

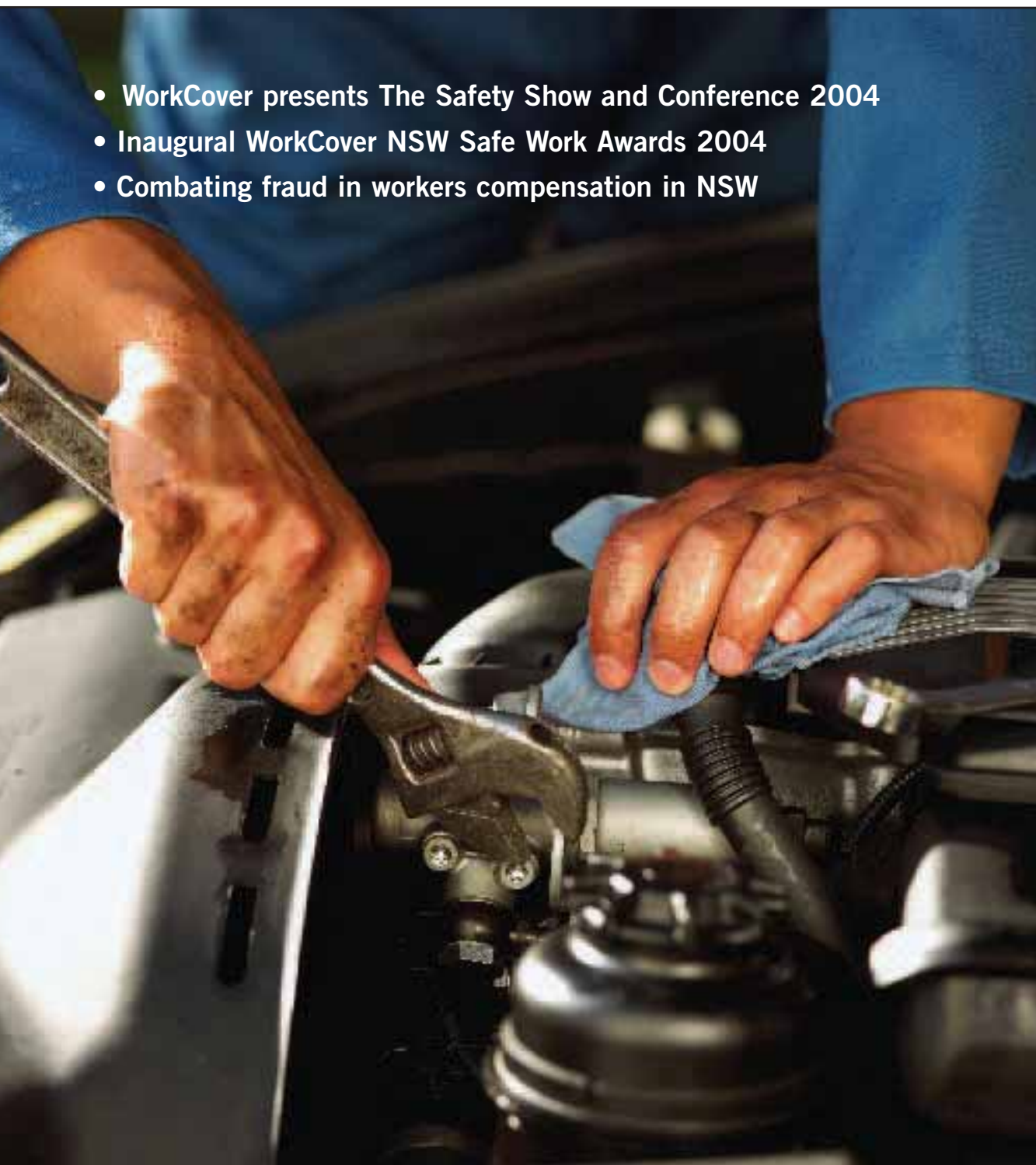
# WORKCOVER NEWS

The workplace safety and injury management magazine

# 58

September 2004 – November 2004

- WorkCover presents The Safety Show and Conference 2004
- Inaugural WorkCover NSW Safe Work Awards 2004
- Combating fraud in workers compensation in NSW



# WorkCover Accredited Public Courses

*Vital Training for Effective Risk Management*

## OCTOBER to DECEMBER 2004

### course in occupational health & safety consultation

Accredited training for OHS Committees & OHS Representatives  
\$570 Plus 10% GST (\$627 incl. GST)

Oct	1	8	15	22	Parramatta	PAR10
Oct	5	12	19	26	City	CIT10
Oct	6	7	13	14	Parramatta	PAR102
Oct	11	12	18	19	Parramatta	PAR103
Oct/Nov	11	18	25	1	Campbelltown	CAM10
Oct/Nov	11	18	25	1	Hurstville	HUR10
Oct	14	15	21	22	City	CIT102
Oct/Nov	20	27	3	10	Parramatta	PAR104
Oct/Nov	28	29	4	5	Parramatta	PAR105
Nov	1	2	8	9	City	CIT11
Nov	3	4	10	11	Wollongong	WOL11
Nov	5	12	19	26	City	CIT112
Nov	9	16	23	30	Parramatta	PAR11
Nov	10	11	17	18	City	CIT113
Nov/Dec	15	22	29	6	City	CIT114
Nov	17	18	24	25	Parramatta	PAR112
Nov	22	23	29	30	Rooty Hill	RH11
Nov/Dec	29	30	6	7	Parramatta	PAR113
Nov/Dec	30	1	7	8	City	CIT115
Dec	7	8	14	15	Campbelltown	CAM12
Dec	7	8	14	15	Hurstville	HUR12
Dec	9	10	16	17	City	CIT12
Dec	9	10	16	17	Parramatta	PAR12

### ohs committee refresher\*

\$260 Plus 10% GST (\$286 incl. GST)

Oct	5	Parramatta	PARF10
Nov	16	City	CITF11
Dec	3	Parramatta	PARF12

\*There is no WorkCover Accredited Course

### construction general ohs induction

\$120 (GST free)

Oct	5	City	CITCN10
Oct	25	Parramatta	PARCN10
Nov	22	Parramatta	PARCN11
Dec	7	City	CITCN12

### ohs risk management for supervisors & managers

formerly OHS for Supervisors & Line Managers  
\$470 Plus GST (\$517 incl. GST)

Oct	7	8	City	CITS10
Oct	25	26	Parramatta	PARS10
Nov	3	4	City	CITS11
Nov	11	12	Parramatta	PARS11
Dec	1	2	Parramatta	PARS12
Dec	2	3	City	CITS12

### ohs committee chairperson\*

\$260 Plus 10% GST (\$286 incl. GST)

Oct	11	City	CITC10
Nov	2	Parramatta	CITR11
Dec	13	City	CITC12

\*There is no WorkCover Accredited Course

### introduction to return to work co-ordination

\$480 (GST free)

Oct	28	29	City	CITR10
Nov	15	16	Parramatta	PARR11
Nov	24	25	City	CITR11
Dec	14	15	City	CITR12
Dec	14	15	Parramatta	PARR12

### senior first aid

\$160 Plus 10% GST (\$176 incl. GST)

Oct	7	8	City	CITFA10
Nov	8	9	Parramatta	PARFA11

## JANUARY to MARCH 2005

### course in occupational health & safety consultation

Accredited training for OHS Committees & OHS Representatives  
\$570 Plus 10% GST

Jan	10	11	17	18	Parramatta	PAR1
Jan	10	11	17	18	City	CIT1
Jan	20	21	27	28	Parramatta	PAR1/2
Jan	20	21	27	28	City	CIT1/2
Jan/Feb	31	7	14	21	Parramatta	PAR1/3
Feb	1	8	15	22	City	CIT2
Feb	8	9	15	16	Parramatta	PAR2
Feb/Mar	9	16	23	2	City	CIT22
Feb	17	18	24	25	Campbelltown	CAM2
Feb	17	18	24	25	City	CIT23
Feb/Mar	18	25	4	11	Parramatta	PAR22
Feb/Mar	21	22	28	1	Chatswood	CHA2
Feb/Mar	21	22	28	1	City	CIT24
Feb/Mar	23	2	9	16	Hurstville	HUR2
Feb/Mar	24	3	10	17	Parramatta	PAR23
Feb/Mar	25	4	11	18	Rooty Hill	RH2
Feb/Mar	28	7	14	21	Wollongong	WOL2
Mar	1	8	15	22	City	CIT3
Mar	2	3	9	10	Parramatta	PAR3
Mar	7	8	14	15	Parramatta	PAR32
Mar	10	11	17	18	City	CIT32
Mar/Apr	30	31	6	7	City	CIT33
Mar/Apr	30	6	13	20	Chatswood	CHA3
Mar/Apr	30	6	13	20	Parramatta	PAR33
Mar/Apr	31	1	7	8	Parramatta	PAR34

### ohs committee refresher\*

\$260 Plus 10% GST (\$286 incl. GST)

