



# SAFETY AT WORK BULLETIN

Proudly Sponsored by the Safety Institute of Australia (Victoria Division)  
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## IR Laws Do Not Stop Union OHS Training - Andrews

By Jane Bunce

MELBOURNE, May 21 2006

A union leader's claim that he broke new industrial relations laws by speaking to Beaconsfield mine management about safety has been described by a federal minister as sheer nonsense.

Unions today accused the government of putting miners at risk through the WorkChoices legislation, which they said prevented unions asking for independent occupational health and safety training from employers.

Opposition leader Kim Beazley first raised the issue when Tasmanian miners Todd Russell and Brant Webb were trapped underground after the April 25 rock fall which killed their workmate Larry Knight. Mr Russell and Mr Webb were rescued two weeks later, and the mine collapse is now under investigation.

Australian Workers Union national secretary Bill Shorten today said he had spoken to mine management about occupational health and safety training for workers despite the laws.

"We've come to an agreement, that training's going to take place but because of these new laws, I have broken the law, the management has broken the law," he told the Nine Network. "I think this is absurd. Unions and union training improve safety, but instead of encouraging this, the Howard government has criminalised it."

Mr Shorten, ACTU president Sharan Burrow and CFMEU president Tony Maher said the government's ban on union health and safety training could increase the number of people hurt and killed in the mining industry. They said unions asking for union safety training in a work agreement faced fines of \$33,000 under new IR laws. Ms Burrow said if Workplace Relations Minister Kevin Andrews "had an ounce of decency", he would remove the ban.

However, Mr Andrews disputed the unions' claim his IR laws prevented union-led safety training, or employees taking leave to attend the training. "It is sheer nonsense for Bill Shorten to claim that he has broken the law by talking to any employer about OH&S," he said.

Mr Andrews said WorkChoices simply stopped provisions being included in a collective or individual workplace agreement to make training leave compulsory. But employers would still have to follow relevant state or territory legislation that mandated health and safety training, he said. "(WorkChoices) doesn't allow workers to take leave under those agreements, but if there are provisions in state occupational health and safety laws which require management and require workers to attend training, those laws are not overridden by the Commonwealth WorkChoices legislation," he said. "State laws ... can have unions delivering OH&S training and WorkChoices doesn't change that."

Mr Andrews said the Tasmanian government had specifically authorised Unions Tasmania to provide health and safety training. "Workchoices ... specifically allows union members like Mr Shorten and others right of entry to talk about occupational health and safety ... so he's plain wrong." AAP

### Emergency teams to synchronise Australian disaster response

MELBOURNE, May 13 2006

Australian government agencies are designing an emergency operations system to synchronise disaster responses and, they hope, to save lives.

Hazwatch, a prototype system, is being trialled in Western Australia, Queensland, Victoria and NSW for counter-terrorism, bushfire fighting

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and search and rescue incidents.

The new system is part of a \$1 million partnership between the national Cooperative Research Centre for Spatial Information (CRCSI), WA and Victorian state governments and Perth-based software developers NGIS Australia.

Special Minister of State, Gary Nairn, said the Hazwatch project was "an exciting development and one that will bring great benefits to the community".. "In my role as Special Minister of State, with responsibility for e-Government, I see an ever-increasing role for spatial data in the delivery of government services," Mr Nairn said.

Hazwatch is the first CRCSI research and development project to enter the commercial stage. It will bring together information in real time, giving managers of crises information to make timely decisions under pressure.

CRCSI chief executive Peter Woodgate said the recent spate of natural disasters highlighted a need to improve communication and coordination between parties involved in managing responses to crises. AAP

## Hill End Mining Accident

May 12th 2006

Two mine workers have been injured in an industrial accident while working with drilling equipment at the Hill End Gold Mine, near Mudgee.

A 27-year old Hill End man is currently being flown to Orange Base Hospital by the Central West NRMA CareFlight helicopter with head, facial and neck injuries after he and his companion were hit with a three metre long bar associated with drill gear.

The second man who is 18 years of age also of Hill End is being treated for facial injuries at the scene by ambulance crews and will also be airlifted by CareFlight to Orange as soon as they have completed the transfer of the first patient. The accident happened just before noon today and the two men were driven a short distance to meet medical crews. Source: NRMA Careflight

## Father and daughter stranded on chairlift

May 17 2006

A Victorian father and his four-year-old daughter were left dangling for almost four hours .. when the Arthur's Seat chairlift broke down today.

