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Construction Company Fined \$65,000 Over Injury To Labour Hire Worker

5 May 2009

Abigroup Contractors Pty Ltd has been fined \$65,000 after a labour hire worker was injured on a Townsville construction site in October 2007.

The company, which operates Australia wide, pleaded guilty in the Townsville Industrial Magistrates Court on 23 March 2009 to breaching the Workplace Health and Safety Act 1995, having failed to ensure workplace safety.

The court heard that a 20 tonne excavator a worker was using to shift sand next to a pile of steel pylons clipped the end of the pylons causing the stack to collapse.

A labour hire worker standing in front of the stack of pylons was knocked to the ground and sustained a broken right leg.

The Workplace Health and Safety Queensland investigation revealed:

- the worker operating the excavator did not hold a certificate of competency and the site supervisor was aware of this
- although the worker had a log book pertaining to the operation of such plant, at the time of the incident he was not employed for that purpose
- the worker was not being supervised by any person with appropriate certification
- an exclusion zone was not maintained around the areas where the excavator was operating, and
- site-specific induction and instructions to workers had not been recorded.

As a result of the incident several compliance notices were issued to the company by Workplace Health and Safety Queensland.

Industrial Magistrate Mr Ross Mack, in addition to the fine, ordered the company to pay investigation, professional and court costs totalling \$3,452.90. A conviction was recorded.

The prosecution was brought by Workplace Health and Safety Queensland, a part of the Department of Justice and Attorney-General.

Source: Workplace Health and Safety Queensland

Forklift Driver Fined Over Fatal Fall

5 May 2009

An employee has been fined and ordered to undertake a formal assessment of his competence to operate a forklift following an incident in which a visiting stock controller was fatally injured in a fall at Paskeville in 2006.

Sixty six year old Geoffrey Ronald Poole was fined \$5,600 in the SA Industrial Relations Court today after pleading guilty to breaches of the Occupational Health Safety and Welfare Act 1986, requiring an employee to take reasonable care to avoid adversely affecting the health or safety of any other person at a workplace.

SafeWork SA prosecuted the loader operator after investigating an incident at Paskeville in November 2006, in which a visiting stock controller, 33 year old Dong (Gavin) Wang was fatally injured in a fall from the raised tines of a forklift operated by Mr. Poole.

During a stocktake of haybales in a shed, Mr. Poole was assisting Mr. Wang, who asked to be raised to the top of a large stack. In contravention of both the written and verbal instructions of his employer, SP Hay Pty Ltd not to carry anyone aloft in anything but a personnel box, Mr. Poole lifted Mr. Wang to a height of 5.8 metres at the end of his Manitou telescopic loader, from where he fell.

A pathologist suggested Mr. Wang could also have been crushed against the bales when he was raised, but this could not be proven conclusively. Nevertheless, Mr. Wang suffered extensive injuries in the fall, and went into cardiac arrest shortly afterwards, with paramedics unable to revive him. He was married with a 9-week old son at the time.

SIA - SUPPORTED EVENTS

Reducing the Risks from Manual Tasks – A Participative Ergonomics Approach”

Under an SIA strategic partnership, Ms Stroma Lawson, the HFESA National Professional Development Officer has provided information on a workshop titled “Reducing the Risks from Manual Tasks – A Participative Ergonomics Approach” featuring Dr Gary Dennis, which is planned to be conducted by the HFESA in Melbourne (Darebin Arts Centre) on 16 June 2009, from 8.30am – 12.30pm and has kindly extended an invitation to SIA members.

SIA members are being offered the same registration rate as HFESA members. However, to achieve this special rate, when registering please include your SIA member number on the registration form.

SIA members can also earn ½ a Continuing Professional Development (CPD) point by attending this half-day seminar.

For detailed information on this workshop and how to register please refer to the attached flyer and registration form or visit the HFESA website www.ergonomics.org.au

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The employer owned two personnel boxes to be used in such tasks, with at least one available on the day.

Industrial Magistrate Stephen Lieschke said the operator should have known better:

“...Mr. Poole... disregarded his forklift training, his employer’s instructions and no doubt his own better judgement... As a mature and highly experienced worker, Mr. Poole’s reckless actions are inexcusable...”

