



# SAFETY AT WORK BULLETIN

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## Another Cancer Cluster

### Legal action considered in ABC breast cancer cases

BRISBANE, July 7 2006

Past and present staff at the ABC's Toowong studios in Brisbane are considering legal action against the broadcaster after another woman was diagnosed with breast cancer.

In the latest case, a journalist and mother of two in her early 30s has been operated on this week for breast cancer.

According to the ABC, she is the ninth employee in 11 years to be diagnosed with breast cancer. However, Shine Lawyers partner Simon Morrison, who has been asked to investigate possible legal action against the ABC, said the firm believed 12 women had been diagnosed with breast cancer at the site, including seven in the last five years.

In addition to breast cancer, cases of thyroid, testicular and prostate cancer have also been reported at the site, while six women are believed to have suffered benign lumps or unusual breast tissue.

"We have been approached to investigate the possibility of legal action against the ABC, on the basis that this is an unsafe workplace and that the corporation has failed in its duty of care to protect its staff members," Mr Morrison said in a statement. "Basic commonsense tells you that this is a cancer cluster and that the common link is the premises in which these people work or have worked."

Mr Morrison said he was not satisfied with tests conducted last year by the ABC and Queensland Health which cleared the site of any danger.

Workers at the studios will meet senior ABC management and union representatives today to discuss what action to take, with calls to relocate the river-front studios to an alternative site.

AAP

### ABC Brisbane office like a 'Bombay slum' - Rudd

BRISBANE, July 10 2006

Labor's foreign affairs spokesman Kevin Rudd says the ABC's Brisbane studios are like a "Bombay slum" and wants staff relocated after another journalist was diagnosed with breast cancer.

"I see ABC offices in Sydney, Melbourne, Adelaide, Perth - these are all basically designed like the Taj Mahal," Mr Rudd told ABC Radio today. "What you've got here at Toowong is something more equivalent to a Bombay slum. And frankly, it is time action was taken by the federal government to relocate the ABC here in Brisbane."

A law firm is investigating whether the ABC has failed in its duty of care after a ninth woman in 11 years was recently diagnosed with breast cancer, according to the broadcaster.

But staff claim the mother of two in her 30s is the 12th woman to be diagnosed with breast cancer, seven of whom worked in the same room at the riverfront studios.

ABC staff walked off the job on Friday demanding their Toowong studios be relocated to an alternative site after the mother of two was forced to undergo a mastectomy last week.

Mr Rudd, the Member for Griffith, said the Toowong office was one of the worst he had visited in Australia. "Well, the federal government found the money to relocate the ABC in Sydney, in Melbourne, in Adelaide, in Perth," he

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said.

"I have visited all those offices, they are first class international grade facilities. But instead, in Brisbane, we have something which is third class and needs to be changed. And it is time the federal government got off its backside and did something about it."

The Liberal Member for Ryan, Michael Johnson, yesterday said he would ask Prime Minister John Howard to order the office's relocation.

A Queensland Health investigation at the studios last year failed to link the cancer cases to any environmental factor at the site. Queensland Health Minister Stephen Robertson has offered to meet with staff this week to discuss the study. AAP

## **No one was attempting CPR on dying dental patient - Inquest** SYDNEY, July 5 2006

A Sydney man who lay dying in a dentist's chair was not being revived when paramedics arrived, an inquest into his death has been told.

Sabatino Catignani, 67, was starved of oxygen during surgery at Dr George Pegios' Brighton-le-Sands dental practice on November 6, 2002. He suffered hypoxic brain damage and died soon after being taken off life support, two days after undergoing the dental work.

Paramedic Garth Thomson told Glebe Coroner's Court today that when he arrived to treat Mr Catignani nobody was performing CPR on him. Mr Thomson said Dr Pegios was huddled over a defibrillator, trying to get it to work, while a nurse held an oxygen mask on the patient that was not connected to an oxygen cylinder.

Mr Thomson said a bag attached to the mask into which oxygen would normally flow through a tube connected to the cylinder was also not being squeezed by the nurse. "There was no ventilation which took me by surprise," Mr Thomson told the inquest.

