

National OHS harmonisation: Queensland's submission

A publication of **Workplace Health and Safety Queensland**



Summer 2009

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Including



Queensland **the Smart State**



**Queensland
Government**
Department of
Employment and
Industrial Relations



The most important reason for making your workplace safe, is not at work at all.

For more information to make your workplace safe, call 1300 369 915 or visit www.worksafe.qld.gov.au

Pre-1992 paper occupational licences no longer valid

Are you a scaffolder, dogger, rigger or plant operator?

Do you operate a boiler or crane or hold an engineer's certificate?

Are you a hoist driver or engineer/engine driver?

If you answered yes to any of these questions, the changes to the occupational licensing system may affect you.

As part of the transition to a new national licensing system, we are moving towards five-year renewable licences that will be recognised in all states and territories. From 1 July 2008, old style paper tickets issued to operate plant or perform high-risk work are no longer valid and **cannot be used**.

What should I do?

If you have a paper ticket that was issued **before March 1992** that you wish to continue using, you need to notify now.

You can still notify WHSQ if you wish to continue using an old style paper ticket until 30 June 2009. After this date if you have not notified you will need to be re-trained and assessed.

How do I notify?

To notify, call the Workplace Health and Safety Queensland Licensing Hotline on 1300 655 986 or use the online notification form at www.worksafe.qld.gov.au.



Executive Director's Update



Dr Simon Blackwood
Executive Director
Workplace Health and
Safety Queensland

I hope everybody had an enjoyable and safe Christmas holiday.

Last year ended on a high note when health and safety took centre stage in October 2008 during Safe Work Australia Week (SWAW). Held from 19 to 25 October, SWAW encouraged all Queenslanders to get involved in raising the profile of health and safety in the workplace.

Workplace Health and Safety Queensland (WHSQ) held 120 events throughout the state. The Women in Health and Safety Luncheon, held at Suncorp Stadium on 21 October, attracted 239 people to listen to Professor Kerryn Phelps' presentation on bringing the health and safety message home. Dr John Tickell spoke to 192 people at the Australia Zoo Industry Breakfast on 22 October about putting the 'H' back in 'OHS'. Queenslanders from the city to regional areas got involved in local activities, clearly demonstrating an increased commitment to workplace health and safety throughout the state.

I thank everyone who participated in the week's activities. In particular, I would like to thank the Safety Partners who offered their time to arrange activities for their own workplaces and local communities. I would also like to recognise the Safety Ambassadors who offered their time voluntarily to promote the message of health and safety throughout, and leading up to, the week.

So, what is happening in 2009? At the end of April, *Homecomings* will once again air on television and radio, continuing the awareness raising campaign which began in May of last year. Plans will have begun for SWAW 2009, which will run from 25 to 31 October this year. We hope to organise an even bigger and better range of activities to help educate the community about workplace health and safety.

The seven *Industry Action Plans 2008-10*, addressing five high priority and two medium priority Queensland sectors, are entering their second year of implementation in 2009.

This year's Industry Action Plan activities build on last year's work with industry and stakeholders. There is a full calendar of projects and events running throughout 2009. Some specific activities include a transport and storage safety summit, practical solutions development in the rural industry, education and awareness programs in the construction industry, fostering robust networks within key sub-sectors in the health and community services industry, and increasing the capacity of small businesses in the manufacturing industry to reduce musculoskeletal disorders.

From a regulatory perspective, Queensland's regulations and codes of practice continue to support our community awareness campaigns by setting higher safety standards. The new *Workplace Health and Safety Regulation 2008* (the Regulation) and the *Traffic Management for Construction or Maintenance Work - Code of Practice 2008* (the Code) will help improve the health and safety of Queensland's workplaces.

WHSQ, in partnership with the Department of Main Roads, ran free information seminars on the new Code. These seminars were held in major metropolitan and regional centres across the state.

The phased removal of the rural exemption over the next two years is also an important step forward, ensuring workers in the rural industry have the same protection under health and safety legislation as workers in all other industries.

Thank you for your continued dedication to improving safety in Queensland workplaces, and WHSQ looks forward to working with you throughout 2009 to make them even safer.

Queensland's regulations and codes of practice continue to support our community awareness campaigns by setting higher safety standards.