The maximum fine for an offence in this instance involving an employee [section 21(1a)] is \$10,000. For an early guilty plea and contrition, Magistrate Lieschke discounted the penalty by 20 per cent from \$7,000 to \$5,600 but ordered Mr. Poole to undertake a formal assessment of his competency to operate powered loaders.

SafeWork SA Executive Director, Michele Patterson, says a workplace safety system can only be effective when employees are committed and diligent in following it, especially when dealing with such an easily avoidable hazard as falling.

Source: SafeWork SA

Back Pain - A National Health Priority

3 May 2009

Four out of five Australians will suffer from back pain with one in 10 experiencing significant disability according to a report in the Medical Journal of Australia.

Senior author Professor Rachele Buchbinder from Cabrini Institute and Monash University’s School of Public Health and Preventive Medicine and Dr Andrew Briggs from Curtin University of Technology’s School of Physiotherapy have called for back pain to be classified as a National Health Priority Area (NHPA).

They say classification of back pain as an NHPA has many benefits including improving public awareness and better coordinating management strategies.

“Back pain disrupts quality of life and accounts for an enormous cost to the community,” Professor Buchbinder said. “It is associated with significant workforce absenteeism and ‘presenteeism’, where people are at work but not productive. Back pain is second only to mental health as a contributor to lost productivity. Including back pain as a national health priority will ensure greater opportunity to target funding at preventing or minimising the impact of back pain on individuals and the community.”

The report says back pain is experienced by a broad cross section of the population.

“While the prevalence of back pain is low in children (1% to 6%) it rises sharply in adolescence (18%-50%),” Professor Buchbinder said. “In Australia today it is one of the most common long-term health conditions reported by teenagers and young adults. Adolescents with back pain report disability in up to 94% of cases.

“The increasing prevalence of back pain in adolescence suggests a growing burden into adulthood and a real threat to future workforce productivity.”

The report says the aims of the NHPA framework, which include limiting the development and progression of chronic conditions, slowing the onset of complications that cause disability and reducing preventable hospital admissions, are all highly relevant to back pain.

While the report highlights the advantages of listing back pain in the framework, the authors also point to potential disadvantages including encouraging vested interests to promote ineffective interventions and potentially increasing the medicalisation of back pain.

The statements or opinions that are expressed in the MJA reflect the views of the authors and do not represent the official policy of the AMA unless that is so stated.

Source: Medical Journal of Australia

Continued on page 3

Draft Code of Practice on Workplace First Aid

SafeWork SA is seeking public comment on a draft code of practice for first aid. An information paper and a copy of the draft are available at http://www.saferwork.com/show_page.jsp?id=7332

The closing date for submissions is 5 pm on Tuesday, 30 June 2009

Submissions via mail or email should be addressed to:

Review of First Aid Requirements

SafeWork SA

GPO Box 465

Adelaide SA 5001 email: law@safework.sa.gov.au

www.sia.org.au

Source: SafeWorkSA

Respirable Crystalline Silica

2009 AIOH SEMINAR SERIES

Presented by Gerard Tiernan & Linda Apthorpe

The second round of seminars for 2009 titled "Respirable Crystalline Silica" will be held in all major cities across Australia during June and August 2009.

This seminar will cover the following topics:

- Occurrence and properties of respirable crystalline silica (RCS)
- Exposure sources of RCS
- Health effects of RCS
- Exposure standards for RCS
- Exposure risk and incidence of disease
- Sampling and analytical methods and limits of detection
- Health surveillance
- Control of exposure to RCS
- The future for RCS - will it go the way of asbestos?

More information is available at <http://www.aioh.org.au/downloads/events/AIOHRCSSeminarFlyer2009.pdf>

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Avoiding Damaging And Deadly Blood Clots

8 May 2009

Deep-vein thrombosis (DVT) is a dangerous blood clot that forms deep in a leg or arm vein. Pulmonary embolism (PE) is its most serious—and often deadly—complication. Each year 100,000 people die from DVT and PE, more than die from breast, prostate, and colon cancer combined. You may have heard of these conditions as "economy class syndrome." But that's misleading. Air travel accounts for a tiny minority of DVT or PE cases. Injury, immobilization, and clotting disorders are the big culprits, reports the May 2009 issue of the Harvard Heart Letter.

