



SAFETY AT WORK BULLETIN

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Legal Professional Privilege Questioned

SYDNEY, April 29 2006

Thousands of secret documents belonging to federal and state government agencies could be made available to the public after a landmark decision by a NSW court.

The unanimous judgment by the NSW Court of Appeal was made in a case involving WorkCover and the state's Law Society, The Sydney Morning Herald reported today.

WorkCover had appealed against a decision by the Administrative Decisions Tribunal to grant the Law Society access to five documents prepared for WorkCover by a legal costs consultant, according to the report.

But the court ruled that many documents classified as internal working documents when created must become available for release as their significance wanes.

It also rejected the argument that the WorkCover reports were exempt from freedom of information (Fol) law because they were protected by legal professional privilege.

The decision has imposed tough new tests for governments that want to refuse to release documents by claiming they are internal working documents and not in the public interest, the papers said.

Thousands of documents, including consultant's reports, should now become available under the Fol law. AAP

Thousands of workers' compo claims lost

SYDNEY, April 26 2006

A computer glitch has lost thousands of files on NSW workers' compensation cases.

WorkCover lost the files in the information technology collapse on March 27, The Sydney Morning Herald reported today.

The body said no cases currently before the Workers Compensation Commission were affected. But in some cases up to 40 per cent of archival material had been lost or irretrievably corrupted, a source within WorkCover told the papers.

NSW Commerce Minister John Della Bosca said WorkCover would be asked to review its processes and make sure back-ups were kept in future.

The body investigates 13,000 cases a year. AAP

Two men die in industrial accidents

ADELAIDE, April 24 2006

Two men have been crushed to death in separate industrial accidents in South Australia.

A worker died when the grader he was using rolled on top of him while he was working on a wetlands development on private property at Lewiston, north of Adelaide about 11.30am (CDT) today.

Police said the man, whose name was not immediately released, was aged in his 60s and from the Balaklava district, also north of Adelaide.

Just hours later, another man died at Munno Para West, in Adelaide's northern

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suburbs.

Police said unconfirmed reports suggested the man was using a front-end loader to dig a trench when the trench collapsed on him, killing him. Reports on both accidents were being prepared for the state coroner and Workplace Safety officials were also investigating. AAP

Driver escapes after b-double tanker rolls

BRISBANE, April 24 2006

A truck driver has escaped serious injury as his vehicle rolled and burst into flames in central Queensland.

Police said the man received minor injuries when the B-double truck pulling two diesel tanks rolled on the Peak Downs Highway near the town of Nebo, south-west of Mackay, shortly before 2pm (AEST) today.

First reports said the truck had rolled and the driver was trapped but he managed to escape the burning rig with suspected rib injuries.

One of the diesel tanks had ruptured and caught fire and the second diesel tank rolled onto the opposite side of the highway and remained intact.

Police cordoned off the area and blocked the highway while emergency services were called in to extinguish the fire and clear the wreckage, including the undamaged fuel tank. AAP

Gov't focus on fatigue

April 21 2006

Transport and Main Roads Minister Paul Lucas has told the Australian Trucking Association's annual convention that the State Government had turned the spotlight on rogue transport companies who forced drivers to cut corners and break the law.

The Minister said the State Government would make no apology for taking a tough stand on the issue. "We already pursue all breaches of driving hours and other chain of responsibility offences with the full force of the law and we will continue to do so," Mr Lucas said.

Since the introduction of chain of responsibility legislation in 1998, Queensland Transport has led the field with 324 successful prosecutions for driving hours offences.

"Queensland was the first state to do so and we will stay at the forefront to make sure our roads are safer for everyone. I want to send out a loud message that these rogues of industry who push their drivers to work excessive hours will not be tolerated," Mr Lucas said.

The Minister said that anyone who played a role in road transport - from consignors such as supermarkets, through to drivers and customers - would be held accountable for their actions. "The majority of drivers do the right thing. They behave responsibly, and I want those drivers who feel pressured to breach driving hours regulations, or who know of companies that are doing the wrong thing to come forward," Mr Lucas said.

Crashes involving heavy vehicles on Queensland roads in 2005 resulted in 49 deaths, almost 15% of all fatalities.

"This does not mean that in all cases heavy vehicles were at fault, but we're serious about tackling the issue and want to look at workable ways to turn these statistics around. I want to introduce even tougher penalties to target unsafe heavy vehicle drivers and operators. I have reports of rogue transport companies paying the fines of drivers involved in logbook offences and that means the driver is under no penalty for what is a significant safety issue. I make no apology in ensuring our chain of responsibility legislation targets the operators rather than the drivers and the truckies. But drivers must also bear responsibility and introducing demerit points for logbook offences is worth a very serious look. This is only a small minority of the industry who put safety at risk and undercut the earnings of decent truckies and trucking companies.