Ian and Sarah Lark were stranded about 10 metres above the ground .. before rescue crews managed to winch them to safety.

About eight people became stranded when the chairlift broke down about 2.30 pm (AEST) .. on the Mornington Peninsula .. south of Melbourne. But most were close to the exit and managed to scramble to safety.

A mechanical fault has been blamed for the mishap .. the chairlift's third in as many years. It's believed the wheels that pull the cable twisted at a pylon .. causing a pile up of about four seats. No one was injured.

WorkSafe Victoria, who confirmed they were investigating the accident, said the chairlift had been closed. Spokesman Michael Birt said the chairlift's cable had slipped off a wheel at one of the poles, causing the ride to stop and about four of the seats to crash into each other.

"The cause is unknown at this stage and we're not expecting to find out tonight," Mr Birt said. "It won't be running tomorrow, we will have people back down there tomorrow and being a public ride, public safety is a paramount issue. We need to understand what has happened so that appropriate measures are in place to prevent it happening again."

In May last year WorkSafe charged the chairlift operators for an alleged breach of the Occupational Health and Safety Act over the 2004 incident that left an elderly woman with broken legs. The company could be fined up to \$250,000 under the Act. AAP

## ACT OH&S Awards 2006 - Nominations Now Open

May 12 2006

Nominations for the ACT Occupational Health and Safety Awards 2006 are now open. The awards are held annually and have three major aims:

- to encourage public and private sector workplaces to develop and implement initiatives that will result in safer and healthier workplaces in the ACT.
- to share learning and ideas, and help the award winning initiatives gain widespread practical application in workplaces throughout the ACT.
- to publicly acknowledge significant achievements in effective workplace health and safety.

There are 5 categories in the ACT OH&S Awards 2006:

1. Best Workplace Health and Safety Management System
2. Best Solution to an Identified Workplace Health and Safety Issue
3. Best Workplace Health and Safety Practices in Small Business
4. Best Individual Contribution to Workplace Health and Safety
5. Most Successful Promotion of OH&S in Workplaces.

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Winners of the first four ACT OHS Award categories automatically qualify for entry in the national Safe Work Australia Awards 2006.

The 2006 ACT Occupational Health and Safety Awards ceremony will be held on 26 October at the National Museum. Nominations close 1 August.

If you have implemented an innovative health and safety or injury management initiative, solution or system in your workplace, please share your ideas and successes, and nominate for the ACT OH&S Awards.

Conditions of entry, category criteria and nomination forms can be found at: [www.workcover.act.gov.au/pdfs/promotions/Awards\\_Guide\\_06.pdf](http://www.workcover.act.gov.au/pdfs/promotions/Awards_Guide_06.pdf) or obtained by calling ACT WorkCover on 6205 0200.

Source: ACT WorkCover

## Scaffolder in hospital after workplace fall

SYDNEY, May 16 2006

A scaffolder is in hospital with broken legs after falling eight metres on a building site in Sydney's inner-west.

Michael Perigo, 38, fell eight metres from scaffolding on the Wentworth Park Greyhound Track in Glebe about 1pm (AEST) today.

Construction, Forestry, Mining and Energy Union (CFMEU) NSW assistant secretary Brian Parker said Mr Perigo had been taken to Royal Prince Alfred Hospital with a broken leg and a compound fracture in his other leg.

Mr Perigo is employed by the same company which employed scaffolder Paul Hughes who fell to his death from a central Sydney building site in January this year, Mr Parker said.

CFMEU officials visited the site last week after workers raised safety concerns about it, he said. "Mr Perigo is lucky to be alive after falling eight metres from a scaffold on the Wentworth Park Greyhound track," Mr Parker said. "The CFMEU believes the number of serious accidents and deaths in the workplace are on the rise because the Howard government has restricted the ability of union officials to enter workplaces, and taken away the job security of workers who raise safety concerns."

AAP

## Police find one in seven truckies carrying drugs

MELBOURNE, May 16 2006

About one in seven truck drivers pulled over by Victorian police as part of a multi-state safety operation was found to be carrying illicit drugs.

Victorian road safety taskforce highway unit officers patrolled Wangaratta, on the Hume Highway in Victoria's north-east, and Cobram, at the junction of the Murray Valley and Goulburn Valley highways in the state's north from May 9 to 13 as part of Operation Austrans. Concurrent operations took place in NSW, Queensland and SA. Police say they detected 167 offences in Victoria alone.