The paramedic said he had to ask for the patient to be lowered in the chair so he and his partner could effectively start heart massage and give oxygen. "Neither of us were tall enough to get high enough to deliver CPR," Mr Thomson said. "From that I would take it that nobody else in the room would have been able to administer CPR before we arrived."

The inquiry has previously been told Mr Catignani had been in cardiac arrest for a period greater than 10 minutes before the paramedics arrived. The inquest, being heard by NSW Coroner John Abernethy, continues. AAP

## **CQ workers consider industrial action over charges: report** BRISBANE, July 6 2006

Central Queensland heavy machinery workers are reportedly considering industrial action in protest against fraud charges. The charges are linked to a former workplace assessor who allegedly handed out false licences.

Police have not yet charged the former assessor but have laid charges against more than 30 Gladstone workers who accepted the false accreditations.

Queensland Industrial Relations senior officers today met with unions and major employers in Rockhampton to address any concerns over the joint investigation with Queensland Police into the false licences.

One worker told ABC News Online they were angry that they might get criminal records and were considering action to shut the ports and the mines in the region.

One operator who had been charged with fraud said he was fighting the case with a barrister paid for by his union. He told the ABC website that the assessor earned between \$70 and \$90 for every licence and said he believed thousands were handed out by the man.

Queensland Industrial Relations Minister Tom Barton said department officers would visit Gladstone "in coming days" to meet with employees and unions.

## Letters to the Editor

Editor

I wanted to send a quick thanks for the review you did on the Hopkins DVD.

I like the way you don't pull punches on these type of reviews.

It's refreshing to read OHS stuff that doesn't beat around the bush.

I've gone through Hopkins' book on safety and culture but haven't seen the DVD, and like you, I'm a bit of a fan of the Prof. Very handy to just know the DVD was about all the same. It's super useful to have people like you getting the latest info out to members. Good work.

A SIA member, Melbourne

(name and address withheld by request)

## Correction

In last week's review of the Andrew Hopkins DVD, we noted that Andrew's book SAFETY, CULTURE AND RISK should be read to complement the DVD program. The manufacturers have advised that the book that is provided with the program is in fact LESSONS FROM LONGFORD.

We apologise for any confusion that resulted.

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“The department is also contacting major employers of people holding occupational licenses and offering assistance to determine whether any of their employees hold licences issued by a former accredited provider who is under investigation,” he said. “We have also contacted assessors in the region to make sure they are available to re-assess licence holders if that’s needed. It is important for us to work with employers and unions to ensure business continuity and a high level of safety in workplaces.”

A police spokeswoman said Queensland Police had been investigating allegations that the former workplace assessor had been issuing false licences to operate machinery. “Due to the number of offences and the complexity of the investigation the matters will take some time to be finalised,” she said.

AAP

## **Defence official admits provisioning “stuff-ups”**

MELBOURNE, July 5 2006

A senior defence official has admitted the provision of clothes and equipment to Australia’s frontline troops has been plagued by “stuff-ups”. Stephen Gumley, head of the Defence Materiel (Materiel) Organisation, has also said troops currently serving overseas had “missed out” on gear they should have received.

The admission came during a briefing to defence industry suppliers in Melbourne on June 23, the details of which are published in Fairfax newspapers today, which said they had obtained a secret recording of the briefing.

“We are going to let the troops down if we don’t improve the reliability, quality and safety of our equipment,” the papers quote Dr Gumley as saying on the recording. “Frankly, I did not do a good enough job in this area (clothing and equipment) so we failed in that and I am going to fix it.”

The newspapers report Dr Gumley said investigations had revealed that defence suppliers had falsified test results, employed Asian-based manufacturers despite promising to use Australian subcontractors, and lied about their ability to meet deadlines, meaning troops on operational deployments “missed out” on equipment.

The Australian government has previously denied any problem with the provisioning of troops.

AAP

## **States push for change to asbestos compensation tax ruling**

MELBOURNE, July 10 2006

State governments have written to Prime Minister John Howard calling for him to overturn a tax office ruling that puts compensation payouts to James Hardie asbestos victims in jeopardy.

NSW is leading the push, agreed to by all states and territories, that also includes raising the matter at this week’s Council of Australian Governments meeting, the Age reports.