Feb	11	Parramatta	PARF2
Mar	7	City	CITF3

\*There is no WorkCover Accredited Course

### ohs risk management for supervisors & managers

formerly OHS for Supervisors & Line Managers  
\$470 Plus GST (\$517 incl. GST)

Feb	10	11	City	CITS2
Feb	23	24	Parramatta	PARS2
Mar	8	9	City	CITS3
Mar	22	23	Parramatta	PARS3
Mar	30	31	City	CITS32

### construction general ohs induction

\$130 (GST free)

Feb	28	City	CITCN2
Mar	29	Parramatta	PARCN3

### ohs committee chairperson\*

\$260 Plus 10% GST (\$286 incl. GST)

Mar	17	Parramatta	PARC3
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\*There is no WorkCover Accredited Course

### introduction to return to work co-ordination

\$480 (GST free)

Feb	2	3	Parramatta	PARR2
Feb	23	24	City	CITR2
Mar	1	2	Parramatta	PARR3
Mar	14	15	City	CITR3

**See our full Public Training Calendar 2005 (insert in this magazine) for all our 2005 public course dates.**

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Email: [train@courtenell.com.au](mailto:train@courtenell.com.au)

Fax: 9660 8757

**Visit our website**  
**[www.courtenell.com.au](http://www.courtenell.com.au)**

for information on our courses, OH&S information, search facility & recent editions of our publications 'Your Safety Matters' (formerly 'Committee Member')

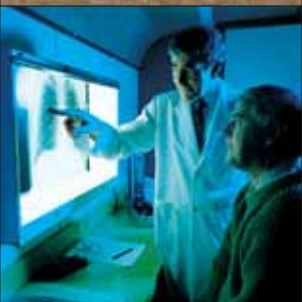
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# News from the Chief Executive Officer



I am very pleased to announce that WorkCover NSW is introducing a new safety awards program to recognise high standards of occupational health and safety (OHS) in NSW and to reward employers and workers who have achieved significant safety improvements in their workplace.

The WorkCover NSW Safe Work Awards will become an annual event and incorporate WorkCover's existing Premium Discount Scheme Awards.

Award nominations are being judged by a panel including senior representatives from WorkCover, trade unions, employers groups and specialist OHS advisory bodies across nine categories.

The inaugural WorkCover NSW Safe Work Awards will be presented at a black-tie dinner on 14 October 2004 during The Safety Show and Conference 2004. See page eight for further information.

WorkCover is proud to be the principal sponsor for The Safety Show and Conference 2004, being held at Sydney Olympic Park from 13 – 15 October 2004. WorkCover will have an exhibit at the trade show to provide practical information and advice about OHS, workers compensation and return-to-work issues.

The Safety Conference will run simultaneously with The Safety Show and in addition to WorkCover representatives speaking at the conference, we are holding two free seminars to assist small business owners to understand their obligations under the OHS legislation.

Trade passes to the show can be found as an insert in this edition of WorkCover News. I encourage you all to attend and visit the WorkCover stand to receive free OHS and workers compensation information. Page six provides further details about The Safety Show and Conference 2004.

WorkCover NSW is busy undertaking a major rewrite of the State's regulations for the safe management of dangerous goods, explosives and major hazard facilities.

A two-month period of public consultation is to commence in the next few months throughout the State, during which time all interested individuals, groups or organisations have the opportunity to provide comment and feedback on the proposed new regulatory requirements. Please see page 14 for details about how you can participate in the public consultation.

A handwritten signature in black ink, appearing to be 'Jon Blackwell', written in a cursive style.

**Jon Blackwell**  
Chief Executive Officer  
WorkCover NSW



# New regulatory regime for dangerous goods

**WORKCOVER NSW IS UNDERTAKING** a major revision of the State's regulation of the safe management of dangerous goods, explosives and major hazard facilities.

A period of public consultation will begin soon throughout the State for two months, during which time all interested individuals, groups and organisations have the opportunity to provide comment and feedback on the proposed new regulatory requirements.

Under the rewrite, the current *NSW Dangerous Goods Act 1975* and the *Dangerous Goods (General) Regulation 1999* will be repealed.

They will be replaced with a new regime that reflects the National Standard for the Storage and Handling of Dangerous Goods [NOHSC: 1015(2001)] and the National Standard for the Control of Major Hazard Facilities [NOHSC: 1014(2002)].

Specific provisions for dangerous goods and major hazard facilities will be incorporated in the *Occupational Health and Safety Regulation 2001*.

A separate *Explosives Act 2003* and new supporting explosives regulations will maintain the existing 'chain-of-custody' licensing regime for explosives.

The new dangerous goods provisions will require storage facilities to notify WorkCover of the locations where dangerous goods are held.

This information will be used to record the location of stored chemicals on a statewide database, which can be used by emergency services when responding to incidents and for developing planning and prevention strategies.

The new major hazard facilities (MHF) provisions will apply to approximately 50 facilities throughout NSW, including oil refineries, chemical processing plants, LP gas depots and large chemical warehouses, which have large quantities of dangerous goods.

Under the MHF provisions, MHF operators will be required to:

- notify WorkCover of their MHF status
- undertake risk assessment
- establish a safety management system
- develop emergency plans



- consult with workers, the community and public authorities
- prepare a safety report that justifies the adequacy of measures taken to ensure the safe operation of the facility.

The MHF regulatory regime will take a multi-agency approach, with WorkCover being the lead agency responsible for establishing and managing the regulatory process.

The other agencies – NSW Police, NSW Fire Brigades, Department of Environment and Conservation, Department of Infrastructure, Planning and Natural Resource, and the State Emergency Management Committee – will also play significant roles in the implementation and enforcement of the new regulatory framework.

As part of the process of developing the new regulatory framework, consultative committees have been established to assist in the review of comments received.

WorkCover will be running public information sessions at Sydney, Parramatta, Gosford, Newcastle, Maitland, Tamworth, Moree, Coffs Harbour, Port Macquarie, Lismore, Tweed Heads, Wollongong, Nowra, Bega, Goulburn, Orange, Dubbo, Wagga, Griffith and Albury during the public comment period later this year.

For more information on how to participate in the public consultation, visit the WorkCover website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or call **13 10 50**.

# The Safety Show and

**THE SAFETY SHOW AND CONFERENCE 2004** is being held from 13 – 15 October at Sydney Olympic Park and will feature major innovations, technological advances in workplace safety and discussions on a wide range of occupational health and safety (OHS) and workers compensation issues.

As the principle sponsor of The Safety Show and Conference 2004, WorkCover NSW aims to inspire and assist employers to achieve better workplace safety through the hundreds of practical solutions to safety issues available under one roof.

## The Safety Show

Aimed at a broad range of industries, from manufacturing and transport through to retailing, The Safety Show will showcase an equally diverse range of equipment, services and software. More than 300 companies will exhibit at The Safety Show this year.

WorkCover's exhibit at The Safety Show will provide free information about OHS, workers compensation and injury management.

WorkCover will have trained staff and technical experts on hand to provide practical safety advice and information. Interactive website displays will allow people to explore the gamut of information available on the WorkCover website. CD-ROMs with a large number of current WorkCover publications will be available.

## THE SAFETY CONFERENCE

The Safety Conference, organised by the Safety Institute of Australia, will run simultaneously with The Safety Show. Three concurrent streams of sessions are scheduled daily.

Each day, the conference will commence with a keynote address. All delegates can attend the keynote address, then move into specific streams. Individual sessions will feature speakers, including representatives from WorkCover, who will present on a variety of topics including:

- risk and hazard control for managers and supervisors
- legislation and risk avoidance
- injury management and workers compensation
- OHS leadership and culture.

During The Safety Conference, WorkCover will also hold two free Small Business Seminars to help small business owners understand their obligations under OHS and workers compensation legislation.

The seminars include:

- information on OHS responsibilities
- practical advice on how these responsibilities can be met
- resources and tools that will assist in providing a safe and healthy workplace
- an opportunity to discuss OHS workplace issues
- advice on workers compensation matters.

## WORKCOVER NSW HYPOTHETICAL

Triple J radio presenter, Adam Spencer\*, will play host to a lively hypothetical debate being held at the Southee Complex, Sydney Olympic Park on the evening of the first day of The Safety Show and Conference, on Wednesday 13 October 2004.

Attendees will hear some of today's most important workplace health and safety issues discussed by representatives from key industry bodies in an informative and entertaining forum.

Adam Spencer will moderate a panel including members from unions, employer groups and WorkCover NSW on responses to a number of hypothetical workplace safety challenges.

Enhanced by Adam Spencer's highly intellectual approach and down to earth style, this is an event not to be missed.

The event will begin at 5.30pm, with doors opening at 5pm. Tickets cost \$22 each including GST.

\*Adam Spencer appears by arrangement with Claxton Speakers International.

'By sponsoring The Safety Show, WorkCover aims to inspire and assist employers to achieve better workplace safety by presenting a large number of practical solutions to safety issues under one roof.' – WorkCover CEO Jon Blackwell.