Diary dates

28 April – World Day for Health and Safety at Work

World Day for Health and Safety at Work is an international campaign to promote safe, healthy and decent work.



National OHS harmonisation: Queensland's submission

Employers and workers across Australia will benefit from a proposed new national occupational health and safety system.

The Federal Government commissioned a national review of occupational health and safety (OHS) laws in 2008. The review is being conducted by an expert panel consisting of Robin Stewart Crompton, Barry Sherriff and Stephanie Mayman.

The first of two reports, the 'National Review into Model Occupational Health and Safety Laws First Report' was released in November 2008. The report makes recommendations on the priority areas of duties of care and the nature and structure of offences, including defences. The second report is to be released in January 2009.

The review panel has recommended that a broad duty of care be imposed on persons conducting a business or undertaking. This recommendation adopts the innovative Queensland approach and recognises that modern working relationships extend beyond the employer/employee relationship.

The report has also recommended that the expression 'reasonably practicability' should be used to qualify the duties of care and that the prosecutor should bear the onus of proof.

The report has recommended a three-tiered approach to offences, as set out in the following table, with significant increases in penalties.

Category	Offences	Type of hearing	Penalties
1	The most serious cases involving recklessness or gross negligence	Judge and jury	Corporation: \$3 million Individual: \$600 000 Imprisonment: up to five years
2	Offences dealing with serious harm or the risk of it without recklessness or negligence	Magistrate/Judge	Corporation: \$1.5 million Individual: \$500 000
3	Other breaches	Magistrate/Judge	Corporation: \$500 000 Individual: \$100 000

The final report is scheduled to be presented to the Deputy Prime Minister on 30 January 2009 and will be considered by state and territory ministers with responsibility for OHS in February 2009.

Under an agreement reached at the Council of Australian Governments (COAG) the Commonwealth, states and territories will agree the content of the national model OHS laws by 30 September 2009 with implementation by July 2011. The model Regulations are scheduled to be completed by December 2011.

Visit www.worksafe.qld.gov.au to view the Queensland Government's submission of the national OHS review.

The Queensland Government is committed to the development of a national OHS system which addresses contemporary work arrangements and reduces the regulatory burden on businesses.



2008 Work Safe Awards winners announced

The winners of the 2008 Queensland Work Safe Awards were announced during Safe Work Australia Week in October, recognising excellence in workplace health and safety.

Minister for Employment and Industrial Relations John Mickel congratulated all nominees for their commitment to keeping Queensland workplaces safe.

"The variety of the workplace health and safety innovations demonstrated was very impressive," he said.

"Simply by entering, they have shown their commitment to making sure workers come home safely to family and friends at the end of each day".

The winners of the 2008 Queensland Work Safe Awards are:



Best individual contribution to workplace health and safety:
Noelene Lucjan

Best workplace health and safety practices in small business:
Bailey Tanks Pty Ltd



Best solution to an identified electrical safety issue (Highly Commended):
Electrical and Communications Association



Best solution to an identified health and safety issue:
J Smith and Sons Pty Ltd



Noelene Lucjan, Bailey Tanks Pty Ltd and J Smith and Sons Pty Ltd are finalists in the National Safe Work Australia Awards. Winners will be announced on 28 April 2009.

For more information on the 2008 Work Safe Awards, including profiles of the winning entries, visit www.worksafe.qld.gov.au.

Sign up for SAFE e-alerts to be the first to hear when the 2009 Work Safe Awards open.

Grants help industries work safer

Ten industry associations have been awarded more than \$422 271 to develop innovative programs and products to help small business improve safety in the workplace.

The funding came from Workplace Health and Safety Queensland's (WHSQ) Small Business Grants Scheme.

Now in its fourth year, the scheme for industry groups aims to improve workplace safety practices across a range of small businesses.