In December, James Hardie agreed to set up a fund to provide up to \$4.5 billion over 40 years to victims, but only if both the fund, and the company’s payments to it, were tax deductible.

The Australian Taxation Office has ruled James Hardie cannot treat a compensation fund for victims of its asbestos products as a tax-exempt charity, although it said last month it would allow the company to claim tax deductions for payments it makes into the fund.

The federal government has said the company would get \$30 back for every \$100 it gave to victims, and there was no reason the compensation deal should fall over.

The state governments’ move follows calls by asbestos victims, the NSW government and unions for the ATO to review its decision.

AAP

## **Group attack paramedics after woman falls from balcony**

MELBOURNE, July 8 2006

Paramedics were attacked as they tried to reach a critically injured 17-year-old girl who had fallen two floors from a balcony in Melbourne’s business district.

Police were called to the Nova Stargate Hotel on Franklin Street after a group of angry youths prevented paramedics from accessing the second floor balcony where the injured girl lay. The 17-year-old was at a party when she fell from a private room balcony on the fourth floor of the hotel shortly after 1am (AEST) today, police said.

Paramedics from the Metropolitan Ambulance Service (MAS) were called to the scene but were attacked by an angry group of the woman’s friends who were upset she was not receiving treatment, ambulance spokesman Ray Rowe said. The two-man paramedic team received scratches and a hit to the head by the group.

A back-up unit called police who were on the scene within minutes clearing the way for the paramedics to attend the injured girl.

Police and the Metropolitan Fire Brigade assisted paramedics in reaching the girl, who was stabilised at

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the scene and taken to Royal Melbourne Hospital with serious head injuries. She remains in a critical condition.

Police spokeswoman Sheree Argento said there was no suspicious circumstance around the girl's fall. She is believed to have toppled over while leaning on the railing. No charges had been laid over the attack on the paramedics. "It is believed the incident occurred out of frustration and anger," Ms Argento said.

AAP

## **WorkCover urges farmers to take greater care**

SYDNEY, July 5 2006

WorkCover NSW has urged farmers to install safety guards on tractors after a serious farming accident in Nyngan. 60-year-old man was taken to hospital on Monday with multiple fractures after becoming entangled in an unguarded Power Take-Off (PTO) shaft.

WorkCover executive officer Jon Blackwell said about 16 workers were injured each year in NSW by external rotating devices on tractors and other equipment.

"There are far too many serious injuries on farms that could be avoided by simply taking the time to have safety devices fitted to farm equipment," Mr Blackwell said. "There is no longer any excuses for taking unnecessary risks when safety devices are readily available and can be fitted simply and cheaply." He said WorkCover's rebate scheme, which offers up to \$200 against the purchase price of PTO guards, was still available.

AAP

## **WorkSafe WA application fee increases - from 1 July 2006**

The following application fees will apply from 1 July 2006:

- Application for Certificate of Competency - \$68.00
- Application for replacement (copy) Certificate of Competency - \$36.25
- Application for assessor registration - \$818.00
- Application for renewal of assessor registration - \$409.00
- Application for variation of assessor registration - \$136.00
- Application for Class 1 Demolition Licence - \$3,465.00
- Application for Class 2 Demolition Licence - \$2,300.00
- Application for Class 3 Demolition Licence - \$1,150.00
- Application for Asbestos Removalist Licence - \$3,553.00
- Application for individual registration of plant - \$68.00
- Application for registration of design of plant - \$75.00

Source: WorkSafe WA

## **The Hazards Of Driving While Dead Tired**

6 July 2006

A new road safety campaign aimed at the wives and partners of Tasmanian truck drivers has been launched in Hobart.

Infrastructure Minister Jim Cox says the campaign is all about making sure Tasmanian truck drivers stay safe behind the wheel so that they return to their families after being out on the road.

"Until now our road safety messages about trucks and heavy vehicles have been directed mainly at the people who drive them," he said. "This campaign is different, because it's directed at their wives and partners – the people who often see them off to work every day and expect to see them arrive home safely after their work is finished. It's something families everywhere usually take for granted. Sadly, that's not always the case and that's why we need to try something different."