Taskforce officer Sergeant Allan Tickner said the haul included log book, illicit drug possession and driving-hours offences.

A 39-year-old man from Geelong, was found in possession of a loaded sawn-off shotgun which had the trigger guard removed and trigger filed down, with no safety mechanism, he said. He was charged with possessing an unregistered handgun, failing to safely store ammunition, carrying a loaded firearm in a public place, possessing a firearm without a licence, possessing amphetamines and making a false log book entry.

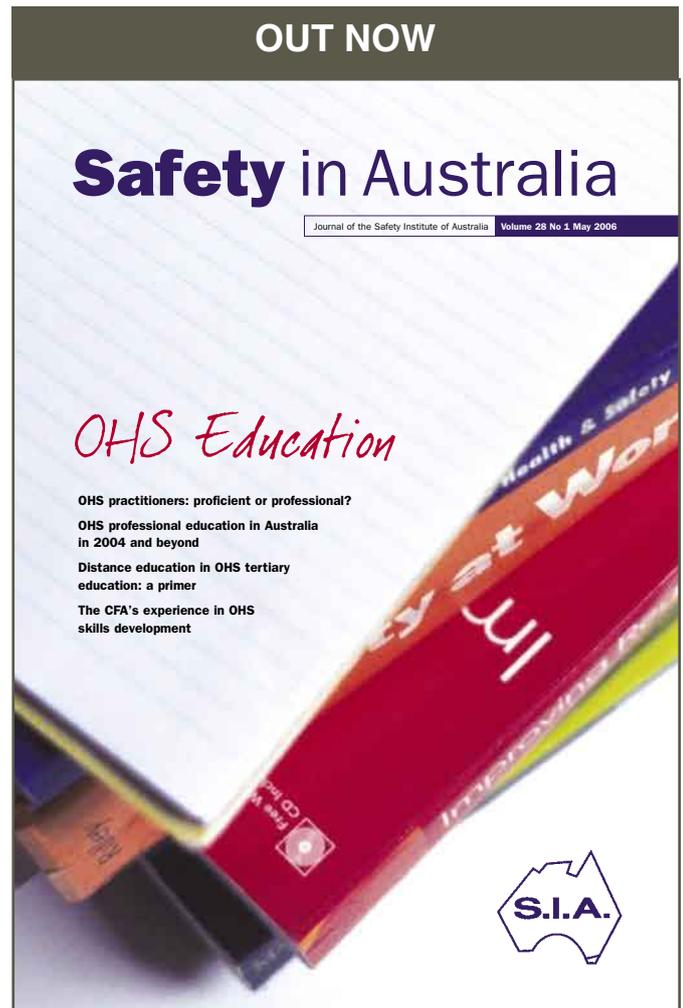
Another driver was found with a trafficable quantity of amphetamines, while another possessed both amphetamines and cannabis, Sgt Tickner said.

About one in seven of heavy vehicle drivers who were pulled over as part of Austrans were detected in possession of illicit drugs, he said. In all, 12 drivers were found carrying amphetamines alone, he said.

"This operation is quite well known throughout the heavy transport industry and yet despite awareness of additional scrutiny at this time of year, we've still detected an alarming number of offences," he said. "Heavy vehicle drivers who use illicit drugs to combat fatigue threaten the safety of all other road users. Driving under the influence of illicit drugs significantly increases the likelihood of a collision. Operations like Austrans are designed to keep Victorian roads safe."

AAP

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## Police union to boycott bullying investigation

MELBOURNE, May 16 2006

Victorian police union staff have voted to boycott a high-level investigation into union bullying.

Police Chief Commissioner Christine Nixon has appointed two police superintendents to explore claims of bullying by Police Association secretary Paul Mullett, Fairfax reported today. But Mr Mullett said his staff had passed a resolution to refuse to co-operate, and he would do everything he could to stop the investigation.

Former Police Association board member Detective Senior Constable Peter Kos yesterday blamed Mr Mullett for the organisation's culture of bullying. He said other police should co-operate with the inquiry and refuse to take industrial action over the issue. "This is not about pay and conditions and resources," Fairfax quoted him as saying.

A leaked review of the culture at the union, conducted by independent analyst Grant Brecht, details complaints made about Mr Mullett by Police Association board members and staff, Fairfax reported.