You can take simple steps to prevent DVT and PE. Moving your legs is the best medicine:

- If you have to sit for several hours—on a plane, in a train or car, or at work—try to get up and move around as often as you can.
- While sitting, help your muscles push blood back to the heart by raising and lowering your heels, raising and lowering your toes while keeping your heels on the floor, and by tightening and releasing your leg muscles.
- Avoid wearing stockings that bind your calf muscle.
- Drink plenty of water.

If you've had a DVT or PE, talk with your doctor about whether taking a blood-thinning medication like Warfarin is right for you. Wearing compression stockings that massage the legs when travelling or sitting for long periods might also be a good idea. And try to keep up with the exercises listed above.

Although most cases of DVT or PE occur in hospitals or nursing homes, doctors often fail to identify and treat individuals at high risk for developing these potentially damaging conditions, the Harvard Heart Letter notes.

Source: Harvard Heart Letter

Company Convicted Over Butcher Injury

7 May 2009

A deficient workplace safety system has resulted in a butcher losing his livelihood through injury and his employer being convicted and fined by an Industrial Magistrate today.

SafeWork SA says the case also highlights the responsibilities of an employer when taking over a new business.

Sammatt Investments Pty Ltd pleaded guilty to one count of breaching section 19 of the Occupational Health Safety and Welfare Act 1986, in failing to ensure the safety of an employee whilst at work.

In October 2006, at the company's premises at the Port Canal Shopping Centre, Port Adelaide, a 34-year-old butcher had his right hand trapped in the rotating blades of a meat tenderising machine.

He suffered fractures, lacerations and tendon damage, which resulted in significant scarring, disfigurement, and loss of strength and movement. His psychological trauma had a flow on effect to his partner and 9-year-old son. He was off work for 12 months, and was unable to return to his trade as a butcher.

SafeWork SA prosecuted over a series of safety shortcomings:

- The machine was unsafe, with its two primary safety features disabled because of insufficient cleaning and maintenance. (The interlock switch was clogged and a chute to feed meat onto the rollers was removed)
- There was no risk assessment done nor was a safe operating procedure written up.
- There were no written instructions for the machine nor were any warnings attached to it.
- No other training, instruction or supervision was provided in the use of the machine.

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SIA NEWS

Sydney Safety Conference – Call for Papers

27-29 October 2009, Sydney Showground, Sydney Olympic Park.

The Sydney Safety Conference attracts health & safety personnel from a wide range of industries. The Conference Committee is currently working on the Speaker Program and is calling for papers from industry leaders who wish to present a session on relevant issues/objectives. Papers can take the form of case studies, research, workshops, time for presentation can vary from 20 to 45 minutes. For further information please go to <http://www.sia.org.au/>

New WorkSafe Victoria publications

[Facts about Premiums 2009/10](#)

[OHS preparedness for an influenza pandemic: A guide for employers](#)

[Machine guards must be fitted](#)

[Service stations - Filling portable containers with flammable liquids](#)

This is a solution for preventing the misuse of portable fuel containers such as jerry cans.

[Overview of how inspectors deal with specific issues](#)

This document provides information about how WorkSafe OHS inspectors deal with specific issues when performing their functions.

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Having acquired the business only a few months prior, the Managing Director, who also worked full time at the business, admitted he was inexperienced in the industry and unaware of his safety obligations, relying on the common sense and experience of his employees.

Industrial Magistrate Stephen Lieschke said this approach was “naïve and unlawful” adding that “health and safety must be specifically considered and analysed before a new business is operated whether from the start or as a going concern.”

While the machine was replaced, the court heard that the shop was sold at a loss in April 2007. It was also told that Sammatt Investments now exists in name only with no assets and no other trading interests.

Taking into account the company’s early guilty plea, contrition, cooperation and its financial state, Magistrate Lieschke fined the company \$2000. (From a starting point of \$20,000, the penalty was reduced by 20% to \$16,000 and again down to \$2,000 in consideration of its finances.)

SafeWork SA says it has prosecuted a number of cases in the past involving new owners of businesses who have neglected to give the safety systems of their acquisition the appropriate priority.