The 10 projects to receive grant funding in 2008–09 are:

- **Civil Contractors Federation** for the development of the publication 'Work Method Statements: A Guideline for the Civil Construction Industry' (\$41 270)
- **Family Day Care Association** for the development of a manual handling DVD and booklet (\$54 309)
- **Timber Queensland** for implementing the Participative Ergonomics for Manual Tasks (PErForM) in sawmills (\$43 680)
- **Queensland Hotels Association** for the development of a manual tasks guide for pubs and hotels (\$18 758)
- **Commerce Queensland** (now known as Chamber of Commerce and Industry Queensland) for the development of a manual tasks booklet for retailers (\$54 439)
- **Nursery and Garden Industry Queensland** to develop a manual handling DVD, guide and training course (\$60 860)
- **Australian Banana Growers Council** to develop safe work instructions with a manual tasks focus (\$43 955)
- **CaneGrowers** to reproduce an existing managing sugarcane farm safety resource and conduct train-the-trainer sessions and on farm extension activities (\$30 000)
- **AgForce Queensland** to develop and run 10 safety field days (\$40 000)
- **Queensland Trucking Association** to develop a simplified safety management system for the transport industry (\$35 000).

When complete, all of the resources from the projects will be available on the department's website which is accessed by 1.6 million visitors each year.

For further information on the grants visit www.worksafe.qld.gov.au or phone the Small Business Grants Scheme Coordinator on 3247 5611.

Occupational stress tip sheets released

Occupational (or work-related) stress is recognised globally as a major challenge to workers' health and to the health of an organisation.

Occupational stress describes the physical, mental and emotional reactions of workers who perceive that their work demands exceed their abilities and/or their resources (such as time, help, support) to do the work.

Risk management for occupational stress is not only a legal obligation but may be a way of improving performance at work.

Workplace Health and Safety Queensland has developed practical information on occupational stress for ways in which organisations can effectively manage this issue.

Visit www.worksafe.qld.gov.au to download our new tip sheets:

- *An overview of occupational stress*
- *A risk management approach to occupational stress*
- *How to implement an occupational stress risk management process*
- *The risk factors for occupational stress.*

Workplace Health and Safety Regulation changes

The *Workplace Health and Safety Regulation 1997* was repealed and replaced by the *Workplace Health and Safety Regulation 2008* on 1 September 2008.

While the new Regulation is very similar to the old one, there have been a few changes, most significantly with the numbering.

The new Regulation remakes provisions of the old Regulation and removes the rural industry exemptions from existing regulatory requirements over the next two years (for more information, please see the full article on page 3 of SAFE Rural).

A comparison table has been developed to help clients understand and interpret the provisions.

To download a copy of the *Workplace Health and Safety Regulation 2008*, accompanying explanatory notes or the comparison table, visit www.worksafe.qld.gov.au.

For more information, phone the WHS Infoline on 1300 369 915.

Provisional Improvement Notices introduced under new Queensland laws

Workplace health safety representatives (WHSRs) will be able to issue Provisional Improvement Notices (PINs) in their own workplaces under new Queensland laws to commence in mid-2009.

PINs are a tool to improve health and safety in workplaces, encouraging employers and workers to openly discuss health and safety hazards and risks in their workplace. A PIN notifies an employer of a likely workplace health and safety breach.

PINs can only be issued by a WHSR who has received appropriate training in issuing PINs. WHSRs are elected by their co-workers to represent them in workplace health and safety matters.

Before issuing a PIN, the WHSR must consult with the employer about the issue. WHSRs should provide information to the employer about the issue, allowing the employer to fix

the issue in a timely manner rather than issuing the PIN. If the employer does not fix the issue then the WHSR can issue a PIN.

If you are issued with a PIN, you must be given at least eight days from the date the PIN is issued to fix the problem. You are required to display a copy of the PIN in a noticeable position in the workplace. This ensures that everyone affected by the PIN is aware it has been issued.

If you disagree with the PIN, you have seven days from date of issue to refer the PIN to your local Workplace Health and Safety Queensland (WHSQ) office. Once you have notified WHSQ the PIN is suspended until an inspector attends the workplace and conducts an investigation into the PIN and how it was issued.

An inspector has the power to confirm, modify or cancel the PIN. If you disagree

with the inspector's decision you can seek a review within 14 days, in the same way that an improvement or prohibition notice issued by a WHSQ inspector can be reviewed.

If you do not comply with a PIN by the remedy date the WHSR who issued the PIN can notify WHSQ to address the issue.