There are around 75,000 trucks registered in Queensland. There are on average around 45 log book offences for breaches of driving hours each year in Queensland.

"Queensland is at the forefront of heavy vehicle reforms being developed at a national level by the National Transport Commission. Demerit points will be considered as part of this reform process. However, with a spate of crashes involving heavy vehicles, particularly on major highways, I will be introducing demerit points for heavy vehicle log book offences in Queensland. Ideally I'd like other states to follow suit," Mr Lucas said. "This will be part of the road safety package arising from the recent Queensland Road Safety Summit."

Source: Queensland Minister for Transport & Main Roads

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Safe Design for Engineering Students Resource Package launched

28 April 2006

The Australian Safety and Compensation Council (ASCC) Chairman, Mr Bill Scales today launched the Safe Design for Engineering Students Resource Package at a special World Day for Safety and Health at Work breakfast function in Canberra.

The launch is held to mark the International Labour Organisation's World Day for Safety and Health at Work and is Australia's fourth observance of this important day.

The Safe Design for Engineering Students Resource Package has been developed by the ASCC in conjunction with Engineering Australia and University of Technology Sydney. The Package supports engineering educators in training students about the importance of designing safe products, processes and systems, and to develop safe design skills relevant to professional engineering.

Representatives from universities, businesses and industry groups, who attended the function, were congratulated for their untiring work, support and commitment in improving occupational health and safety in Australia through implementing the concept of safety as a core strategic element within their organisations.

"I believe initiatives such as this will assist Australia to become a leader in safe design. It is very encouraging that our most influential engineers, academics, industry associates and safety representatives are supportive of this package and are keen to implement it in our universities and TAFE Colleges, across Australia", Mr Scales said.

Source: ASCC

Survey Shows Employees Forced To Work Through Sickness

April 26 2006

31 percent of employees confess that they have been made to work through an illness, even when they've felt like dying, according to a survey by Linkme.com.au.

Despite feeling extremely unwell on the job, 14% said they have been forced into attending medical appointments outside of working hours.

Slightly more sympathetic employers allow staff to stay home when sick but 55 per cent of workers say they're over suspicious bosses make them feel like they're faking it.

Campbell Sallabank, CEO of Linkme.com.au said "Employees that are not in good health are simply not productive at work. Forcing them to work or laying on a guilt trip also means they won't be loyal or happy with the employer in the long run.

"A highly suspicious boss will only reduce the chances of a trust based relationship. Employers need to be long sighted and consider the impact of such dubious tactics on the office culture. When there's trust between an employer and employee, it creates a positive feel in the office and a sense of loyalty from both ends. A win win situation for both parties in the long run."

Source: Markson Sparks

State Revenue will name and shame those who don't pay fines

SYDNEY, April 26 2006

Companies that default on fines issued for serious breaches of occupational health and safety (OH&S) laws will be named and shamed, the NSW Office of State Revenue (OSR) warns.

While 89 per cent of fines issued for serious breaches of WorkCover laws were paid in the five years to June 2005, a small

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SIA EVENTS

The Visions Conference 2006

Venue: Rydges International Resort, Yeppoon

August 30, 31 - September 1 2006

www.sia.org.au

The Safety Conference, Sydney NSW

17 - 19 October 2006

www.thesafetyshow.com.

Safety in Action 2006

Venue: Melbourne Exhibition Centre, 2 Clarendon Street Southbank

16-18 May 2006

<http://www.safetyinaction.net.au>

OTHER EVENTS

Waves of Change

Australian Institute of Occupational Hygienists, Inc.

Venue: Surfers Paradise Marriott Resort, Gold Coast QLD

2-6 December 2006

For more information email mailto:conference@aioh.org.au

conference@aioh.org.au



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number remained unpaid, OSR says.

"Under the Fines Act 1996, OSR has a range of enforcement sanctions than can apply to enforce unpaid fines," OSR said in a statement. "These include licence and registration sanctions, property seizure orders, garnishee against wages and back accounts and community orders."

However, under the Commonwealth Corporations Act, if the company named on the fine is deregistered, has become insolvent or has rearranged its affairs and discontinued trading, a fine is often unable to be enforced.

"OSR is now moving to strengthen the measures used to enforce fines for these serious matters," the office says.

OSR will now publish on its website and in newspapers the names of companies defaulting on OH&S fines. It will also streamline the referral of fines from courts to OSR to reduce the opportunity for companies to rearrange their affairs in order to avoid fine payment. OSR will also disclose information to the Australian Securities and Investment Commission and credit agencies to alert other creditors of outstanding fines.

AAP

Five workplace deaths in a week prompts safety call

MELBOURNE, April 27 2006

Victoria has recorded one of its worst weeks for workplace deaths, with a painter becoming the fifth person to die in a week.

