



SAFETY AT WORK BULLETIN

Proudly Sponsored by the Safety Institute of Australia (Victoria Division)
 National Office: PO Box 2078, GLADSTONE PARK Victoria 3043
 Website: www.sia.org.au Email: natadmin@vic.sia.org.au

Issue 94 April 23 2007
 ISSN 1832-6714
 Supplied by SAFETY AT WORK magazine

CONTENTS

VIC	<i>Police association bullying claims under review again</i>
FED	<i>Labor plans to reduce the regulatory burden on businesses</i>
FED	<i>Employers would suffer if cold and flu pills banned: Drs</i>
VIC	<i>Scuba diver lacked proper supervision: court</i>
VIC	<i>Shonky scaffold puts workers at risk</i>
FED	<i>New Report Highlights Need For Clear Workplace Policies On Drugs & Alcohol</i>
VIC	<i>Woman scalped at Braybrook bed factory</i>
QLD	<i>Labour Hire Workers The Focus Of Safety Campaigns</i>
QLD	<i>Ride operator appeals against jailing for accident</i>

Police association bullying claims under review again

By Kate Lahey

MELBOURNE, April 18 2006

WorkSafe will again examine bullying allegations against Police Association of Victoria secretary Paul Mullett after an ombudsman's report found its first probe was "inadequate".

Senior Sergeant Mullett attacked the report, saying he won't cooperate with further inquiries, and comparing police involvement and coercive powers to Nazi Germany.

Trade unions have emerged in support of Sen Sgt Mullett, concerned by interference from Victoria Police, an employer, in a union matter.

Ombudsman George Brouwer today tabled his report on WorkSafe and police investigations into the bullying allegations.

He found WorkSafe ignored key evidence and wrongly made notes of political factors such as the state election and police wage negotiations.

The ombudsman made no finding of facts about the bullying but said it needed more investigation.

Sen Sgt Mullett said the report was "scandalous" and "vexatious".

Flanked by union heavyweights and surrounded by about 30 supporters at Trades Hall in Melbourne, he denied being a bully, saying he has only ever stridently pushed the cause of his 11,000 members.

He said the allegations came from disgruntled former members and were an attempt to destabilise the union during enterprise bargaining talks.

Victorian Trades Hall Council Secretary Brian Boyd said the report's recommendations were concerning to unions.

"One of the key recommendations of the ombudsman's report asks the Victoria Police to again go inside the police association and interfere in their processes and it's not acceptable," he said.

Sen Sgt Mullett said he would refuse to be interviewed by police. "We don't live in Nazi Germany, Adolf Hitler's Nazi Germany, this is Victoria 2007."

He said he would seek legal advice if asked to be interviewed by WorkSafe.

Assistant Commissioner (Ethical Standards) Luke Cornelius defended the police role, saying officers were always accountable to the force.

He said police would consider the recommendations and await WorkSafe's findings.

Sen Sgt Mullett was first accused of bullying in 2005. A consultant's report found allegations of grabbing, threatening behaviour, yelling, thumping a table, and name calling.

Sen Sgt Mullett said the claims had never been put to him because they were "a myth".

Mr Cornelius said police did not put the claims to Sen Sgt Mullett for fear of identifying the complainants.

Despite this, the police inquiry last year found a culture of bullying existed in the association and Chief Commissioner Christine Nixon referred the matter to WorkCover, which made no adverse findings.

Continued on page 2





SAFETY AT WORK BULLETIN

Continued from page 1

The ombudsman's report said there was no evidence "improper considerations had been brought bear within WorkSafe," despite opposition claims the government asked the authority to "go soft" on the influential union.

A spokesman for WorkCover Minister Tim Holding said the report debunked claims of government influence though staff had "noted" the political context, and he was pleased WorkSafe accepted the ombudsman's recommendations.

WorkSafe spokesman Michael Birt denied a suggestion by Mr Brouwer that this case was indicative of a wider problem in the authority. AAP

Labor plans to reduce the regulatory burden on businesses

17 April 2007

Labor's seven-point plan to reduce the regulatory burden on Australian businesses:

- Harmonise key regulations imposed on businesses operating across jurisdictions within five years of coming to office. This includes occupational health and safety (OH&S) regulation, administration of payroll tax, building codes, and trades and professional body recognition.