If the WHSQ inspector determines that the WHSR issued the PIN 'unreasonably' the WHSR can have their entitlement to issue PINs suspended or revoked through application to the Industrial Relations Commission. This provides a safeguard for employers to prevent PINs being issued 'frivolously' or 'vexatiously'.

Guidance material will be made available in early 2009 to assist industry and WHSRs with the introduction of PINs.



Free electrical safety forums – working with or near live electrical parts

The Electrical Safety Office is hosting a series of electrical safety forums in February and March 2009 for electrical workers, safety managers and their employers to learn about and discuss the need to work safely with and around electricity.

The forums are an opportunity for all those associated with the electrical industry to recognise the risks and identify the solutions for working around live electrical parts.

These facilitated forums will introduce you to the legal requirements for and discuss practical ways for safe electrical work including:

- using a risk management approach to electrical work
- supervising apprentices and trainees
- safe systems of work.

The forums will also allow you to discuss issues relevant to you, learn from others and have your say on electrical safety in Queensland.

Forum locations and times

All forums will start at 8.30 am and be one and a half hours in duration.

Date (2009)	Location	Venue	Maximum capacity
Monday 2 February	Rockhampton	Department of Primary Industry Conference Centre, Cnr Bruce Hwy and Yeppoon Rd, North Rockhampton	150
Tuesday 3 February	Gladstone	Rocky Glen Hotel, 7 Dawson Hwy, Gladstone	150
Wednesday 4 February	Bundaberg	Brothers Sports Club, 130 Takalvan St, Bundaberg	150
Thursday 5 February	Maryborough	Wide Bay Motel and Conference Centre, 298 Walker St, Maryborough	100
Tuesday 10 February	Loganholme	Fitzy's Loganholme, Cnr Pacific Hwy and Bryants Rd, Loganholme	140
Wednesday 11 February	Gold Coast	Gold Coast Turf Club, Racecourse Dve, Surfers Paradise	150
Thursday 12 February	Kallangur	Norths Leagues and Services Club, 1347 Anzac Ave, Kallangur	150
Tuesday 17 February	Cairns	Brothers Leagues Club, 99-108 Anderson St, Manunda	150
Wednesday 18 February	Townsville	RSL, 139 Charters Towers Rd, Hermit Park	150
Thursday 19 February	Mackay	Souths Leagues Club, 181 Milton St, Mackay	100
Tuesday 24 February	Sunshine Coast	The Big Pineapple, Nambour Connection Rd, Woombye	150
Wednesday 25 February	Ipswich	Ipswich RSL, Lowry St, North Ipswich	150
Thursday 12 March	Toowoomba	Toowoomba Motel and Events Centre, 2 Burnage St, East Toowoomba	150

No need to pre-register – just turn up!

Please note, in the interests of fire safety, attendances will be restricted to the venue maximum capacities, so please arrive a little early to ensure a seat.

Who should attend?

These forums will be of interest to anyone who performs, supervises or manages electrical work including people in control of facilities where electrical work is performed.

Appliance repairers
Apprentices – electrical and refrigeration
Designers and manufacturers of electrical equipment
Designers of electrical installations
Electrical contractors
Electrical licence holders
Electrical workers
Electricians
Facilities managers
Maintenance electricians
Maintenance managers and engineers
Refrigeration workers – electrical licence holders
Restricted electrical licence holders
Safety managers and officers
Service and maintenance technicians
Supervisors and managers of electrical workers

Real people, real risks

The evaluation results of Workplace Health and Safety Queensland's (WHSQ) *Homecomings* campaign have shown the campaign has been successful in getting people thinking about safety and changing their behaviour.

WHSQ has been inundated with calls and emails from businesses wanting to get involved with the campaign and promote it in their workplaces.

BMD Constructions is one business that has promoted the campaign by playing the Owen Bevan induction DVD to workers and using the idea of *Homecomings* to address a safety issue in Ingham.

When concerns were raised about traffic speeding through an Ingham work site, in spite of the correct traffic management sign being displayed, BMD management decided to take a different approach.

They produced a roadside billboard, featuring a photo of one of their workers holding his two young sons, with the slogan "My dad works here. Real people, real risks, real limits." to encourage people to slow down while driving through the worksite.

