability for genuine working directors to be covered by the statutory workers' compensation scheme," Mr Kobelke said.

"It will also more directly and clearly address the issue of legal uncertainty created by various Court decisions and substantially reduce the opportunity for disputes."

Mr Kobelke said these provisions amended those of the Workers' Compensation Reform Act 2004 which dealt with working directors and was due to come into effect on November 14.

The Minister said the Bill would also ensure dependants of a deceased worker were not penalised by the deferred implementation of the increased death benefit from July 1 2005 to November 14 2005.

"The Bill entitles dependants of workers who die from work-related injuries over this period to claim the higher amount of \$200,000," he said.

"This provision reflects Parliament's intent that dependants of deceased workers are entitled to claim against the higher benefit from the original implementation date."

The Bill was developed in consultation with key stakeholders including Unions WA, the Insurance Council of Australia Ltd, Chamber of Commerce and Industry of WA, Law Society of Western Australia and National Insurance Brokers Association.

Leading legal professionals in the area of workers' compensation including Dr Rob Guthrie from Curtin University also provided input on the Bill's technical detail.

Source: Department of Consumer and Employment Protection

Off-duty Bouncer's Cowardly Attack On Man Who Died; Lawyer

August 19 2005

An off-duty bouncer carried out an unprovoked and cowardly assault on a nightclub patron who later died from head injuries, a Melbourne court has been told.

Nathan Kaplan, now 23, hit Benjamin Smith once on the jaw outside the Mint nightclub in Church Street, Brighton, the Victorian Supreme Court was told today.

A jury found him guilty of manslaughter.

At a pre-sentencing hearing today, Crown prosecutor Michele Williams said Kaplan was a sober, fit, off-duty bouncer when he carried out his "unprovoked and cowardly attack" on a victim who was "intoxicated, unsteady and vulnerable".

Mr Smith, 32, was hit with enough force to knock him to the ground.

He was taken to hospital with a fractured skull. He died on February 18 last year after being on life support for five days.

Ms Williams said that, after the assault, Kaplan walked away, despite witnesses describing the sound of the victim's head hitting the concrete as "loud and sickening".

Defence counsel Philip Dunn, QC, said Kaplan felt a strong sense of loyalty to Mr Smith's stepbrother, who was a colleague in the security industry and with whom Mr Smith moments earlier had an altercation.

His client had acted impulsively in a split second, said Mr Dunn.

Kaplan, 21, at the time of the incident, was now "riddled with remorse and regret" and felt an "enormous burden" for what happened.

Mr Dunn said that tragedy had resulted from the "stupidest of reasons".

He said Kaplan, employed as a crowd controller, had no martial arts skills or any earlier convictions for violence.

Mr Dunn asked that when sentencing Kaplan, Justice Bernard Teague consider his youth at the time of the offence.

Kaplan will be sentenced on a date to be fixed.

AAP

New NOHSC Codes for Discussion

Proposed National Code of Practice for the Prevention of Falls in General Construction

Public Comment closes 18 November 2005.

Draft National Code of Practice for Inductions Training for Construction Work

Public Comment opens on 17 August 2005 and closes on 18 November 2005.

Both Papers are available for download at

<http://www.nohsc.gov.au/PublicComment/default.asp>

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