# Conference 2004



## The Safety Show AND CONFERENCE 2004 AT A GLANCE

**When:** 13 – 15 October 2004  
Wednesday 13 October 2004 10am – 5pm  
Thursday 14 October 2004 10am – 5pm  
Friday 15 October 2004 10am – 4pm

**Where:** The Dome and Hall 2, Sydney Showgrounds,  
Sydney Olympic Park

**Principal Sponsor:** WorkCover NSW

**Organisers:** Australian Exhibitions &  
Conferences Pty Ltd

**Conference host:** Safety Institute of Australia

**Exhibitors:** More than 300 companies covering  
12,000 sqm of exhibition space

**Visitors:** Last year's inaugural show drew in excess  
of 6000 visitors, including: health &  
safety managers, CEOs, directors, owners,  
purchasing officers, project managers,  
production managers, site managers,  
risk managers, maintenance/operations  
managers, training managers, warehouse  
managers, logistic and transport specialists,  
construction and manufacturing workers,  
foremen, site inspectors, building managers,  
and government agencies.

## Products and services:

- Information and advice
- Personal protective equipment
- Machine guards and light curtains
- Height safety and confined space equipment
- Health and safety management software
- Hazardous goods handling and storage products
- Risk management programs
- Security and communication equipment
- Training resources
- Safety signage
- Measurement, control and monitoring equipment
- Health and safety consultants
- Finance/insurance services
- First Aid, medical and rehabilitation services
- Communication devices
- Vehicle safety
- Forklifts
- Materials and manual handling aids
- Safe lifting aids
- Electrical.

# NSW Safe Work Awards

**WORKCOVER NSW IS INTRODUCING** a new annual State awards scheme to promote and recognise high standards of occupational health and safety (OHS) in NSW workplaces.

The inaugural WorkCover NSW Safe Work Awards, to be presented in Sydney on 14 October 2004, will provide a focus for both employers and employees who have achieved significant safety improvements in their workplace.

The awards include categories for best solutions to general workplace health and safety issues and manual handling hazards, as well as best health and safety management and OHS training programs.

Employees in both small and medium/large businesses will also be eligible for 'Workplace Safety Champion' awards.

A major objective of the awards is to encourage innovation in OHS in small business, and to facilitate this, businesses with 20 or less employees will be eligible for the 'Best workplace health and safety initiative in small business' award.

WorkCover's existing Premium Discount Scheme (PDS) Awards program is being incorporated into the new awards program, with two special categories created – for outstanding achievement by small/medium and large employers.

Including these two special categories in the new awards will give PDS members who have completed, or who are in their final year of the PDS, wider scope to promote their safety achievements.

It is also hoped that PDS participants will be keen to nominate in other non-PDS categories to highlight special areas of achievement.

Nominations for the WorkCover NSW Safe Work Awards 2004 opened on Monday 16 August and closed on Friday 10 September.

Award nominations are being judged by a panel including senior representatives from WorkCover, trade unions, employer groups and specialist OHS advisory bodies.

The inaugural awards dinner will be held on Thursday 14 October at the Intercontinental Hotel, Sydney, in conjunction with The Safety Show and Conference 2004.

For further information about the WorkCover NSW Safe Work Awards 2004 and the associated Awards dinner, visit the WorkCover website at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or call **13 10 50**.

## **WORKCOVER NSW SAFE WORK AWARD CATEGORIES ARE:**

### **1. BEST SOLUTION TO AN IDENTIFIED WORKPLACE HEALTH AND SAFETY ISSUE**

Entries for this award may include a product solution, engineering innovation, promotion, or other risk control measure that reduces the risk of work related injury and disease.

### **2. BEST SOLUTION TO A WORKPLACE MANUAL HANDLING HAZARD**

This award will be presented to an organisation or individual for developing a solution to a manual handling hazard in their own company, industry or workplace.

### **3. BEST WORKPLACE HEALTH AND SAFETY MANAGEMENT PROGRAM**

This award will recognise demonstrated commitment to workplace health and safety through the implementation of an integrated systems approach.

### **4. BEST TRAINING PROGRAM**

This award will be presented to an organisation or individual that has developed programs for workers that can be demonstrated to have delivered safer and more effective workplace health and safety practices.

### **5. BEST WORKPLACE HEALTH AND SAFETY INITIATIVE IN SMALL BUSINESS**

This award recognises the specific health and safety requirements of small businesses, ie, those companies with 20 or less workers.

### **6. WORKPLACE SAFETY CHAMPION – SMALL BUSINESS**

This award recognises the efforts of an individual employee in a small business (ie. those companies with 20 or less employees) who has demonstrated a significant contribution to improvements in workplace safety.



## **7. WORKPLACE SAFETY CHAMPION – MEDIUM/ LARGE BUSINESS**

This award recognises the efforts of an individual employee in a medium/large business (ie. those companies with more than 20 employees) who has demonstrated a significant contribution to improvements in workplace safety.

## **8. PREMIUM DISCOUNT SCHEME: OUTSTANDING ACHIEVEMENT – SMALL TO MEDIUM EMPLOYER**

This award recognises outstanding achievement by a PDS participant (small to medium employer) who has completed, or is currently completing, its third year in the PDS.

## **9. PREMIUM DISCOUNT SCHEME: OUTSTANDING ACHIEVEMENT – LARGE EMPLOYER**

This award recognises outstanding achievement by a PDS participant (large employer) who has completed, or is currently completing, its third year in the PDS.

Eligibility for entry into the WorkCover NSW Safe Work Awards is as follows:

Categories 1 to 4 – open to any NSW business, organisation or individual with a workplace safety initiative that fits one of the award categories. The size of the business or organisation is not significant.

Category 5 – open only to NSW businesses or organisations with 20 or less employees.

Categories 6 and 7 – open to all NSW employees, including health and safety representatives, employee representatives and members of health and safety committees.

Categories 8 and 9 – open to PDS participants who have completed or are completing their third year in the PDS.

**For the inaugural WorkCover NSW Safe Work Awards, achievements, initiatives or innovations must have occurred in the period between commencement of the NSW Occupational Health and Safety Legislation on 1 September 2001, and the opening of Award nominations on Monday 16 August 2004.**

## **JUDGING PROCESS for categories 1 to 7\***

There are three stages in the assessment and judging of entries for the WorkCover NSW Safe Work Awards.

Stage One: All entries will be reviewed by an internal panel of health and safety experts from WorkCover NSW.

Stage Two: Entries deemed worthy of a site visit by the Assessment Panel will be assessed by experienced WorkCover NSW inspectors. The role of the site visit is to confirm the information provided in the entry.

Stage Three: Following the site visits, those entries determined to be sufficient quality are then judged by the 2004 WorkCover NSW Safe Work Awards Judging Panel.

Winners will be announced at the Awards dinner on Thursday 14 October 2004. Winners will not be advised prior to this event.

\*Please note that for the two PDS categories (categories 8 and 9) the judging process is different. For further details please visit [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or call **13 10 50**.



# Combating fraud

## in workers compensation in NSW

**WORKERS COMPENSATION FRAUD** is becoming increasingly recognised as a serious problem. Fraud is a hidden cost of workers compensation insurance that impacts on employers, injured workers and the wider community.

Fraud is an act of deception that gains an employer, worker or service provider a financial advantage that they are not lawfully entitled to.

Workers compensation fraud ultimately translates into increased premiums for all employers. With more than 300 reports of suspected fraudulent activity each year in NSW, WorkCover has adopted a targeted approach to fraud detection by using innovative strategies to help drive compliance and enhance the integrity of the workers compensation scheme.

Use of state of the art technology alongside closer interaction with insurers and other government agencies is proving to be an effective weapon in the fight against fraud. With the number of visits by the nation's largest team of inspectors set to increase, those who attempt to defraud the workers compensation scheme now have a greater chance of being caught.

Sophisticated computer software with capacity for data matching and risk profiling is at the forefront of the fraud detection program. Data mining technology is used to identify workers who attempt false claims and can also detect non-compliance among employers who may be failing to pay the correct premium.

### EMPLOYER FRAUD

Employer or premium fraud can occur when an employer intentionally provides false or misleading information to their insurer for the purpose of reducing their premium.

Depending on the circumstances, employers may be committing an offence when they:

- fail to pass benefits on to an employee after liability has been accepted
- discourage an employee from filing a claim
- deduct premiums from injured workers
- do not purchase a workers compensation premium.

The former director of a bricklaying firm was convicted on five counts of workers compensation fraud after WorkCover revealed the director had used false business cards and invoices to reduce workers compensation premiums by \$3781. The Director also falsified the number of sub-contractors and paid workers employed by his company and exaggerated the number of sub-contractors he engaged in order to reduce the number of paid workers he employed.

The Director was fined \$1500 on one charge and ordered to enter good behaviour bonds totalling two years on the other four charges brought under the *NSW Crimes Act 1900*. He was also required to pay WorkCover double the avoided premium totalling \$7562.