“The consequences of the failure here have been tragic particularly for the employee and his family,” says SafeWork SA Executive Director, Michele Patterson. “The worker suffered agonising injuries and lost his livelihood, while a new business ran into troubles that could have and should have been avoided.”

Source: SafeWorkSA

State Appoints Inspectors To Finalise Investigation Into Varanus Island Explosion

8 May, 2009

WA Mines and Petroleum Minister Norman Moore today announced that the Department of Mines and Petroleum (DMP) would carry out the final stage of investigations into the Varanus Island gas explosion.

Mr Moore said Kym Bills and David Agostini - jointly-appointed in January to perform the State-Federal inquiry into the incident - were now officially inspectors under the Petroleum Pipelines Act and would co-ordinate the final stage of the investigation.

An investigation into the cause of the June 3, 2008 incident was previously undertaken by the National Offshore Petroleum Safety Authority (NOPSA) and the then Department of Industry and Resources (now the DMP).

That investigation resulted in a report by NOPSA, publicly released by the Minister in October last year.

“However, that investigation was limited by its reporting time frame and the absence of critical evidence, such as the results from destructive and non-destructive testing of the pipeline. This is now available,” he said.

Mr Moore said finalising the current investigation was vital to fully understand what occurred and to ensure the ongoing safety of the petroleum industry in Western Australia.

“Engaging these two experts (Mr Bills and Mr Agostini) as inspectors to perform the final stage of investigations will provide a much more complete picture,” he said. “As inspectors, they will have access to relevant information obtained by the department, which will enable a more thorough final report and help identify the most likely causes, potential breaches and other relevant facts related to the incident.”

The scope of the investigation will include:

- the pertinent sequence of events on Varanus Island during the incident
- the likely cause(s) of the incident
- any actions and omissions by the operator of the Varanus Island facility, or its contractors, leading up to and during the incident that may have contributed to those events.

The Minister said the Varanus Island Final Investigation Report was expected to be delivered to the DMP by early June.

Finalisation of the Offshore Petroleum Regulatory Inquiry was also continuing, though Apache Energy has brought an action in the Federal Court to restrain this inquiry from

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WorkCover Victoria Prosecution Results Summaries

Rusell Ames -v- Robert Wuoti -
7/5/09

Summary: Employer Offences -
Fraud

http://www.l.worksafe.vic.gov.au/vwa/vwa097-002.nsf/content/comp_340809

Tuftmaster Carpets Pty Ltd -
6/5/09

Summary: Falls/Work from heights
offences

<http://www.l.worksafe.vic.gov.au/vwa/vwa097-002.nsf/content/LSID%20161025-2>

Tuftex (Preston) Pty Ltd - 6/5/09

Summary: Falls/Work from heights
offences

<http://www.l.worksafe.vic.gov.au/vwa/vwa097-002.nsf/content/LSID%20161025>

GTEWPM Pty Ltd - 8/5/09

Summary: Unguarded plant/
Labour hire

<http://www.l.worksafe.vic.gov.au/vwa/vwa097-002.nsf/content/LSID163224-1>

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using some of the information obtained by the DMP related to the incident. The State and the Commonwealth Governments will defend these legal actions.

Source:WA Dept of Mines and Petroleum

Learn More About Safety From Big Business

11 May 2009

WorkCover NSW is calling for small businesses across the state interested in improving safety and productivity to take part in its annual small business mentor program.

WorkCover NSW CEO Jon Blackwell said the Safe Business is Good Business Mentor Program allows small businesses to gain industry-specific advice from large employers on how to meet their workplace safety, injury management and workers compensation obligations.

"Small employers may find it challenging to develop a sustainable safety culture and this free program provides regular contact and support from a larger organisation who understands their core business," Mr Blackwell said. "More than 160 small businesses have taken part in the mentor program since it began in 2006.

"Following its success within construction and manufacturing industries, the 2009 program has been expanded to include retail, consumer services, community services, transport and agriculture industries.

"The program will assist businesses develop a practical action plan to tackle safety issues and build industry networks," he said.

Allwood Stairs Development Manager, John Smith, said by participating in the 2008 program his small business was able to change its attitudes towards safety through supportive mentoring from a larger organisation.