- Make federal and state governments accountable. Commission the Productivity Commission through the COAG Reform Council to be responsible for estimating the costs and benefits of harmonisation in each area.
- Provide a financial incentive to reward state and territory governments that implement the reforms.
- Regulation impacts to be assessed through a rigorous Regulation Impact Statement process.
- Adopt a one in, one out principle for new commonwealth regulations.
- Implement a common start date to new regulation, such as July 1, to provide greater certainty for businesses.
- Simplify GST compliance burden for small business. AAP

Employers would suffer if cold and flu pills banned: Drs

CANBERRA, April 17 2006

Australians would take more sick days if the government banned cold and flu tablets in a bid to stop the medicine being used to manufacture the drug ice, doctors say.

The government has asked health and law enforcement officials to examine the implications of a blanket ban on the sale of products that contain pseudoephedrine, which includes cold and flu tablets.

Pseudoephedrine can be used to make methamphetamines such as ice and crystal meth.

But Australian Medical Association president Dr Mukesh Haikerwal said he doubted the ban would stop the ice epidemic as drug makers would source pseudoephedrine from elsewhere.

Dr Haikerwal said the vast majority of Australians used the cold and flu tablets correctly.

"People just maybe take a day or two off work rather than a week off work," he told ABC Radio. "It means they are able to perform at work because they are free of symptoms. And it is probably a bit severe to take it completely off unless it actually is shown clearly that it will stop the ice epidemic. And somehow I have my doubts."

Dr Haikerwal said the government was taking the right approach by asking an expert

Continued on page 3

Leave your hat on ... backwards?

WA President's Column

By Gavin Waugh, President,
Safety Institute of Australia
(Western Australia)

WE ARE off to a flying start in 2007. Calls for review of the road safety campaign have arisen again, and its no wonder they do because those responsible for the campaign continue to ignore professional safety advice.

You may have noticed a change in the appearance of Australian Safety Matters magazine. This is the start of Phase 2 for our magazine. We have changed publishers and now have Aspermont promoting a concerted effort to double circulation figures and bring in other values such as audited circulation. We are the widest distributed professional safety magazine in WA, and growing thanks to the support of our readers. Join the Safety Institute now and start receiving our other benefits as well.

Don't forget to come to our monthly breakfast meetings - held on the last Friday of every month. For those who cannot make the breakfasts, we will also be providing evening sessions. If you are not on our email list for notices, please email me at gbwaugh@starwon.com.au.

By the time you receive and read this, I expect to have our new WA website up and running at www.siawa.org.au. Have a look and send me your comments.

SIA Membership:

We have taken action over reports of people applying for SIA

membership to support job applications and then failing to pay their membership dues on receiving their grading assessment. This misuse of the system was a drain

Continued on page 3



SAFETY AT WORK BULLETIN

Continued from page 2

committee to examine evidence about the effects of a ban.

"I think we need to see if there are other ways to skin the cat," he said. "But ultimately, if there is a need for a ban, I think if we have the evidence to hand that supports it, that should be the way to go."

A less severe approach would be making the drugs prescription-only, Dr Haikerwal said.

Members of the National Working Group on Precursor Chemicals - which include state and federal police, health departments, attorneys-general, pharmaceutical companies and pharmacists - are examining the implications of ban.

Federal Ageing Minister Christopher Pyne wrote to the group members last week and yesterday said he was waiting for their response before making a decision.

The plan comes after a report last week found about 100,000 Australians used methamphetamines such as ice or speed in a typical week and more than 500,000 had used the drugs in the past year.

The National Drug and Alcohol Research Centre estimates there are about 73,000 dependent methamphetamine users in Australia.

AAP

Scuba diver lacked proper supervision: court

MELBOURNE, April 20 2006

A scuba diver who drowned off Victoria's Mornington Peninsula lacked adequate supervision from his instructors, a court heard today.

A jury last night found Melbourne Diving Services guilty of one count of failing to ensure people other than its employees were cared for under the Occupational Health and Safety Act 1985.

Robert Grant, 32, of Clayton in Melbourne's south-east, died after experiencing problems with his rented diving equipment on a trip out of Portsea on January 17, 2004.

Today, prosecutor John Saunders told the Victorian County Court the company had inexperienced instructors and failed to ensure they were properly trained.