### WORKER FRAUD

Although most workers compensation claims are genuine, some workers lodge false claims. More than 90 percent of fraud cases investigated by WorkCover NSW are claimant related, where a worker files a claim for an injury that did not occur at all, or for an injury that is not work related. Injured claimants who exaggerate their symptoms in order to increase potential benefits is also regarded as fraud.

Failure to notify an insurer or employer when an employee commences secondary employment while they are still receiving workers compensation benefits can also be fraudulent behaviour.

WorkCover has developed computer-based models for identifying claimants who may be falsely receiving benefits. Recent changes to the structure of the scheme, such as the introduction of independent medical assessment, have helped prevent fraudulent or exaggerated claims.

More than 280 cases of claimant fraud were investigated last year.

A claimant was convicted of fraud earlier this year after providing false medical certificates to the employer's insurer to receive ongoing benefits.

Also this year, a claimant was ordered to undertake community service, placed on a two-year good behaviour bond and ordered to pay \$14,615 in compensation costs and almost \$5000 for professional costs for undertaking secondary employment while in receipt of benefits for total incapacity.

Last year a worker had penalties of over \$10,000 for defrauding the workers compensation scheme of travel expenses connected with a claim. Another worker was ordered to repay \$53,000 in benefits obtained fraudulently while working three jobs.

# fraud

## PROVIDER OVER-SERVICING

There is a variety of claim-related service providers in the workers compensation system including rehabilitation providers, allied health professionals and doctors. Providers may be acting fraudulently if they over-service an injured worker by continuing treatment when no longer necessary, or claim for non-existent services as well as retaining any duplicate payments made.

## WHAT IS BEING DONE ABOUT IT?

WorkCover's Fraud Investigation and Compliance team is committed to detecting, investigating and prosecuting those who engage in fraudulent or non-compliant activity.

## GETTING TOUGH ON FRAUD AND NON-COMPLIANCE

Harsh penalties have been introduced as a deterrent for non-compliance including fines of up to \$55,000 and two years imprisonment. Employers identified as deliberately avoiding their premium obligations can be ordered to pay double their avoided premium, and can receive late payment fees and fines of up to \$11,000.

Providers who defraud the scheme and workers who fabricate an injury or claim to receive benefits they are not entitled to will be liable to prosecution.

WorkCover NSW has commenced a fraud blitz in the construction, cleaning and labour hire industries. These industries have been identified through data analysis as having a higher risk of fraudulent behaviour.

Workers compensation fraud disadvantages everyone. A viable and financially sound scheme is in everyone's interest. WorkCover liaises with industry, workers and service providers to help ensure everyone understands their rights and obligations.

If you have any information on workers compensation fraud or would like to know more contact WorkCover's Fraud Hotline on **(02) 4321 5755**, or visit our website, [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

# Narrabri Shire Council

**NARRABRI SHIRE COUNCIL** exemplifies what can be achieved from participation in WorkCover's Premium Discount Scheme (PDS).

The PDS is an innovative program that rewards employers who improve their occupational health and safety (OHS) and injury management (IM) systems.

The primary incentive is a discount on the employer's workers compensation premium, for a maximum of three years.

In 2000, Narrabri Shire Council's human resources department recognised that the council needed to instigate proactive measures to control its workers compensation claims, which had begun to escalate.

The council joined the PDS to help it to improve the health, safety and welfare of its employees and contractors and, subsequently, reduce the financial costs associated with workplace incidents.

Driven by its human resources staff, the council developed a number of OHS and IM systems and initiatives, incorporating input from staff, including:

- workers and managers working together to establish over 500 Safe Work Method Statements (SWMS) for all risk assessed activities
- OHS induction training provided for all staff, covering the new OHS legislation, employer and worker responsibilities, and how and why SWMS need to be used
- starting of a contractor compliance system
- introducing an injury management system
- introducing regular staff group meetings
- Developing one and five year training plans for staff.

At the end of the first year in the scheme, the council had developed a robust OHS and IM system and the number of workers compensation claims had begun to decrease. By the end of year two, there was a significant cultural shift toward staff taking ownership of the program and playing a leading role in monitoring OHS practices.



*From Left: Natasha Sunderland, Sarah Stewart (Narrabri Shire Council), Jon Blackwell (WorkCover), Russell Booby (Narrabri Shire Council), Hon John Della Bosca, John Purcell, Ross Earl (Premium Discount Advisors).*



An OHS committee was elected and is now very active in risk assessment, providing information and training to workers and non-workers. Staff are canvassed regularly regarding their needs and have input into hazard reports, risk assessments and safe work method statement reviews.

More importantly, the cultural change has flowed across the organisation. Managers and staff meet regularly to maintain good communication, morale has increased and work processes have improved.

Since the council entered the PDS three years ago, workers compensation claims have fallen from 25 to 11. The cost of claims has reduced significantly, from more than \$600,000 to

\$8700. In addition, the council is now better able to manage claims and has benefited financially from lower premiums.

By implementing programs to improve workplace safety and return-to-work strategies for its injured workers, the council achieved a discount of \$103,000 on its workers compensation premium over its three-year participation in the PDS. The council has spread these considerable savings across the community.

Narrabri Shire Council was a finalist in the 2003 Premium Discount Scheme Awards, and credits the enthusiasm of the staff with their ability to successfully adopt a new approach to OHS.

## CONTRACTORS

Narrabri Shire Council faced a significant problem: how would they implement a system to monitor contractors' compliance with relevant OHS legislation, as well as council's specific requirements.

**Solution:** Following extensive research of the *Occupational Health and Safety Act 2000* and *Occupational Health and Safety Regulation 2001*, WorkCover requirements and other relative legislation, the council developed its own Contractor Compliance System. This system is currently used in conjunction with council's existing Expression of Interest – Hire of Private Plant System.

The council developed a variety of materials to inform contractors of their OHS responsibilities, including:

- Contractor Compliance Guidelines
- Contractor Compliance Information incorporating CD templates for Safe Work Method Statements and risk assessments
- Expressions of Interest for Hire of Private Plant – General Conditions of Plant Hire (for plant hire contractors).

Council held contractor compliance information sessions in August 2003 informing contractors of their roles and responsibilities from 1 September 2003.

Individual OHS assessments were carried out on all contractors wishing to become or continue to be a service provider for council.

*A Notice of Assessment/Improvement to Contractor/Service Provider* form was produced to aid in the assessment process. This was designed to simplify the council's requirements and provide contractors with either a *Notice of Compliance* or *Notice of Improvement*.

Council officers completed the assessments and sent notification to contractors advising of their acceptance as a compliant contractor or notification for improvement of their Safety Management Systems prior to commencing work.

A database was created listing all contractors and requirements, allowing council to monitor the expiration of insurance policies and ongoing assessment results.

It's now been one year since the implementation of council's contractor compliance monitoring system. The feedback Council has received from contractors has been extremely positive.

The council is now looking at how to improve the contractor compliance monitoring system to further assist the council's line managers and the contractors of Narrabri Shire.

## WorkCover funds program to improve **OHS for clothing outworkers**

**WESTERN SYDNEY'S CLOTHING OUTWORKERS** are set to benefit from a new program aiming to improve their understanding of occupational health and safety (OHS) practices.

WorkCover NSW has provided a \$79,860 grant to the Fairfield Multicultural Health Service to undertake the Better Health Outcomes for Clothing Workers project, which will educate clothing workers' about OHS issues and improve their ability to manage risks in their workplaces.

Clothing outworkers perform hand or machine sewing of garments in premises other than in a factory or workshop, usually the worker's home, for an employer under a contract of service.

The project will address the lack of knowledge amongst clothing outworkers about safe work practices, task rotation, job design, service availability and OHS risks. Other aspects

will include attention to secondary health effects experienced by outworkers and their availability and access to OHS training.

Preliminary studies have shown that a large proportion of clothing outworkers are unaware of OHS risks and responsibilities, often due to their isolation or non-English speaking background.

While the project will be extended to all outworkers, it will focus on Khmer and Vietnamese women who represent a large proportion of workers in the trade.

Bilingual community educators will be trained for all relevant communities to deliver the outreach, community-based OHS program to outworkers.

The project is a joint initiative of the Office of Industrial Relations and WorkCover and is scheduled to run until September 2005.

## WorkCover targets **quad bike safety** at Rural Field Days

**WORKCOVER NSW HAS PUT THE SPOTLIGHT ON FARM QUAD BIKE SAFETY** by sponsoring safety demonstrations at Rural Field Days being held at Henty and Orange over the next few months.

The demonstrations have already proved successful at the Rural Field Days held in Casino and Gunnedah and at AgQuip during July and August 2004.

All terrain vehicles (ATVs) are widely used on farms throughout Australia, and the increasing number of fatal and serious injuries involving these vehicles is a cause of growing concern.

The demonstrations aim to improve occupational health and safety (OHS) on farms and reduce serious injuries involving quad bikes. Demonstrations include comprehensive, practical advice on the maintenance and operation of these vehicles.

