

# *Another Person Jailed*

- **Industrial  
Manslaughter Laws**
- **New Website**
- **Safety Centre**

**July 2019**

# Welcome to the July Safety Action News

This month, Gary discusses the latest prison penalty for safety offences, in this case a manager was convicted for a fatal conveyor accident. Know how to avoid a similar incident in your business. We also share the status of Industrial Manslaughter laws in Australia.

Also, read about the latest projects by the NSW Centre for Work Health and Safety and forklift LED lights that highlight the pedestrian exclusion zone.

The Safety Action team say farewell to Ben this month and welcome Katie back from maternity leave.



Andrea Rowe, General Manager

## Stay safe!

Andrea Rowe



## Farewell Benedict

Benedict Olih started with Safety Action on work experience last year and has since been in the role of Graduate Consultant. Ben is leaving Safety Action this month to study the Masters of Education. Our team and clients have appreciated Ben's friendly personality, dedicated work ethic and attention to detail. We wish Ben all the best with his studies and future career.

## Safety Leadership Workshop

10 & 11 September 2019

Book before 1 August for Early Bird price

Workshop includes; effective communication, safety legislation, what to do and not to do when there's a safety incident, risk assessments, review work procedures and conduct safety talks and positively change behaviours.

Tuesday 10<sup>th</sup> & Wednesday 11<sup>th</sup> September 2019  
Safety Action, Clayton

[Click here to register.](#)

*"I wished I had done this course 20 years ago"*  
– Manager, Melbourne Water

**BOOK NOW**  
Early Bird ends 11 Sep

## Another Person Sentenced to Jail

Another person has been sentenced to jail. This is the third prison sentence for safety offenses in the last year.

In the latest case, a Queensland quarry manager has been sentenced to 18 months in prison after a worker was caught in a conveyor and crushed to death in 2012.

The quarry manager is currently on bail awaiting an appeal. The company was fined \$400,000 and another senior employee fined \$35,000 over the tragic accident. The prosecution was for breaches of the Queensland Mining and Quarrying Safety and Health Act.

The conveyor manufacturer was also prosecuted and fined earlier (in 2017) for failing to install adequate guarding to the conveyor system.

WorkCover Queensland pointed out that all hazardous moving parts need to be safeguarded including:

- Augers;
- Rotating shafts;
- Cables;
- Sprockets and chains;
- Fan blades; and
- Screw and belt conveyors.



A mobile crusher and conveyor unit

Where guards are removed regularly (e.g. for maintenance or cleaning) they should be interlocked to prevent operation with the panel open or removed.

All machinery must be safely isolated before workers attempt any; clearing of blockages, maintenance, cleaning, or making adjustments. For example:

- 1) All energy sources isolated;
- 2) Controls locked-out & tagged-out (LOTO);
- 3) Residual energy dissipated e.g. release air or spring pressure, lock heavy parts so cannot fall or move, and ensure no remaining momentum in things like spinning flywheels; and
- 4) All guards replaced and secured before machine is returned to operation.

We will keep you informed of progress with these cases and the emerging trend of courts increasingly using custodial sentences for reckless managers who do not exercise a proper duty of care for their workers.

### Ladder Tip

***THIS IS MY STEP LADDER, I NEVER KNEW MY REAL LADDER***



## *Industrial Manslaughter Laws - Update*

The recent review of Australia's Model Work Health and Safety (WHS) laws, included the recommendation to introduce industrial manslaughter legislation.

The offence has already been introduced in Queensland and the ACT. Currently, other states have plans to introduce a similar offence. The table below updates you on the current status.

State	Law	Penalty	Status
Qld	Industrial Manslaughter offence <ul style="list-style-type: none"> <li>– Work Health and Safety Act 2011 (33A)</li> <li>– Electrical Safety Act 2002 (Part 2B)</li> <li>– Safety in Recreational Water Activities Act 2011 (Part 2A)</li> </ul>	<u>Maximum penalty</u> Individual: 20 years imprisonment Corporation: Approx. \$13 million	In force
ACT	Industrial Manslaughter offence <ul style="list-style-type: none"> <li>– ACT Crimes Act Part 2A</li> <li>– Criminal Code Act Part 2.5</li> <li>– Crimes (Industrial Manslaughter) Amendment Act 2002 (ACT)</li> </ul>	Maximum penalty Employer Senior officer : 20 years or \$300,000 or both  Corporation: \$1.5m	In force
VIC	Occupational Health and Safety Act 2004 (Amdt) proposed to include Workplace Manslaughter	Individual: 20 years imprisonment Corporation: Approx. \$16 million	Proposed draft to Parliament expected in October 2019.
NSW, NT, SA, Tasmania, WA	Category 1 offence: reckless conduct	Individual: 5 years jail Corporation: Approx. \$3 million	Government reviews being undertaken in NSW, SA & WA.  No formal proposed legislation to date.