Mr Saunders said there was a "significant problem" in the dive industry where divers trained in tropical climates on holiday returned to Victoria inexperienced to deal with different diving conditions.

A number of deaths had occurred this way and the company should have been aware and taken measures against it, he said.

Mr Saunders said the company's own dive manuals referred to the danger but it failed to ensure its young and inexperienced instructors adequately followed the steps.

"There was an almost total failure to ensure the staff was adequately trained and familiar with the safety procedures of their own manual," he said. He argued the company, now in liquidation and unrepresented in court, had seriously breached the Occupational Health and Safety Act.

The firm could be fined a maximum \$250,000. Judge Lance Pilgrim will deliver his sentence at 9.30am (AEST) on Thursday, May 3.

AAP

Shonky scaffold puts workers at risk

19 April 2007

A worker has been found guilty of failing to take reasonable care for the health and safety of people at the workplace

Melbourne Magistrate Charlie Rosenwacj was told that on 22 April 2005 a WorkSafe inspector was called to a construction site at the Strathcona Baptist Girls Grammar School in Canterbury as a result of a complaint about the scaffolding.

Shaun Cody was the supervisor of the work, acting on behalf of a building company and

Continued on page 4

Continued from page 2

on SIA resources and it has now been overcome by applying a single first-year fee payable on application for membership.

Safety helmets:

Can safety helmets be worn backwards? This was a question I sent out across cyberspace recently and was amazed at the large response. I raised the question because I have had many enquiries from people trying to manage scaffolders, whose hat brims restrict their vision.

In brief, the answer to the question is yes, BUT And the "but" is that the harness must be designed to be either reversible in the hat or reversible on the head. Apparently, there are also hats designed without a peak that are potentially suitable for riggers and scaffolders.

Here is a summary of information returned: The harness inside the helmet is designed to absorb shock, while the peak on the front is to deflect items from hitting the face. Wearing some designs backwards may reduce this protection. In the event of an injury, any contravention of the approved use/design could be argued as contributory to its failing.

Some ANSNI or ISO approved rock climbing or caving helmets, such as the Petzl range,

might be worth looking at. These helmets come with chin straps like bike helmets to ensure they are not dislodged at height.

Risk assessment is critical and where a suitable assessment has shown the alternative is more suited, given the nature of the work, this may be justifiable. The danger is the chance for misinterpretation is high. Some undoubtedly would seek to use this argument as leverage for arguing for helmets to be used in other applications where they are less suited.

For some, the appeal of the helmet

Continued on page 4





SAFETY AT WORK BULLETIN

Continued from page 2

there were multiple sub-contractors on the site.

WorkSafe's inspector observed that two people working on the top platform of a poorly constructed scaffold about eight metres from the ground.

The court was told:

- the scaffolding was incomplete and in an unsafe condition;
- there was no ladder access to the upper platforms;
- three of the upper working platforms were incomplete, with no toe boards, mid rails or guard rails;
- a stepladder was on the top platform;
- bracing of the structure was incomplete;

The inspector directed the two workers to get down from the scaffold. He learned that Mr Cody was aware of the state of the scaffold and had spoken to the two men earlier that day when they were working on the top level

Mr Cody pleaded not guilty to one charge laid under Section 25(1)(a) of the Occupational Health and Safety Act 1985. He was found guilty and fined \$5000, without conviction.

Source:WorkSafe

New Report Highlights Need For Clear Workplace Policies On Drugs & Alcohol

23 April 2007

SafeWork SA is urging workplaces to have clear guidelines and procedures in place for dealing with alcohol and other drugs, after a new report found illicit drugs are costing Australian businesses \$3.3 billion a year.

Help to put these in place is now available on-line at SafeWork SA's website: www.safework.sa.gov.au

As reported today, the report commissioned by the Australian Drug Law Reform Foundation considered the effects of absenteeism, crime and even road crashes to obtain its figure.

The ADLRF report says much of the cost is eventually passed onto consumers through higher prices or lower wages.

The Foundation is reported as saying that often companies do not realise the scale of the problem and should take it more seriously.

"The report highlights the need to eliminate uncertainty from any workplace policy on drugs and alcohol," says SafeWork SA Acting Executive Director, Peter Hampton.

"There must be clear policies and procedures set up, including as to whether or not they include testing.