BMD Constructions group systems manager Bob Unwin-Berrey said there was a remarkable change in driver behaviour since they installed the new sign.

"The speeds were noticeably slower," he said.

"This particular photo is of a guy from Ingham, so I can imagine that some of the speeding locals from Ingham recognised him and thought twice about their speed.

"It's a brilliant way to get people thinking about 'real people'."

If you have used the *Homecomings* campaign in your workplace, tell us by emailing safe@deir.qld.gov.au.

In 2006–07 throughout Queensland, there were 114 work-related fatalities and 29 456 injuries that were serious enough to require more than five days off work. This resulted in 30 000 families being directly affected and cost nearly \$5.2 billion in revenue and lost productivity.

Paper free *SAFE* coming – sign up or miss out!

***SAFE* newsletter is going electronic so we can increase the frequency of information being made available to you to reduce workplace death, injury and disease all while helping out the environment.**

This is the last printed issue of *SAFE*, so subscribe now to receive your new e-newsletter and breaking news e-alerts so you don't miss out on important industry information:

<http://www.deir.qld.gov.au/workplace/publications/safe/subscribe/index.htm>

Subscribers will be able to download and print a copy of the newsletter from the website to hand out to staff.

For *SAFE Rural* subscribers, you will continue to receive a hardcopy publication, but we encourage you to subscribe to breaking news e-alerts:

<http://www.deir.qld.gov.au/workplace/publications/safe/subscribe/index.htm>

All subscribers will be surveyed later in the year to ensure *SAFE* delivers the most relevant information for your industry.



Don't be blinded by the dangers of glare

While sun safety is a major concern throughout the hotter months, don't be blinded by the danger of glare.

Glare can restrict your sight and result in poor viewing conditions. When viewing problems continue for a long period of time, glare can lead to strained eye muscles, physical fatigue and headaches.

While glare is a problem for all outdoor workers, construction workers are at particularly high risk due to the materials used in their day-to-day work.

Glare from building materials such as roof sheeting, metal formwork, metal stud framing and smooth, light-coloured concrete can obscure potentially dangerous situations, resulting in workplace incidents and injuries. The continued exposure to glare also has the potential to cause permanent eye damage to workers.

When using cranes to lift and move loads, glare can impact on the workers' judgement, and result in inaccurate assessment of distance. Incorrectly placed loads can become hazards and increase the likelihood of slips, trips and falls.

As workers reposition themselves to manage the discomfort caused by glare, they may be at risk of musculoskeletal injury. Workers may be carrying loads and, in an effort to avoid glare, may adopt awkward postures and forceful exertions, which can result in sprains and strains to the back and neck muscles.

Follow these tips to minimise risk to your workers:

- Use trees, buildings and temporary shelters such as awnings or tarpaulins to shade the work and rest areas.

- Where possible plan construction work around the movement of the sun e.g. work on the western and northern side of a building in the morning and work on the eastern and southern sides in the afternoon.
- Try to use anti-glare building products e.g. bright galvanised items with non-reflective coating.
- Provide workers with broad brim attachments (7.5 – 8 cm) for their hard hats.
- Train workers in risk assessment and control techniques.
- Encourage workers to wear AS1067 compliant sunglasses.

For more information about sun safety, download a copy of our *Sun safety and heat stress information guide* from www.worksafe.qld.gov.au or phone the WHS Infoline on 1300 369 915.

Slip, slop, slap before starting work

Living outdoors is a way of life in sunny Queensland but the thousands of people who work outdoors need to be extra careful in summer to minimise the risk of sunburn and skin cancers.

Employers have a responsibility to minimise health and safety risks under section 20-2 of the *Workplace Health and Safety Act 1995*.

Sunburn and skin cancers are two health risks for outdoor workers that can be managed.

Where possible, the Cancer Council Queensland recommends people stay out of the sun between 10 am and 3 pm when UV rays are at their strongest and most dangerous.