AAP

## Kingaroy Health And Safety Workshop For Small Business

May 15 2006

Small business operators in the Kingaroy region are invited to attend a workplace health and safety workshop on Monday the 29th May from 6 -9 pm at the South Burnett Enterprise Centre, 6 Cornish Street, Kingaroy.

Small Business Minister Chris Cummins said the Beattie Government was delivering the workshop, Managing Workplace Health and Safety, to help local people implement effective health and safety procedures within their businesses.

"The workshop, presented by a Small Business Advisor from Workplace Health and Safety Queensland, costs \$27.50 and will include refreshments," he said. Mr Cummins said participants in the Managing Workplace Health and Safety workshop would learn:

- To identify and understand their obligations as an employer;
- Specific workplace health and safety requirements;
- To identify risk and hazards in the workplace; and,
- To develop a workplace health and safety action plan for their business.

To book for this workshop, or to find out about workshops scheduled for later in the year, telephone the State Development Centre Maryborough on (07) 4121 1780 or go online at [www.sd.qld.gov.au/maryborough](http://www.sd.qld.gov.au/maryborough)

Source: Q'ld Minister for Small Business, Information Technology Policy and Multicultural Affairs

## Ditch shorts, wear long pants - Main Roads

BRISBANE, May 17 2006

Work gangs on Queensland roads will be forced to ditch shorts by the end of the month and wear long trousers instead.

Despite complaints from some workers that it doesn't suit the Sunshine State's climate, Main Roads acting deputy director-general Ray Breust said the change was all about health and safety. He said it would be compulsory for Main Roads staff and contractors working outdoors to wear long pants from May 31.

"Construction sites are hazardous places to work in. Main Roads' commercial arm RoadTek reported 50 injuries to the knee and lower leg between July 2002 and January, 2004," he said. "These included abrasions, bruising, burns, lacerations, snake bites and insect bites. This does not include other injuries such as sprains, strains or injuries to ankles."

Mr Breust said Main Roads had been talking with its staff and with unions for the past two years over the change which he hoped would also cut down on skin cancers.

"Queensland Cancer Council figures state that almost eight per cent of skin cancers appear on the lower leg," he said. "A skin check for the 128 employees at RoadTek Nerang showed 57 needed further testing or biopsies. Eleven had to undergo surgery. These resulted in Workcover claims."

A Main Roads spokesman tonight said staff or contractors who turned up to an outdoor job with shorts

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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](http://www.sia.org.au)

### The Safety Conference, Sydney NSW

17 - 19 October 2006

[www.thesafetyshow.com](http://www.thesafetyshow.com)

## OTHER EVENTS

### Crane Seminars In Queensland

Workplace Health and Safety Queensland will conduct a series of Queensland Crane Strategy Seminars across the state during the next few months.

Dates, times and bookings are available at <http://www.dir.qld.gov.au/workplace/training/events/cranes/index.htm>

### 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](mailto:conference@aioh.org.au)



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## NSW OHS LAWS REFORMED

By Michael Tooma

The NSW Government recently proposed a number of amendments to the Occupational Health and Safety Act 2000 (OHS Act). The amendments, the most comprehensive in 5 years, bring the NSW legislation in line with other jurisdictions in relation to the scope of the duty of care and personal liability of officers.

Greater certainty and clearer guidance The Bill proposes to amend the OHS Act to clarify that duties and obligations under the OHS Act should be fulfilled "so far as is reasonably practicable" which is consistent with other States.

In determining what is "reasonably practicable" (modelled on Victorian Act) the following ought to be considered:

- What a person knows or ought reasonably to know about the hazards giving rise to a particular risk
- The likelihood of the risk eventuating and the degree of harm that could be caused
- What a person knows or ought reasonably to know about the various methods of eliminating or reducing that particular risk and the cost of eliminating or reducing a risk.

The term "ensuring" is explained as; eliminating risks or where this is not "reasonably practicable", reducing the risks to the lowest level that is "reasonably practicable".

Directors' and managers' liability The proposed amendments refer to "officers" of corporations based on the definition used in the Commonwealth Corporations Act (rather than "persons concerned in the management"). It also aims to ensure that officers will only be held liable for matters under their control and where any risk was within that officer's knowledge and they had the ability to participate in decisions about that issue. This is a significant watering down of the current personal liability provisions which deem directors and "persons concerned in the management of the company" liable for offences committed by the company.