WorkCover staff are in attendance at the Rural Field Days to provide information and answer questions on general farm



OHS and workers compensation issues.

All terrain vehicle safety demonstrations will be held at the following Rural Field Days:

Henty, 21-23 September 2004

Orange, 19-21 October 2004

For further information about quad bike and rural safety, please contact The Rural Safety Hotline on **1800 300 377**.

# Safe storage of chemicals for X-ray rooms

**A RECENT WORKCOVER OCCUPATIONAL HEALTH AND SAFETY (OHS) BLITZ ON MEDICAL X-RAY CENTRES** has highlighted that many employers and workers in the industry are not fully aware of the appropriate methods for handling and storing hazardous chemicals.

WorkCover inspectors visited 77 small to medium size x-ray centres in metropolitan Sydney and the Central Coast in February and March as part of WorkCover's continuing industry safety compliance program.

The visits were conducted to establish how well the industry is managing its OHS risks, to secure compliance with OHS and workers compensation legislation, and to provide assistance and advice to small businesses within the industry.

During the visits, inspectors distributed information kits to employers, provided OHS advice and issued compliance notices where necessary.

Some employers in the industry were not fully aware of their OHS responsibilities and were not complying with OHS legislation.

Inspectors identified a range of hazards at many x-ray facilities, including failure to keep Material Safety Data Sheets (MSDS) on site, manual handling, ventilation, and electrical safety issues.

## HANDLING AND STORING HAZARDOUS SUBSTANCES

*The Occupational Health and Safety Regulation 2001* (OHS Regulation) specifies employers' hazardous substances obligations. These apply in all workplaces where hazardous substances are used or produced, and to all people who could be exposed to hazardous substances.

Under the Regulation employers must:

- provide information about hazardous substances in the workplace
- identify the risks and develop procedures to eliminate or control them
- provide training in the safe use of hazardous substances
- keep records, such as a register of hazardous substances, MSDS, risk assessment and training.

Hazardous substances are classified by the harmful health effects they have on people. They include chemicals, which can be pure substances or mixtures, some forms of dusts, fumes and other by-products of chemical processes.

Hazardous substances have to be properly labelled and listed in a register at the workplace along with their MSDS.

It is the manufacturer or supplier's responsibility to label each product with risk and safety information and to provide an MSDS. It is the employer's responsibility to ensure you have MSDS and that any decanted chemicals are relabelled with the same information as the original container.

For further information about hazardous substances or any other OHS queries, contact the WorkCover Assistance Service on **13 10 50** or visit the WorkCover website, [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).



When working with chemicals always:

- Read the label
- Follow the instructions on the Material Safety Data Sheet (MSDS)
- Put on protective gloves, eye protection and aprons
- Seal chemical containers when not in use
- Make sure that employees are trained and competent to undertake each task.

# a Scheme Design update

**WORKCOVER IS NOW ACTIVELY UNDERTAKING THE SCHEME DESIGN PROJECT**, to implement the recommendations of the 'Partnerships For Recovery' report.

These outcomes are aimed at improving service delivery, safe and durable return-to-work for injured workers and reducing the scheme deficit.

The foundation of the new scheme is the establishment of a single Workers Compensation Insurance Fund (WCIF). Currently, the scheme's funds are held in six statutory funds managed by six licensed insurers. Under the new scheme, the funds will be consolidated into a single fund worth approximately \$5.5 billion.

This fund belongs to the employers of NSW, and will be managed by a statutory investment board of members with investment and commercial expertise, appointed by the NSW Minister for Commerce and the NSW Treasurer.

The board is expected to be operational by the end of 2004.

The investment board will set the objectives for managing the fund; set and review its investment strategy and determine its investment mandate; monitor the performance of funds management service providers; monitor funds performance; monitor internal management controls and procedures; and monitor and provide strategic advice about the external environment.

A discussion paper on the new model for funds management is available from the WorkCover website: [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

## **CLAIMS AND POLICY AGENTS – THE NEW INSURERS**

The new scheme will move to an environment where contracts will be used to manage the performance of claims and policy agents.

Competition will be encouraged and agents will be required to provide outcome-based services to workers and employers.

A key feature of the Scheme Design project is to improve claims management in order to achieve outcomes for workers and employers, and reduce scheme costs with highly skilled agents.

There will be two types of claims agents in the new scheme:

- claims and policy agents
- specialist agents.

Claims and policy agents will manage all policy and general claims and some specialist and tail claims that have not been transferred to specialist agents. Specialist agents will provide specialist claims management services to certain types of claims and services.

Key to the success of this new scheme is the effective management of claims to significantly improve return to work outcomes.

For further information refer to the recently released discussion paper on claims segmentation available from WorkCover's website.

## **INDUSTRY RESOURCING – STRATEGIES TO BUILD INDUSTRY CAPACITY**

WorkCover, in collaboration with key stakeholders, is facilitating the development of an industry-wide strategy to address the current shortage of qualified case managers.

Additional case managers with high-level skills are required to manage complex injury claims. These types of claims make up more than 70 per cent of scheme payouts.

The industry resourcing discussion paper currently available on the WorkCover website discusses the implications of this issue, with a view to:

- increasing the number of qualified case managers to resource the new scheme within the industry generally
- targeting professionals from health care-related and other professions to meet the immediate shortage of case managers
- attracting new entrants to the case management profession to build a sustainable workforce into the future
- raising the level of professionalism for case managers by encouraging the development of an accredited training course.

WorkCover NSW is proposing to assist industry in the development of formal training and accreditation for case



managers. It is hoped that formal training will set industry benchmarks and raise professional standards among case managers. An industry working party will be established to facilitate the development of these training competencies.

## KEY DATES

With the new scheme anticipated to be fully introduced late in 2005, key dates for project milestones have been identified:

Release of claims and policy agent tenders  
Late December 2004

Appointment of Funds Managers  
December 2004

Contracts awarded to claims and policy and specialist agents  
July 2005

Transition to new Scheme  
July-December 2005

## CONSULTATION AND FEEDBACK

Consultation with key stakeholders has commenced, and will continue throughout the project with a number of workshops and focus groups already held.

Feedback on the scheme by interested parties and key stakeholders is welcomed and encouraged. As well as providing written submissions, interested parties may also have the opportunity to provide comments by attending information sessions appropriate to their areas of interest. WorkCover's website will have a list of dates and venues for upcoming information sessions.

Interested parties can also register with WorkCover to receive email updates and relevant information as it becomes available. This will enable WorkCover to identify all interested parties and invite them to contribute when new discussion and issue papers are issued. To register, visit WorkCover's website.

## BENEFITS FOR EVERYONE

In addition to the impact of reducing the scheme's deficit, the new scheme will result in important benefits for workers, employers and insurers.

It will offer appropriate incentives for agents to ensure that workers are provided with the right level of treatment and management of their claim to assist them to return to work. Moreover, it will provide the most seriously injured workers with specialised attention.

For employers, it will create a more efficient scheme, enabling them to make more informed decisions on agent performance.

For agents, it will create a market where high performing agents are able to thrive.

Ultimately, the Scheme will ensure all participants are provided with incentives to achieve effective injury management, leading to safe and durable return to work.

For more background information on Scheme Design, visit the WorkCover website, [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).



# motor vehicle repair industry

**WORKCOVER NSW** is currently undertaking an occupational health and safety (OHS) program to help employers of motor vehicle repair workshops improve safety conditions in their workplaces.

The Motor Vehicle Repair Industry Intervention Program specifically aims to assist employers and workers to identify and control workplace hazards to reduce the number of workplace incidents and injuries.

The industry has a high rate of workplace incidents associated with manual handling; slips, trips and falls; moving objects; exposure to noise and hazardous chemicals. During 2000/2001, 2444 workers compensation claims were made within the industry.

Motor vehicle repair workshops can harbour a range of particularly dangerous hazards that can subject workers to serious injury. In a recent incident, a young man received burns to 40 per cent of his body following an explosion in the Artarmon workshop where he was working.

The program incorporates consultation with stakeholders, development of OHS guidance material and targeted visits to motor vehicle repairers.

The unannounced visits, throughout metropolitan Sydney and the Central Coast, focus on the industry's high-risk areas, such as maintenance of plant and equipment, especially for vehicle hoists.

Inspectors will check that safe systems of work are in place, particularly for young workers and employees from non-English speaking backgrounds.

Though the focus of the visits is largely advisory, inspectors have been issuing compliance notices where there is an immediate risk to workers' health and safety.

In addition to the visits, WorkCover has produced checklists and guidance material to assist employers to assess their own OHS systems to meet their health and safety requirements under the *Occupational Health and Safety Regulation 2001*.

The checklists and guidance material was developed in consultation with industry stakeholders, business owners, managers and workers including the Motor Vehicle Repair Industry Authority, Institute of Automotive Mechanical Engineers, Automotive Training Board, Service Stations Association, TAFE NSW, and the Australian Manufacturing Workers Union.