"This will ensure that all workers are clear about what expectations exist in relation to drugs and alcohol on the job, and what the consequences will be for any breaches," Mr. Hampton says.

The use of alcohol and other drugs by a worker can cause impairment, which may have a serious impact on health, safety and welfare in the workplace.

In South Australia, all employers have a legal obligation to identify hazards, assess risks and

Continued on page 5

Continued from page 2

without a peak is purely aesthetic and its "cool" appeal is another way of gaining misguided support. Remember to risk assess and confirm with the manufacturer!

Read AS/NZS 1801:1997 Occupational Protective Helmets. And a website worth visiting is <http://www.hardhats.4ursafety.com/personal-protection.html>

Also, check out Protector's HC43 & Type 1 Safety Helmet (HC600 non-vented or HV600V vented), Bullard from the United States, Pacific Helmets of New Zealand or Garth.

Thanks again for the contributions.

Gavin Waugh

President, Safety Institute of Australia (Western Australia)

This article is a reprint of the WA President's Column in the West Australian Division's SAFETY MATTERS MAGAZINE.

Reproduced with permission

March Edition of SAFETY IN AUSTRALIA

If you have not received your copy of SAFETY IN AUSTRALIA - MARCH EDITION please contact the SIA Secretariat on 03 8336 1995 or at natadmin@sia.org.au





SAFETY AT WORK BULLETIN

Continued from page 2

implement appropriate control measures for those risks.

Where alcohol or other drugs present a risk to the health, safety or welfare of workers, employers must put in place appropriate measures to control those risks.

Guidelines for South Australian employers on managing alcohol and other drugs in the workplace are now available free on-line from SafeWork SA's website: 'www.safework.sa.gov.au'.

These have been developed in conjunction with Drug and Alcohol Services SA, and have been adapted from policies originated in Western Australia

Source: SafeWork SA

Woman scalped at Braybrook bed factory

20 April 2007

A 35-year-old Berwick woman has suffered serious injuries after her head was caught in an unguarded machine at Braybrook this morning.

WorkSafe is investigating the incident which happened at a bedding factory in Evans Street Braybrook around 8:15am. She is being treated for scalping injuries at the Alfred Hospital.

WorkSafe inspectors have issued three prohibition notices and nine improvement notices at the site. Some of the notices related to the machine which injured the woman.

WorkSafe's Executive Director, John Merritt, said it was another reminder of the dangers of unguarded machines. WorkSafe recently prosecuted a soil testing company after a man was scalped at a housing estate in the south-western suburbs.

WorkSafe

Source:

Labour Hire Workers The Focus Of Safety Campaigns

April 18 2007

Workplace Health and Safety Queensland (WHSQ) has launched two campaigns aimed at improving the safety of labour hire workers throughout the state.

Minister for Employment and Industrial Relations John Mickel said WHSQ has joined other Australian and New Zealand safety authorities in a campaign targeting the health and safety of labour hire workers in the food manufacturing industry.

WHSQ is focusing on the poultry and meat processing sector of the industry and, in addition, is conducting a complementary statewide campaign focusing on labour hire in the road and freight transport, concrete product manufacturing, road and bridge construction and health and community services industries.

Mr Mickel said that both campaigns are designed to improve the capability of labour hire agencies and host employers to jointly manage their occupational health and safety responsibilities.

"As part of the trans-Tasman campaign safety inspectors are visiting more than 200 workplaces in Australia and 20 in New Zealand to provide practical advice and assistance about safety requirements specific to the food industry," Mr Mickel said. "By the end of May 2007 WHSQ inspectors will have visited about 700 Queensland workplaces as part of the two complementary labour hire safety campaigns."

Mr Mickel said the trans-Tasman campaign is another example of the states working together to harmonise key areas of workplace safety and workers' compensation.

"Labour hire workers in the food and other industries are often at a higher risk of injury due to a lack of familiarity with the host workplace, inadequate induction and training and insufficient occupational health and safety representation and consultation.

"By working collaboratively with other jurisdictions and industry groups, we can continue to improve services and cut red tape for workers and employers, particularly for those operating in more than one state.

ADVERTISING

A limited amount of advertising has been approved by the Safety Institute of Australia.