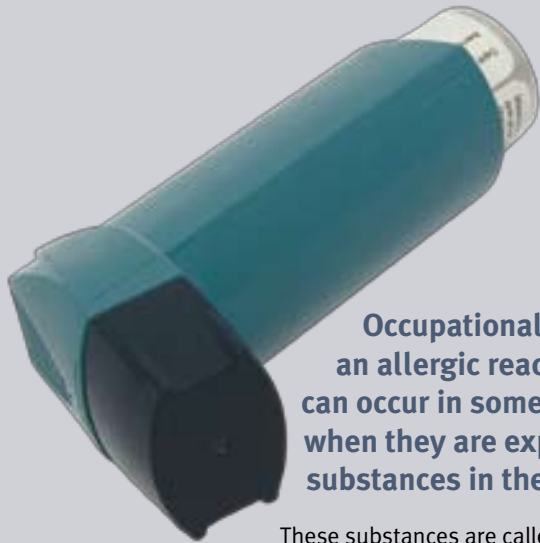
For the hundreds of thousands of construction workers, farmers, lifeguards, security guards, police officers, fishermen, landscapers and gardeners that work outdoors, this can be impossible, but the following tips can help:

- Rotate tasks in the direct sunlight between worker.
- Use trees, buildings and other temporary shades as shelter where possible.
- Avoid working near reflective materials such as polished metal or new concrete as these can increase your UV exposure.
- Take your meal break or smoko in the shade or inside.
- Drink plenty of cool water.
- Slip on protective clothing (long sleeved, UPF-rated shirts).
- Slop sunscreen on any exposed areas such as your face, neck and hands 20 minutes before sun exposure and re-apply every two hours.
- Slap on a broad-brimmed hat and sunglasses.

For more information on sun safety, visit www.worksafe.qld.gov.au or phone the WHS Infoline on 1300 369 915 or visit the Cancer Council Queensland's website www.cancerqld.org.au.

Workers who work in direct sunlight may be able to claim a tax deduction on safety items such as hats, sunglasses and sunscreen if they are used at work. For more information on tax deductions, contact your accountant or the Australian Taxation Office's Business Tax Line on 13 28 66.





Occupational asthma is an allergic reaction that can occur in some people when they are exposed to substances in the workplace.

These substances are called 'respiratory sensitisers' or asthmagens. They can cause a change in people's airways, known as bronchial hyper-reactivity or twitchy airways.

Not everyone who is exposed to a sensitiser becomes sensitised and develops asthma. But once the lungs become hypersensitive, further exposure to the substance, even at quite low levels, may trigger an attack. This can happen to you even if you have worked without any problems for many years.

Symptoms include shortness of breath, wheezing, coughing and chest tightness. Not everyone with occupational asthma gets all the symptoms. In general, the symptoms come on after you get home from work (delayed reaction) which makes it difficult to recognise the link with workplace activities.

Studies show that if you have symptoms lasting a year or more, your asthma can become permanent, even if you leave that type of work.

In Australia, about 9 to 15 per cent of all newly diagnosed asthma in adults who have not had asthma before is due to work-related factors.

Work-related asthma or asthma aggravated by work affects many more people, as about 10 per cent of the population has asthma. Any substance that causes irritation can affect the airways of individuals with pre-existing asthma. This includes people who have not had asthma since childhood. Some examples of irritants include ammonia, chlorine and general dust.

Early prevention is important. Find out about chemicals and products you are using in the workplace. Material Safety Data Sheets (MSDS) are available on our website.

There's something wrong with my breathing, Doc... could it be asthma?

If alternatives aren't available, make sure you do not get exposed either by breathing in the chemicals and products or getting them on your skin.

For example, if spray-painters get paint on their skin they can become sensitised to isocyanates in the paint which can lead them to develop asthma. Even if they wear respiratory protection and don't inhale it.

Where to get more information?

- Visit www.worksafe.qld.gov.au or phone the WHS Infoline on 1300 369 915.
- Visit the Asthma Queensland website www.asthmaqld.org.au.
- Health professionals may be interested in the Australian Institute of Health and Welfare report in Bulletin 59 available on their website www.aihw.gov.au.
- See your doctor if you think something at work is giving you asthma symptoms.

What are some common causes of asthma?