It is anticipated that the Motor Vehicle Repair Industry Intervention Program will increase the ability of industry employers to manage workplace hazards, to help reduce the number of serious injuries and fatalities in the motor vehicle repair workshops in NSW.

WorkCover will also support the Motor Traders Association by conducting a series of OHS educational seminars across NSW during 2004.

For further information, please contact the WorkCover Assistance Service on 13 10 50 or see the WorkCover website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).



# The Approved Medical Specialist

### **DR ROGER PILLEMER, AN ORTHOPAEDIC SURGEON**

**WITH OVER 30 YEARS EXPERIENCE,** is one of 200 Approved Medical Specialists (AMS) appointed by the Workers Compensation Commission, the main body responsible for resolving workers compensation disputes in New South Wales.

The Commission's AMS play an integral role, by making a binding assessment where there is a medical dispute between the parties. An AMS can examine an injured worker and review medical records to find out:

- what injury or medical condition is involved
- the cause of the injury or medical condition
- the extent of the injury or condition
- what treatment is needed
- whether an accident or workplace has aggravated a pre-existing condition
- the extent of any permanent impairment.

Prior to January 2002, and the creation of the Commission, workers compensation disputes regarding permanent impairment and other medical issues were usually the subject of a lengthy court process.

Now, an AMS is empowered by the legislation to provide a binding assessment regarding permanent impairment. In addition, the medical profession now has a common set of assessment tools for measuring workplace injury and permanent impairment arising from injuries incurred on or after 1 January 2002.

Dr Pillemer explains, 'Prior to 2002, we did not have rulers and one doctor could look at a piece of string and say it was 24 inches long and another might say it was 36 inches long. For a non-medical person, there was no way of knowing which doctor was closer to the truth.'

'Now we have rulers – AMA Guides and the WorkCover Guides – and although these rulers are not exact, they do allow doctors to narrow the range of impairment considerably.'

The process for appointment as an AMS to the Commission is rigorous. This ensures that all AMS are suitably qualified to undertake impartial and often complex medical assessments.



Above: Dr Roger Pillemer

Among other criteria, an AMS must have at least seven years experience in their area of specialty and must have clearly demonstrated impartiality.

Applicants for appointment as an AMS, are also reviewed by external stakeholders and peers as part of the selection process and must have undertaken assessments on behalf of applicants (injured workers) and respondents (insurers) in the past.

An AMS has a very challenging job, says Dr Pillemer, 'Calculating the amount of impairment requires an accurate clinical examination, a sound knowledge of AMA and WorkCover Guides and the ability to pull it all together, particularly in complicated cases.'

Dr Pillemer adds, 'The most rewarding aspect of working as an AMS for the Commission, is that the new system of impairment assessment is far superior to what occurred previously. The wide variations seen in medical assessments in the past will now cease.'

The Workers Compensation Commission brochure, *Referral for Medical Assessment*, explains the role of the AMS for injured workers. A range of other free plain language publications is also available. Order forms can be downloaded from the Commission's website at [www.wcc.nsw.gov.au](http://www.wcc.nsw.gov.au) or call **1300 368 040**.

# readership survey results

## THE RECENT SURVEY OF WORKCOVER NEWS READERS

has provided both positive feedback about the publication and suggested inclusions for future editions.

The WorkCover News Readership Survey was distributed to readers in the March 2004 edition of WorkCover News. Of the 2,051 surveys completed and returned to WorkCover, 94 percent of respondents rated the WorkCover News content as 'interesting' or 'very interesting' and 90 percent of respondents rated the publication as 'good' or 'excellent' at providing helpful information.

WorkCover News also rated very highly in all other areas, such as length of articles, layout and design, and quality of photographs/illustrations.

Respondents made a number of suggestions for future articles, which included industry-specific articles and case studies, and WorkCover will endeavour to increase the number of articles in these areas.

Thank you to all who participated in the survey as the information provided will assist us to strive for continual improvement of the publication.

## Rev it up! Central Coast Business Expo 2004

### WORKCOVER WAS PROUD TO BE ONE OF THE MAJOR

**SPONSORS** of the Central Coast Business Expo held at Mingara Recreation Club, Tumby Umbi, on 31 August and 1 September 2004.

Under the Expo's theme 'Rev it up', over 60 businesses exhibited on site and provided information on how to enhance all aspects of business.

WorkCover provided free information to help business operators understand their occupational health and safety (OHS) obligations, including:

- Practical advice on how these obligations can be met
- Resources and tools to assist businesses to provide a safe and healthy workplace
- Information and assistance regarding workers compensation issues.

Over thirty briefing sessions were held for business owners, presenting them with information to help enhance their business. WorkCover also ran two free sessions.

Session One focussed on workplace safety with Paralympian John Marshall sharing his inspirational story of overcoming his workplace injury to become a world-class athlete and motivational speaker.



Session Two was a presentation on WorkCover's major rewrite of State regulations on the safe management of dangerous goods, explosives and major hazard facilities. This session dealt with the proposed changes and their impact on business.

WorkCover staff also helped business owners to explore the range of free information available by contacting the WorkCover Assistance Service on **13 10 50**.

More information on WorkCover's sponsorship of Paralympians and about changes to the dangerous goods legislation is available by contacting the WorkCover Assistance Service on **13 10 50** or on the WorkCover website, [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).





# Safety under the sun

## **LONG HOURS OF OUTDOOR WORK AND OVER-EXPOSURE TO THE SUN**

can cause sunburn, headaches, dehydration, nausea, dizziness, heat stress and fatigue. But the biggest problems – skin cancer and cataracts of the eye – are not immediately obvious.

According to the Cancer Council, Australia has the highest rates of skin cancer in the world and one in two people will develop skin cancer at some stage in their lifetime.

Employers have a duty to ensure the health, safety and welfare of everyone in the workplace, and this includes assessment of the risk of exposure to the sun.

It is vital that tasks which involve exposure to the sun are identified and that control measures are implemented to minimise exposure. Workers must be provided with training in the use of protective clothing and equipment and information on sun safety should also be provided.

The following control options should be considered to protect workers from the sun:

- Change the job — where it is practicable, move the job indoors or into the shade
- Provide shade – use shade from existing buildings, trees, driver's cabs or erect shade structures such as canopies, lean-tos or synthetic shade cloths
- Rotate workers so that the same people are not outside all the time
- Change work schedules to avoid the times when the risks are higher – 10 am to 2 pm, or 11 am to 3 pm during daylight saving
- Provide protective equipment and ensure that it is worn as required
- Provide adequate supplies of sunscreen where it can be accessed readily
- Provide information on the hazards of solar UV radiation and its effects, self-screening for skin cancers and the importance of early detection.

Workers are also responsible for minimising their own risk of over-exposure to the sun, and the following suggestions will help workers to watch out for themselves:

- Choose loose fitting clothing (but not when working near moving machinery) that covers as much skin as possible while allowing air to circulate
- Choose light colours to reflect heat
- Wear a hat with a brim at least 8 cm wide, or a 'legionnaire' cap with loose flaps to protect the ears and neck. Use attachable brims and neck flaps on safety helmets
- Use non-allergenic SPF 30+ sunscreen and replace it regularly. Use it in conjunction with hats and clothing
- Protect lips with sunscreen
- Wear eye protection – choose sunglasses designated as specific purpose type (b) in *Australian Standard 1067.1 Sunglasses and Fashion Spectacles – Part 1 Safety Requirements*.

For more information contact WorkCover on **13 10 50**, or visit the WorkCover website **[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)**. To obtain a copy of the WorkCover publications *Skin Cancer and outdoor workers: a guide for employers* (catalogue no. 116) and *Skin Cancer and outdoor workers: a guide for workers* (catalogue no. 117) visit the WorkCover website.

# Workplace fatalities & injuries

The following is a list of fatalities occurring in NSW workplaces since those listed in Vol 57 of WorkCover News.

- A farmer sustained fatal crush injuries when caught between a reversing truck and a tractor.
- Two truck drivers were fatally injured when their heavy vehicles collided on a highway.
- An electrical contractor was fatally injured when he fell approximately six metres while working on a ladder.
- A police constable was fatally injured when the police vehicle in which she was a passenger collided with a tree.

- A train driver received fatal injuries when apparently crushed by a train while carrying out shunting procedures.
- A farm hand sustained fatal injuries in a motorbike incident at a rural property.
- A fire brigade officer died after attending a fire at a private residence.

**Disclaimer:** These reports are of a preliminary nature and are based on initial reports from WorkCover Inspectors. Full details of incidents will be available after the completion of coronial and other processes. No liability on the part of any parties referred to herein can be inferred from these reports.

## Prosecution Highlights

### \$275,000 FINE AFTER DEATH OF FARM WORKER

**Company:** Twynam Investments Pty Ltd

**Fine amount:** \$275,000

**Date of judgement:** 25 June 2004

One of Australia's largest cotton, rice and wheat growers has been fined \$275,000 by the NSW Industrial Relations Commission sitting in Court Session following the death of a worker near Griffith in 2001.