WorkSafe Victoria spokesman Michael Birt said the painter fell 4.5 metres to his death while working at a house at Wonga Park, in Melbourne's east, yesterday.

The 64-year-old fell from the balcony of the house, which was under construction and had incomplete balustrading, Mr Birt said.

"It's arguably the worst week in recent years for workplace deaths," he said. "WorkSafe is calling on employers and employees to go back to the basic idea of hazards and work practices that they know are dangerous. People do things they know are dangerous but think it's okay." Mr Birt said the five deaths had resulted as workers carried out routine jobs.

On Sunday, a man died when a tree he was cutting down fell on him at Wodonga on the Victoria-NSW border.

On Saturday, a man died in hospital after suffering an electric shock while changing lightbulbs at a car yard at Coburg the previous Tuesday.

A man died in hospital last Thursday, after he was crushed by a machine at CUB at Abbotsford on April 13.

And last Wednesday, a truck driver was electrocuted when his tip-truck hit power lines at Nhill in country Victoria.

"One of the things we're saying to people is to get back to those basics," he said. "It's the risk that you have got to identify first, not wait until someone's not moving first." Mr Birt said an investigation had been launched into yesterday's death.

AAP

Work-related deaths and injuries down in NSW

SYDNEY, April 28 2006

The number of NSW workers killed or injured at work has dropped to its lowest point since the state's workers' compensation scheme began 19 years ago.

NSW Industrial Relations Minister John Della Bosca used International Workers Memorial Day today to release WorkCover's latest statistics on workplace deaths and injuries.

Mr Della Bosca said 125 people were killed at work in 2004/05, down 5.3 per cent on the year before.

"One death in the workplace is one too many, but the results show we are continuing to build on the good work of previous years," he said.

There were 49,749 injuries at work, a four per cent reduction on the year before.

The number of workplace injuries has been declining for the past 10 years and is at its lowest rate of 13.4 per 1,000 employees.

Mr Della Bosca also announced simplified safety regulations for electrical equipment in the workplace which removes rigorous testing and tagging requirements from goods such as kettles, toasters and computers.

"We have removed the ambiguities in the previous regulations to make compliance easier for employers, particularly small businesses," Mr Della Bosca said.

The Occupational Health and Safety Amendment (Electrical Equipment) Regulation 2006 now specifies the sites where testing and tagging is required.

AAP

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Third man electrocuted on the job

MELBOURNE, April 28 2006

A farmer has been electrocuted on the job - the third such death in Victoria in nine days.

WorkSafe said early information indicated the 52-year-old farmer was electrocuted about 11.30am (AEDT) today when a tip truck he was standing near hit powerlines.

Spokesman Michael Birt said the man was spotting for the truck, which was unloading 37 tonnes of lime on his property in Mudgegonga in the state's north-east. He said the truck driver was not injured.

Mr Birt said this was the third workplace death this year in Victoria involving a truck hitting powerlines, and the third electrocution in the past nine days. AAP

AMA launches latest survey of doctor working hours

CANBERRA, April 30 2006

The Australian Medical Association (AMA) today launched a survey to determine whether doctors in hospitals are still working dangerously long hours.

That survey follows one six years ago and will allow the AMA to identify particular hospitals where staff are compelled to work excessive hours.

AMA Doctors in Training Council national chairman Matthew McConnell said the AMA heard anecdotes about excessive hours but really wanted concrete information.

"This will identify particular hospitals. We shouldn't be scared about doing that," he told reporters. "Some hospitals have a culture that needs to be changed. There are other hospitals that are really leaps ahead with their training, their handover processes and their rostering.

"There are solutions out there. It is not about using a stick. It is about finding where the solutions are to help apply it to areas where they are not being met."

The AMA last conducted a Safe Hours Survey in 2000, finding a quarter of junior doctors were working high-risk hours. Some worked more than 100 hours a week with one reporting working 63 hours of continuous hospital duty.

The latest survey will be conducted on the internet (www.ama.com.au) next month and is targeted at 15,000 hospital doctors. Doctors will be asked to nominate their position, hospital and work hours and will receive instant feedback as to whether those hours are excessive.

Dr McConnell said excessively long work hours was once regarded as acceptable practice.

"Today it is clearly not acceptable," he said. "It is very important that we have this audit to give people instant access to their own working roster to see what risk they're at because patient safety matters."

AMA president Dr Mukesh Haikerwal said this was part of an ongoing campaign for safe work hours and safe rostering, for the benefit of both doctors and patients. "This is a significant step forward for safety in hospitals in Australia. It is a significant step forward in underlining the need for safe hours for our doctors." AAP

Adobe Acrobat V7.07 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 7.07 please email me at 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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