Occupation	Substances causing occupational asthma
Farming	Grain dust, animal dander
Spray-painting	Isocyanates in paints
Cleaning	Mercury compounds
Baking	Flour
Animal handling – vets, animal lab technicians	Animal dander
Nursing	Glutaraldehyde in disinfecting instruments, latex gloves
Food processing	Crustaceans (prawns, crabs)
Welding	Chrome, nickel, cobalt
Cabinet-making, timber blinds manufacture	Western red cedar, isocyanates in paints and coatings
Nail technicians	Methylmethacrylate



Brisbane company fined \$57 000 after worker crushed to death by falling steel beams

A Brisbane based labour-hire company has been fined \$57 000 after a worker was crushed to death when four large steel beams fell from a semi-trailer during loading.

Protech Personnel Pty Ltd pleaded guilty in the Brisbane Industrial Magistrates Court on 17 December 2008 to breaching the *Workplace Health and Safety Act 1995*, in failing to ensure the safety of its workers.

In October 2007, a worker employed by Protech was assigned to work at the OneSteel steel distribution centre in Eagle Farm.

He died when four structural steel beams fell from a semi-trailer during loading.

The load was not secured by pins on the driver's side. Had pins been in place, the steel beams could not have fallen.

The worker received some training but was not properly supervised and should not have been in the exclusion zone, which was marked on the floor and enclosed by barriers.

OneSteel pleaded guilty to a WHSQ health and safety breach on 12 December 2007 arising from the same incident. A fine of \$67 000 was imposed.

On 17 December, the court heard that Protech Personnel Pty Ltd identified workplace health and safety issues generally. However, the systems in place were inadequate.

Protech did not address specific hazards at the site. This was important because OneSteel sourced several workers from Protech.

By the action of simply relying on OneSteel's harm minimisation strategies, Protech did not meet its obligations.

Industrial Magistrate Ms Wendy Cull ordered Protech to pay investigation and professional costs of \$1750.

The court took into account Protech's previous good record, its co-operation with the investigation and the fact it was otherwise a good corporate citizen in ordering that no conviction was to be recorded.

Landsborough formwork company fined \$35 000 after deck collapses

A Landsborough based formwork company has been fined \$35 000 after two workers were injured at their work site at Pacific Highway, Slacks Creek.

Triform Constructions Pty Ltd pleaded guilty in the Beenleigh Industrial Magistrates Court to breaching section 24(1) of the *Workplace Health and Safety Act 1995*, having failed to ensure the health and safety of its workers.

In April 2006, two male workers suffered soft tissue injuries when approximately 200 square metres of formwork deck collapsed.

The court heard that the workers were assisting in lowering a formwork deck that was 20 mm too high.

They were instructed by their supervisor to remove the edge supports on the erected deck and, as they finished, the deck collapsed.

The court also heard that the health and safety of three other workers was risked by being underneath the deck during the removal of the edge supports.

The workplace health and safety investigation revealed that while the company had formal procedures for erecting formwork decking, the procedures were not followed by the supervisor on the day of the incident.

As a result of the incident, the company took steps to ensure that such an incident does not happen again by implementing new work procedures.

Industrial Magistrate James McDougall ordered the company to pay investigation, professional and court costs totalling \$2816.40. No conviction was recorded.

He said that while the workers only sustained minor injuries they were lucky to escape more serious injury as a result of the manner in which the deck was being lowered.

Cairns trainer fined \$13 000 after worker's death

A Cairns based training provider has been fined \$13 000 after a worker died at a Kerrawa Beach construction site in September 2006.

Lance James Pyne pleaded not guilty to a charge brought by Workplace Health and Safety Queensland in the Cairns Industrial Magistrates Court alleging that he breached the *Workplace Health and Safety Act 1995*.

In September 2006 Mr Pyne was hired to assess construction workers for a level 2 chainsaw certificate.

During the practical component, one of the participants was performing what is known as a 'back cut'. The trunk splintered and the tree recoiled, struck and pinned the participant against another tree. The participant died in hospital later that day.

The workplace health and safety investigation found there was a failure to adequately assess the risks posed by the lean of a tree and its potential for splintering.

The incident has highlighted the importance for those conducting training, or in the industry generally, to ensure adequate assessment is undertaken on any selected tree prior to commencing work.

In addition to the fine, Pyne was ordered to pay investigation costs of \$5184, legal costs of \$2000 and filing a fee of \$65.40. The court ordered no conviction to be recorded.