The current wording of the existing industrial manslaughter offence in Queensland is defined as:

*An offence for a person conducting a business or undertaking (PCBU), or a senior officer, to negligently cause the death of a worker.* In particular, the offence applies if:

- a worker dies, or is injured and later dies, in the course of work (including during a work break); and
- the PCBU's, or senior officer's, conduct causes the death of the worker (i.e. the action or inaction of the PCBU, or senior officer, substantially contributes to the death); and
- the PCBU, or senior officer, is negligent, causing the death of the worker.

## Centre for WHS Seeks Projects

The NSW Centre for Work Health and Safety, established 18 months ago, brings together experts in the fields of research, insights and analytics, science outreach and business acumen to collaborate with internal and external stakeholders, industry representatives and the scientific community.

The aim of the Centre is to leverage cutting edge research and data to create awareness, suggest smarter approaches and bring about behaviour change in WHS in NSW, and Australia.

The Centre is looking to partner with industry and businesses toward solving safety problems and creating research based, new and proven safety solutions.

Some of their current and completed projects include:

- Mental health in remote and rural farming communities
- Driving Health: National Transport Industry Health and Wellbeing Study
- Real-time silica detection
- Developing leadership skills to improve safety culture and machine safety in manufacturing
- What's causing electrical harm and what can we do to reduce it?
- Why are aged care workers still experiencing injuries?
- And others.

If any of these projects interest you, have a look at their website.  
<http://www.centreforwhs.nsw.gov.au>



## SIA is now AIHS

**Safety Institute of Australia has changed its trading name**

As mentioned in last month's news, the SIA has officially changed its trading name to the Australian Institute of Health and Safety (AIHS).



The Safety Institute of Australia is now known as the Australian Institute of Health & Safety





## Forklift – LED Exclusion Zones

Many pedestrians have been seriously injured when struck by manoeuvring forklift trucks. A new device which uses LED lights to project a visual representation of a forklift exclusion zone can be an effective way to remind pedestrians and drivers of the exclusion zone.

The LED system plugs directly into the forklift power supply so automatically turns on when the forklift is in operation.

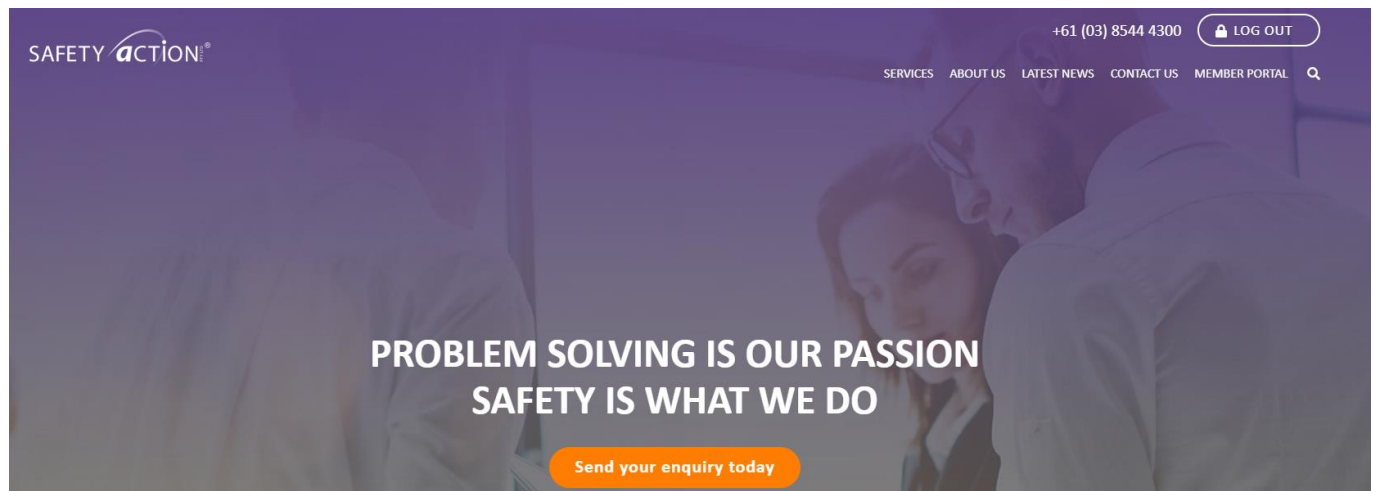
Ultimate LED provide these lights! See [www.ultimateledlights.com.au](http://www.ultimateledlights.com.au)

Future versions will trigger alarms to alert the driver when the LED zones are broken.



## Safety Action Website

We are excited to announce our new website is live! The new layout will assist you to navigate our ever expanding material to support your safety activities.



## ADG Code 7.6 is now compulsory

The Australian Code for the Transport of Dangerous Goods by Road & Rail, commonly known as the ADG Code sets out the requirements for transporting DGs by road and rail. The Code is updated every two years and from 1 July 2019, those involved in transporting DGs must comply with the latest version, ADG 7.6.

ADG 7.6 includes various changes from 7.5, including simplified requirements for certain DGs in small quantities and packages.

Download the code [here](#).