Rights and obligations of employees The Bill introduces a specific duty on employees to take reasonable care for their own health and safety at work and the health and safety of others.

The proposed amendments include:

- The reinstatement of employees dismissed unlawfully for OHS reasons
- The OHS Committee chairs and representatives will be empowered to issue a safety recommendation notice (similar to the provisional improvement notice) if they believe on reasonable

grounds an employer is contravening the OHS Act

- An authorised employee representative will be empowered to enter a workplace to discuss OHS matters
- The Industrial Relations Commission to hear disputes about rights of entry by authorised officers.

Greater guidance to ensure compliance The Bill acknowledges the role of WorkCover in providing advice on OHS issues. WorkCover will issue guidelines on the OHS legislation and how it applies in various circumstances rather than only focusing on enforcement.

More compliance and enforcement options The Bill will allow WorkCover to enter into an enforceable undertaking as an alternative to prosecution which will be voluntary and will require an employer (or a duty holder) committing to taking preventative or pro active steps to prevent further breaches of OHS legislation.

Improvements for investigations and prosecutions The Bill also aims to improve the investigation process by WorkCover and prosecutions by proposing the following changes:

- WorkCover's right to appeal against an acquittal will be removed
- A right of appeal against an interlocutory decision of a single judge of the Industrial Court will be introduced
- Authorise an inspector to record oral evidence
- Allow WorkCover to communicate information with other Australian OHS regulatory authorities and authorise an inspector to record oral evidence
- Allow victim impact statements to be given in proceedings under section 32A (Reckless conduct causing death)
- Create 2 new offences relating to knowingly false representations and gain by deception, and
- Allow for an update on the status of fine repayments to a deceased's next of kin on request.

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Further information on these matters and other OHS legal issues may be obtained by contacting Michael Tooma directly through

[Michael.Tooma@deacons.com.au](mailto:Michael.Tooma@deacons.com.au)



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would not be allowed on the site. "As with the failure to wear any other safety equipment they will obviously not be able to work on the site," he said. "They would be required to wear the equipment before they could work - that includes long pants."

AAP

## States want draft laws on contractors released

SYDNEY, May 19 2006

Labor fears the federal government is refusing to release draft laws on independent contractors because they contain a reduction in worker entitlements.

State and territory workplace ministers say their federal counterpart Kevin Andrews yesterday refused to commit to releasing the draft laws before they are introduced into parliament. They fear that under the new laws, contractors such as owner-operator truck drivers, could lose some entitlements similar to those held by employees. Under state industrial systems, some contractors have entitlements similar to those held by employees when contracts are negotiated or terminated.

Federal Labor's industrial relations spokesman Stephen Smith today criticised Mr Andrews for refusing to agree to releasing the draft laws before they are introduced. "We remain gravely concerned that when we do see the detail there will be a hacking away of some of the conditions and entitlements," Mr Smith told reporters.

NSW Industrial Relations Minister John Della Bosca said occupational health and safety standards could be undermined by the independent contractors legislation. "Small business people will be thrown to the mercy of big corporations and will see both their occupational health and safety and their industrial rights in a race to the bottom," he told reporters.

AAP

## Ministers fail to agree on harmonised OH&S regimes

SYDNEY, May 18 2006

Federal, state and territory workplace ministers have failed to come to an agreement on harmonising Australia's Occupational Health and Safety (OH&S) regimes.

Federal Workplace Relations Minister Kevin Andrews today failed to convince his state counterparts that harmonisation of OH&S systems would not lead to safety standards being lowered.

After meeting with Mr Andrews in Sydney, state and territory ministers said they were unwilling to agree to new national OH&S arrangements unless standards were maintained. "It's very clear that the states would consider refusing to cooperate in future commonwealth occupational health and safety arrangements unless we got a guarantee that there'll be no race to the bottom in workers' safety," NSW Industrial Relations Minister John Della Bosca told reporters.

Mr Della Bosca expressed concerns the federal government may already be using its Comcare system to drive down OH&S standards. "There is a chance, there is a risk, there is a serious concern that the commonwealth is using Comcare arrangements to drive a race to the bottom in occupational health and safety," he said.

Mr Andrews said he was disappointed the states and territories had failed to agree to standardised national OH&S arrangements. "The commonwealth will continue to argue that it's in the interests of Australia, our economy businesses and workers that we have harmonisation in this area," he told reporters.

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](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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