The information kit, *Lightening Your Load*, is aimed at combating one of the main causes of heavy vehicle crashes – fatigue.

"The risks of being even a little tired before driving are simply too great. A truck driver could end up being dead tired in more ways than one," Mr Cox said. "No matter how good drivers think they are, tiredness adversely affects the performance of the best of them. And don't just assume that it's only long-haul drivers such as those in other states who are likely to be affected by fatigue. These safety messages are just as applicable to Tasmanian truck drivers, some of whom may be behind the wheel for close to the legal maximum number of hours."

The kit includes a DVD and written guidelines, which suggest how drivers can use napping to reduce fatigue.

The campaign is supported by the Heavy Truck Safety Advisory Council (HeTSAC) and copies of the kit may be obtained by calling the Transport Enquiry Service on 1300 851 225, emailing [transport@dier.tas.gov.au](mailto:transport@dier.tas.gov.au) or by writing to the Vehicle Operations Branch, Department of Infrastructure, Energy and Resources, GPO Box 936, Hobart 7001. Source: Tas Minister for Infrastructure

## **Oyster farm fined over injury to worker**

ADELAIDE, July 7 2006

A South Australian oyster farm has been fined \$32,000 after a worker was severely injured by a boat's propeller.

Southern Cross Marine Culture, on the state's west coast, pleaded guilty in the Industrial Relations Court to breaching occupational health and safety laws by failing to ensure its employees were safe from injury

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and risks at work.

In April 2004, a 30-year-old worker fell from an oyster punt that was being used to ferry baskets of oysters between the farm and shore at Denial Bay. The man was struck by the propeller blades and suffered six fractures to his face, including to his jaw and skull, up to five broken ribs, a punctured lung and spinal injuries. He was later diagnosed with post traumatic stress disorder.

Magistrate Stephen Lieschke (Lieschke) said the man, who had been in the job for just two months, could have been killed if it wasn't for the quick action of workmates.

AP

## Minister shrugs off embarrassing workplace stunt

MELBOURNE, July 7 2006

Workplace Relations Minister Kevin Andrews has deflected questioning over a publicity stunt, trumpeting new workplace laws, that backfired. Mr Andrews yesterday launched a film of three case studies demonstrating how Australian Workplace Agreements (AWAs) are a "win-win" for employers and employees.

But The Age newspaper today revealed that one of the companies featured in the video was convicted and fined last year for breaching workplace safety laws.

Adelaide-based Austral Tree and Stump Services was fined \$14,000 in the Industrial Relations Court after pleading guilty to failing to provide a safe workplace. It was fined for an incident in 2003 when an employee fell from a cherry picker, breaking both wrists.

Asked today if the revelations were an embarrassment to the government, Mr Andrews simply re-fired the publicity machine.

"The film was about a company that has used Australian Workplace Agreements (AWAs) and as it shows in the depiction in that film workers at that company saying that this has been greatly to our advantage," he said.

AAP

## SA WorkCover reforms continue - EML sole agent

July 3 2006

In one of the most significant changes for the Workers Rehabilitation and Compensation Scheme since the mid-1990s, Employers Mutual Limited (EML) has assumed responsibility for all case management for WorkCover in SA.

"EML's appointment as WorkCover's sole claims agent is one of a number of reforms being made to WorkCover operations," said WorkCover CEO Julia Davison. "It is certainly one of the most significant decisions made since outsourcing of claims management in the mid-1990s."

As part of an orderly handover, EML on 1 July assumed responsibility for all claims managed on WorkCover's behalf by CGU and QBE. This completed a transition that commenced at the end of March when EML assumed responsibility for claims managed by Vero and Allianz. EML is now responsible for case management services for about 65,000 South Australian employers and their workers.

Source: Workcover Corporation of South Australia

## Man charged with \$360,000 workers compensation fraud

6 July 2006

A 53 year old Sydney man was arrested and appeared in Penrith Local Court today in connection with a number of alleged fraudulent workers compensation claims made between 2003 and 2006. The man was released on bail subject to stringent bail conditions and is due to appear again before the Court on 14 August at the Downing Centre Sydney in respect of the charges.