The Sydney-registered Twynam Investments Pty Ltd, pleaded guilty to breaching section 8(1) of the *Occupational Health and Safety Act 2000* by failing to ensure the health and safety of its employees.

The farm worker received severe neck injuries when performing maintenance on a rake machine at the company's Gundaline Station, at Carrathool, near Griffith, on 26 September 2001, and died three weeks later.

In handing down judgement, Justice Kavanagh said there was a total absence of any system of work; the rake machine was left unguarded with dangerous moving parts; no risk assessment was conducted and no specific information or training had been given to the worker.

### SYDNEY FIRM FINED \$275,000 FOR WORKPLACE INCIDENT

**Company:** Tieman Industries Pty Ltd

**Fine amount:** \$275,000

**Date of judgement:** 25 June 2004

Tieman Industries Pty Ltd, of Milperra, has been fined \$275,000 by the NSW Industrial Relations Commission sitting in Court Session following a workplace incident that led to the permanent disability of a worker.

The defendant pleaded guilty to breaching section 15 (1) of the *Occupational Health and Safety Act 1983* for failing to ensure the health, safety and welfare of its workers.

The court heard that on 5 April 2001, a worker was under the steel deck of a dock leveller at a site at Smeaton Grange, when it collapsed as a result of hydraulic failure.

The steel safety prop was not designed to withstand dynamic force and collapsed under the weight of the falling deck, trapping the worker between the steel deck and the concrete floor.

The worker suffered severe and permanent spinal damage, is now unable to walk and confined to a wheelchair.

Upon sentencing Tieman Industries Pty Ltd, Justice Kavanagh commented that they had failed to provide a system of work that was safe and without risk.

### **BORAL FINED \$200,000 AFTER ROAD WORKER'S DEATH**

In a recent judgement handed down by the NSW Industrial Relations Court, Boral Construction Materials Ltd was fined \$200,000 following the death of a road worker near Goulburn in 1999.

The man died when a road roller he was driving onto a low loader (float), slipped off and crushed him. Although the road roller was fitted with seat belts, the operator was not wearing the seat belt at the time of the accident.

The company was found guilty on 27 February 2004 of breaching section 15(1) of the *Occupational Health and Safety Act 1983* by failing to ensure the health and safety of their worker.

In handing down her penalty Justice Schmidt said: 'The immediate cause of (this) tragic death appears to have been his failure to wear the seatbelt which, on the evidence, would have kept him safe.

'Most regrettably, Boral Construction Materials Ltd had a policy which required the wearing of the seatbelt provided on the roller, when the work of loading the roller onto a float was undertaken, yet it was not adhered to.'

The incident that led to this tragic death was clearly foreseeable. This case highlights the legal obligation of employers and people in control of plant to ensure that moving machinery is safe and without risk to operators or others who may be affected by its operation.

#### **What should be done?**

Employers have a legal obligation to ensure the health and safety of both workers and non-workers in the workplace. Employers are also obliged to provide training and supervision

to the extent necessary to minimise any risk to health and safety.

Workers are legally required to adhere to safety policies and safe work procedures.

Employers and people in control of plant, such as managers and supervisors, must:

- Conduct a thorough risk assessment of all potential risks associated with the use of the plant in consultation with employees.
- Develop and implement measures and safe systems of work to prevent, or if this is not reasonably practicable, minimise, the identified risk.
- Ensure that powered mobile plant is fitted with an appropriate combination of operator protective devices, if there is a risk of the plant overturning, an object falling on the operator or an operator being ejected from the seat.
- Ensure that if the safe systems of work include specific measures such as the wearing of seat belts as part of the system, that the employees are trained and instructed to use the seat belts.
- Ensure adequate training, instruction and supervision is given to employees or others involved in the operation of plant items.
- Monitor compliance with all aspects of the safe system of work that has been implemented.

If at any time an employer, manager or supervisor becomes aware that a risk assessment or safe work system is no longer valid, a review of the risk management procedure must occur.

For further information and advice about OHS requirements for moving plant, contact the WorkCover Information Centre on **13 10 50** or visit the WorkCover website at **[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)**.

# Stop Press

## DRAFT CODE OF PRACTICE FOR THE COLLECTION OF DOMESTIC WASTE

WorkCover NSW is seeking comment on the new draft Code of Practice for the Collection of Domestic Waste.

The draft code provides safe work procedures on planning work, controls for the safe collection of domestic waste, practical steps for controlling hazards, supervision and training.

Under the draft code, employers and self-employed people must identify any foreseeable hazards, assess the risks and take action to eliminate or control them, in accordance with the occupational health and safety legislation.

The public consultation phase of the draft code will run for 10-weeks from the end of August to late October 2004.

Comments can be submitted to WorkCover NSW by:

- writing directly to WorkCover NSW:  
Attention The CDW Code Coordinator, Level 4,  
128 Marsden St, Parramatta, NSW 2150.
- fax 02 9271 6161
- online at WorkCover website.

For further information about the draft Code of Practice for the Collection of Domestic Waste, visit the WorkCover website, [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or contact the WorkCover Assistance Service on **13 10 50**.

## INSTANT PAY RATES BY EMAIL

A new service has been launched that will give NSW employers and employees instant email alerts on changes to pay rates, leave and other award entitlements.

Pay Rate Updates is a quick, free and easy way to stay informed about changes to NSW awards. Anyone can register with the free service to receive automated email advice on changes to state private sector awards.

Developed by the NSW Office of Industrial Relations (OIR), Pay Rate Updates extends the OIR's free electronic services including Awards Online, which allows you to download copies of awards, and Check Your Pay, an online calculator of pay rates and entitlements.

Pay Rate Updates allows employers to make the most of new technology, providing instant access to essential information as it happens.

A Small Business Survey in 2003 reported that 85 per cent of small business employers are connected to the internet and most are very interested in online services. The service will also be a big help for workers, unions, employer associations, accountants, tax agents, and everyone else who needs up-to-date information on pay rates.

To register for Pay Rate Updates visit [www.industrialrelations.nsw.gov.au](http://www.industrialrelations.nsw.gov.au) or call **131 628**.

# WorkCover Diary

## RURAL FIELD DAYS

WorkCover will be attending a number of Rural Field Days around NSW to provide practical information and guidance on occupational health and safety, workers compensation and injury management issues

Henty Machinery Field Days, Henty  
**21-23 September (Tuesday-Thursday)**

Australian National Field Days, Orange  
**19-21 October (Tuesday-Thursday)**

Farming Small Areas Expo, Richmond  
**12-13 November (tentative) (Friday-Saturday)**

## WORKPLACE RELATIONS FORUMS

Aboriginal advisers from WorkCover NSW, Office of Industrial Relations, NSW Anti-Discrimination Board, Office of Fair Trading and the NSW Working Women's Centre, are organising a series of forums to provide information on workplace relations for indigenous people.

Coming forums will be held at:

- **Batemans Bay** **9-10 September**
- **Moree** **21-22 October**

For further information, including forum locations, please contact **4321 5450**.



## WORKCOVER FIGHTS AGAINST WORKERS COMPENSATION FRAUD

WorkCover is undertaking a workers compensation compliance and fraud detection program targeting construction, cleaning and labour hire businesses.

For more information go to [http://www.workcover.nsw.gov.au/NoticesEvents/fraud\\_blitz.htm](http://www.workcover.nsw.gov.au/NoticesEvents/fraud_blitz.htm)

## MANUAL HANDLING

WorkCover inspectors are participating in a national campaign targeting manual handling injuries in the health industry.

Visit: <http://www.workcover.nsw.gov.au/MediaResources/MediaReleases/2004/design+4+health.htm>

## PREMIUMS RATES

The 2004/05 workers compensation insurance premiums order is now available at:

<http://www.workcover.nsw.gov.au/Publications/WorkersComp/Premiums/IPO2004-05.htm>

## IMPROVING THE WORKCOVER WEBSITE

Twelve months ago WorkCover NSW launched its new corporate website. The purpose of the site is to provide all employers, workers, service providers and insurers in New South Wales with a definitive, comprehensive source of information regarding occupational health and safety and workers compensation.

WorkCover has continued to enhance the site but want to ensure the site is relevant and up-to-date. We, therefore, invite you to provide any comments or feedback to improve the site.

To send your comments, please go to [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au), then select the "Contact Us" link on the left hand side navigation and fill out the "WorkCover website feedback form".