If you want to advertise to over 3,000 safety professionals in Australia, please contact Joanne at the SIA Secretariat through natadmin@sia.org.au

"Workplace safety authorities across the two nations have also developed consistent guidance material to help provide clarity for both the primary employer and host workplace in relation to their obligations in the labour hire arrangement."

The guidance material includes a fact sheet and safety checklist and provides practical information on a range of issues including:

- hazard management and risk assessment systems tailored to labour hire agencies and host employers
- induction and task specific training
- appropriateness of pre-placement assessments for labour hire workers.

Two simple guides to help agencies and employers to better

Continued on page 6



SAFETY AT WORK BULLETIN

Continued from page 5

understand their health and safety obligations - Labour hire agencies: Managing the safety of on-hired workers and Host employers: Managing the safety of labour hire workers - are available free from WHSQ. Source: State Development, Employment and Industrial Relations

Ride operator appeals against jailing for accident

By Jade Bilowol

BRISBANE, April 18 2006

A Queensland ride operator jailed over an accident that left an English backpacker permanently brain damaged is appealing his conviction and sentence. In the Queensland Court of Appeal today, lawyers for Steve Jay Clark, 42, launched a bid for his conviction - of causing grievous bodily harm to tourist Lucy Keen, 21, on May 29, 2004 - to be overturned.

Defence barrister Tony Collins also lodged an application for leave to appeal against his client's two years and eight months sentence, arguing it should be slashed if the conviction was upheld because it was "manifestly excessive".

After only one-hour of deliberations, a Cairns District Court jury in December last year found Clark guilty and he was sentenced with a non-parole period of 16 months. The jury determined Clark had failed to properly secure Ms Keen to her harness in a flying fox ride at Jungle Surfing Canopy Tours in Cape Tribulation in far north Queensland. The ride is a suspended carrier operating on cables that enables riders to enjoy a sensation akin to flying.

Ms Keen left the platform and, after dangling for a few moments as she desperately clung on, plummeted 20 metres. The court was told she suffered horrific injuries and was left permanently brain damaged and in need of 24-hour care.

Prosecutor Angus Edwards said the victim required prompting for everything she did and even forgot to eat food if not reminded to do so. He also told the court Clark had a hangover on the day of the accident after partying the night before.

But Mr Collins today said his client maintained he had hooked Ms Keen's harness into two carabiner clips attached to ropes which suspended her above the ground and was unsure how it came undone. Mr Collins argued the trial judge had erred in failing to properly direct the jury. He said the jury's finding of negligence had to be based on an intent of disregard or recklessness, arguing his client had shown neither. "This case is about where negligence ends and where criminal negligence starts - there has to be a line," he said. Mr Collins also strenuously denied his client told witnesses that morning he shouldn't be going to work because he was still "stoned" or hungover.

However, crown prosecutor David Meredith said Clark had displayed a "very high degree of negligence" because he "only had one thing to do" - ensure Ms Keen was secured. "It was such an important thing to do and he didn't do it," Mr Meredith said.

The court reserved its decision.

AAP

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 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>

SIA Safety At Work Bulletin
Issue 94, April 23, 2007
ISSN 1832-6714

Editor Kevin Jones
Editorial Inquiries +61 (0)3 9478 9484
jonesk@sia.org.au

Designer/Publisher:
Workplace Safety Services Pty Ltd
849 High Street, Regent VIC 3073 Australia
A.B.N. 68 091 088 621
www.safetyatwork.biz

This weekly news bulletin is produced on behalf of the Safety Institute of Australia (Victoria Division) by Workplace Safety Services P/L.

Disclaimer

Entire contents, Copyright © 2004 – 2006 Workplace Safety Services P/L and its partners unless otherwise stated. All rights reserved. Reproduction, and redistribution, of this publication in any form without prior written permission is forbidden. The information contained herein has been obtained from sources believed to be reliable.

Workplace Safety Services P/L and the Safety Institute of Australia shall have no liability for errors, omissions or inadequacies in the information contained herein or for interpretations thereof. The reader assumes sole responsibility for the selection of these materials to achieve its intended results. The opinions expressed herein are of the authors.

Any views and opinions in this Bulletin are solely those of the authors and do not necessarily reflect those of the publisher or the Safety Institute of Australia.

No part of this magazine may be published or copied without permission from the publisher.

This file cannot be forwarded without the formal and written permission of the Safety Institute of Australia and Workplace Safety Services P/L.