The action follows an extensive six-month investigation by a specially formed WorkCover task force including the execution of a search warrant at a western Sydney house, where numerous items connected with the alleged fraud were seized.

WorkCover's Chief Executive Officer, Jon Blackwell, said "the charges allege that the man dishonestly obtained workers compensation benefits by deceptive means."

"The investigation, which involved close liaison with NSW Police and other State and Federal agencies, represents one of the largest fraud cases uncovered by WorkCover. It is alleged to involve claims totalling in excess of \$360,000," Mr Blackwell said. Mr Blackwell said the workers compensation scheme is there to assist injured workers and WorkCover is committed to protecting the integrity of the system for the benefit of injured workers and the state's employers.

"WorkCover has boosted its fraud investigation resources considerably over the past twelve months," said Mr Blackwell. "WorkCover now has 27 specialist full-time staff devoted to combating fraud and ensuring premium compliance," said Mr Blackwell. "As a result, those cheating the system now have a stronger chance than ever of getting caught, face on-the-spot fines or being dealt with by the courts. I would strongly advise any person who is considering committing fraud to think again as the penalties are severe and can involve imprisonment.

The latest case is one of many matters involving workers compensation fraud currently before the Courts in NSW. Recent examples of successful prosecutions against those cheating the system include:

A Sydney woman convicted in March 2006 of eight charges of workers compensation fraud was ordered to repay \$37,818 restitution along with \$9,000 in court costs.

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A Central Coast man was convicted of fraudulently obtaining \$25,000 for weekly compensation payments. He was sentenced to the maximum 400 hours of community service and ordered to pay court costs.

A physiotherapist was convicted of making false and misleading statements regarding services not provided. His six month imprisonment was suspended subject to him being of good behaviour for six months. He repaid restitution of \$17,000 and was ordered to pay \$5,000 in court costs.

In 2004/05, WorkCover initiated approximately 8,500 compliance audits and investigated 115 alleged instances of non-insurance. Additional premiums identified amounted to \$51.4 million and \$15.4 million was returned to employers who had overpaid.

WorkCover encourages any person who becomes aware of any suspected fraud within the workers compensation system to notify WorkCover on 4321 5755.

Source: Workcover NSW

## Builder prosecuted after wall collapse injures worker July 7, 2006

The prosecution of a builder has led to a reminder from WorkSafe on the importance of ensuring that employees are suitably qualified and trained for the work they are employed to do.

B & F Holdings (WA) Pty Ltd – trading as Art and Building – was fined \$20,000 in the Perth Magistrates Court last week after being found guilty of failing to provide a safe workplace, and by that failure causing serious harm to an employee. A 42-year-old labourer/handyman was seriously injured when a brick wall collapsed into scaffolding on which he was standing.

A Director of the company, Soroosh Bahremand, was also fined \$2000 over the incident because he had responsibility for the site and took no action when personally warned by another employee of the danger of the wall collapse.

The labourer had been employed to remove a large section of wall at a building in Ardross so a window could be inserted, a task in which he had no experience or expertise. After cuts were made in the wall, the labourer stood on a scaffold and started knocking out the bricks with a sledgehammer. Shortly after, the area of wall inside the cuts collapsed onto the scaffold, knocking the scaffold over and throwing the employee to the ground. He sustained fractures to his pelvis and injuries to his left elbow and shoulder joints that resulted in permanent injuries.

WorkSafe WA Commissioner Nina Lyhne said today the case illustrated the importance of ensuring that safe work practices were in place at all times, and that employees were experienced, trained and properly supervised. "In this case, the employer knew – or should have known – that the man he employed was an unskilled labourer who was not experienced or qualified to perform the task he was assigned," Ms Lyhne said. "He did not give the labourer any proper instructions on how to remove the large piece of wall, nor did he adequately supervise the work being done." "The employer was told of the risk of the wall collapsing and did not take any action to remedy the situation apart from telling another worker to work slowly and carefully, nor did he seek expert advice on how the piece of wall could be removed safely. As a consequence, the employee was seriously and permanently injured, and it could have been even worse if the wall had collapsed onto him instead of the scaffold." Source: DOCEP

## Adobe Acrobat V7.08 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 7.08 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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