"We were apprehensive about our workplace safety responsibilities and our mentor showed us we can easily improve safety and make our workplaces more productive," Mr Smith said. "We have gained so many benefits from participating in the program and our mentor has changed our attitude towards safety.

"As a result of the program and the outstanding support from our mentor we have implemented a hazard reporting system and now conduct regular tool-box talks for our staff," he said.

The Housing Industry Association is a mentor organisation with the program and Executive Director of Research and OHS Policy, Melanie Foster, believes the program is ideal for small businesses to learn how to develop strategies to improve safety.

"The program allows businesses to ask questions about issues that in the past they may have been hesitant to, for fear of non-compliance," Ms Foster said. "The mentor program gives businesses a starting point so they can improve safety practices and more confidently identify risks, helping them to better understand workplace safety. Mentors have a wealth of experience and can offer small employers practical safety solutions that fit in well with their current business practices and that can be applied to their core operations," she said.

While workplace injuries in New South Wales are at their lowest levels in two decades, this program will enable industries to even further reduce the risk of injury.

Applications for the 2009 program are now open for businesses with less than 20 employees and mentee numbers are limited to 120.

For information or to request an expression of interest from visit the WorkCover website, <http://www.workcover.nsw.gov.au/>

Source:Workcover NSW

Fine And Compensation Over St. Paul's Service Lift Fatality

11 May 2009

A company, which operated a popular city function centre, has been fined and ordered to pay compensation to the sons of a man killed by a service lift on its premises.

SafeWork SA prosecuted Mitol Pty Ltd after investigating the death of employee, Graham Mehaffey, at the St. Paul's Function Centre in Pulteney Street, Adelaide in April 2006. Mr. Mehaffey, a maintenance worker, was fatally crushed as he tried to enter a moving service lift.

Today Mitol received its penalty after pleading guilty to Section 19(1) of the Occupational Health Safety and Welfare Act 1986, in failing to ensure an employee was safe, failing

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Letters to the Editor

If you have any safety issues to discuss, or concerns about SafetyWeek itself, please consider communicating with the Editor through natadmin@sia.org.au

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Editor Barry Silburn CFSIA
Editorial Inquiries 03 8336 1995

natadmin@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

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to provide plant in a safe condition, and failing to provide a safe system of work and adequate instruction. The court heard investigators found a number of safety issues:

- The lift car doors had been removed.
- The 'safety apron' to cover the gap between the lift and the landing door was missing.
- The safety circuits preventing operation with the doors open had been bypassed.
- The lift had not been professionally serviced or inspected for years.
- People were allowed to ride in the lift.

The court was told that SafeWork SA inspectors found a number of parts from the lift on the floor of the lift control room later, with Industrial Magistrate Stephen Lieschke noting the employers "had no idea the lift had been used as a people mover let alone that every safety precaution... had been bypassed."

Mr. Mehaffey was married with two sons and a daughter, all of whom advised the court through Victim Impact Statements of the devastating impact his death has had on them. While Mr. Mehaffey's widow and daughter have already been compensated financially, Magistrate Lieschke ordered the company to pay Mr. Mehaffey's two sons \$10,000 each in compensation.

He fined the company \$56,000, having reduced the penalty by 20% for its guilty plea, contrition and cooperation. The lift has not been used since, and the business itself closed in May 2008.

Source: SafeWorkSA

Worksafe Warns On Safety Spending

8 May 2009

WorkSafe Victoria is urging business owners to be wary of people offering safety services or selling advertising in publications that might not exist.

A Warrandyte builder was approached this week by someone seeking advertising in a 'workplace safety manual'. The caller said the builder appeared to have an excellent safety record and that on that basis the publishers would like to have him on board.

WorkSafe's Executive Director, John Merritt, said a number of complaints were received each year about people selling advertising or other services. They sometimes indicated they were somehow associated with WorkSafe.

Mr Merritt said, "As with any business purchase, it's important that people understand what they are buying and whether they need it. Ask questions and check any claims made. In difficult economic times the best safety expenditure will be on what directly protects your employees and the business."

Source: WorkSafe Victoria

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 the SIA Secretariat through natadmin@sia.org.au

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