## WorkCover NSW Offices

### Head Office

Office Hours 8:30am – 5:00pm  
Monday to Friday  
92-100 Donnison Street  
GOSFORD 2250  
Phone (02) 4321 5000  
Fax (02) 4325 4145  
Postal Address:  
WorkCover NSW 4924  
Locked Bag 2906  
LISAROW 2252

**WorkCover Assistance Service**  
Office Hours 8:30am – 5:00pm  
Monday to Friday  
92-100 Donnison Street  
GOSFORD 2250  
Phone 13 10 50

### LABORATORIES

#### Thornleigh

5A Pioneer Avenue  
THORNLEIGH 2120  
Phone (02) 9473 4000  
Fax (02) 9980 6849  
Email: [lab@workcover.nsw.gov.au](mailto:lab@workcover.nsw.gov.au)

#### Londonderry

TestSafe Australia  
Ground Floor,  
919 Londonderry Road  
LONDONDERRY 2753  
Phone (02) 4724 4900  
Fax (02) 4724 4999  
Email: [testsafe@workcover.nsw.gov.au](mailto:testsafe@workcover.nsw.gov.au)

### REGIONAL and LOCAL OFFICES

Office Hours 8:30am – 4:30pm  
Monday to Friday

#### REGIONAL OFFICES

##### Newcastle

Suite C Level 1  
Cnr Cowper & Fitzroy Streets  
CARRINGTON 2294  
Phone (02) 4921 2900  
Fax (02) 4940 8558

##### Wollongong

106 Market Street  
WOLLONGONG 2500  
Phone (02) 4222 7333  
Fax (02) 4226 9087

#### LOCAL OFFICES

##### Albury

Level 1, 429 Swift Street  
ALBURY 2640  
Phone (02) 6042 4600  
Fax (02) 6041 2580

##### Bega

Shop 6, 248 Carp Street  
BEGA 2550  
Phone (02) 6491 6600  
Fax (02) 6494 7151

##### Blacktown

125 Main Street  
BLACKTOWN 2148  
Phone (02) 8882 4200  
Fax (02) 9831 8246

### Chatswood

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67 Albert Street  
CHATSWOOD 2070  
Phone (02) 9406 3800  
Fax (02) 9413 1190

### Dubbo

Level 2, 1 Church Street  
DUBBO 2830  
Phone (02) 6841 7900  
Fax (02) 6884 2808

### Goulburn

21-23 Clifford Street  
GOULBURN 2580  
Phone (02) 4824 1500  
Fax (02) 4822 1242

### Grafton

NSW Government Offices  
49-51 Victoria Street  
GRAFTON 2460  
Phone (02) 6641 7500  
Fax (02) 6641 5100

### Griffith

NSW Government Offices  
104-110 Banna Avenue  
GRIFFITH 2680  
Phone (02) 6962 8900  
Fax (02) 6964 1738

### Hurstville

Level 4, 4-8 Woodville Street  
HURSTVILLE 2220  
Phone (02) 9598 3366  
Fax (02) 9585 0261

### Lismore

Suite 4, Level 4  
29 Molesworth Street  
LISMORE 2480  
Phone (02) 6627 4300  
Fax (02) 6622 0090

### Liverpool

Level 3  
33 Moore Street  
LIVERPOOL 2170  
Phone (02) 9827 8600  
Fax (02) 9824 0348

### Maitland

Suite 7C, 19 Mitchell Drive  
GREENHILLS 2323  
Phone (02) 4931 6800  
Fax (02) 4933 0807

### Narrabri

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NARRABRI 2390  
Phone (02) 6792 8720  
Fax (02) 6792 3532

### Nowra

Level 1, 5 O'Keefe Avenue  
NOWRA 2541  
Phone (02) 4428 6700  
Fax (02) 4422 4997

### Orange

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ORANGE 2800  
Phone (02) 6392 7600  
Fax (02) 6362 8820

### Parramatta

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PARRAMATTA 2150  
Phone (02) 9841 8550  
Fax (02) 9891 3349  
Office Hours 8:30am – 5:00pm

### Port Macquarie

Shops 1 & 2  
Raine & Horne Centre  
145 Horton Street  
PORT MACQUARIE 2444  
Phone (02) 6588 7000  
Fax (02) 6584 1788

### Sydney – CBD South

Level 10, Centennial Plaza  
Building C, 300 Elizabeth Street  
SYDNEY 2000  
Phone (02) 8260 5077  
Fax (02) 9281 9633

### Tamworth

Shop 20, 341 Peel Street  
TAMWORTH 2340  
Phone (02) 6767 2500  
Fax (02) 6766 4972

### Wagga Wagga

Level 2, 76 Morgan Street  
WAGGA WAGGA 2650  
Phone (02) 6933 6500  
Fax (02) 6937 3616

For all occupational health and safety, workers compensation and rehabilitation information, call the WorkCover Assistance Service – 13 10 50 from anywhere in NSW.

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Reward yourself and attend the inaugural WorkCover NSW Safe Work Awards 2004 dinner showcasing innovative workplace health and safety initiatives.

## AWARD PRESENTATIONS ON THE NIGHT WILL INCLUDE:

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- Best solution to a workplace manual handling hazard
- Best workplace health and safety management program
- Best training program
- Best workplace health and safety initiative in small business
- Workplace Safety Champion - Small business
- Workplace Safety Champion - Medium/Large business
- Premium Discount Scheme: Outstanding Achievement - Small to medium employer
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## JOIN US IN REWARDING THE HIGHEST STANDARDS IN WORKPLACE HEALTH AND SAFETY.

**When** Thursday 14 October 2004  
**Where** Hotel Intercontinental Sydney  
**Time** 7.00pm  
**Cost** \$110 per person or \$990 for a table of ten  
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### RESERVE YOUR PLACE BY CALLING:

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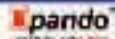
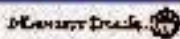


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- ✓ Risk Assessment
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For further information

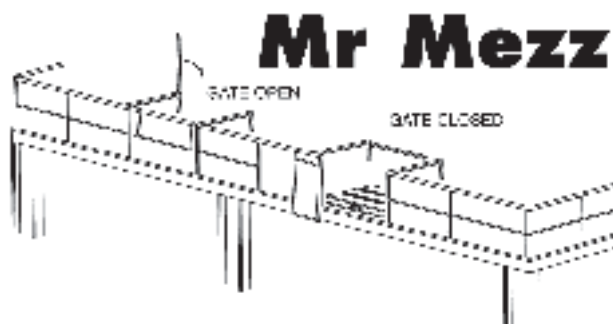
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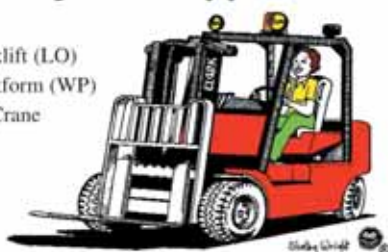
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OHS Risk Management  
OHS Induction Training  
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  - > Job safety analysis
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  - > Policy and procedure manuals
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- **Training Programs**
  - > Hazard and risk management
  - > Contractor OHS management
  - > Manager & supervisor programs
  - > Incident investigation

### For Information Contact:

**Greg Harradine**

**Phone: 02 9889 1800**

**Email: [greg.harradine@noel-arnold.com.au](mailto:greg.harradine@noel-arnold.com.au)**

**Website: [www.noel-arnold.com.au](http://www.noel-arnold.com.au)**



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- Workplace and personal lifestyle stressors that can contribute to drug and alcohol use
- Personal stress reduction methods
- Skills for managers, supervisors and OHS committee members in identifying drug and alcohol use and in how to approach employees under the influence

Note: Other training also available including: Cert IV Assessment & Workplace Training, Business Management; Communications and Conflict Resolution.

If interested, ring Richelle on (02) 9673 3222 or 0414 967 332 or Email at [rarnott@lensw.org.au](mailto:rarnott@lensw.org.au) or Fax (02) 9673 4215

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# TRAINING DATES 2004

Our aim is to continue to provide quality training and consultancy services tailored to our customers' requirements.

Our trainers have qualifications in OHS and Adult Education. They are WorkCover Accredited and have extensive industry experience in OHS and training.



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#### *OHS risk management for supervisors and managers*

- ❖ 28-29 June 2004
- ❖ 26-27 July 2004
- ❖ 16-17 August 2004
- ❖ 2-3 September 2004
- ❖ 11-12 October 2004
- ❖ 25-26 November 2004

#### *OHS Consultation (for committee members and OHS Representative)*

- ❖ 19, 20, 21, 22 July 2004
- ❖ 6, 13, 20, 27 August 2004
- ❖ 18, 19, 25, 26 August 2004
- ❖ 8, 9, 15, 16 September 2004
- ❖ 12, 13, 14, 15 October 2004
- ❖ 5, 12, 19, 26 November 2004
- ❖ 1, 2, 8, 9 December 2004

#### *OHS Risk Management – Skills Training*

- ❖ 1 July 2004 (General)
- ❖ 19 July 2004 (Child Care)
- ❖ 23 July 2004 (Community Services)
- ❖ 31 August 2004 (Community Services)
- ❖ 21 September 2004 (General)
- ❖ 25 October 2004 (Child Care)
- ❖ 1 November 2004 (Community Services)
- ❖ 1 December 2004 (Child Care)
- ❖ 3 December 2004 (General)

#### *Certificate IV in Auditing OHS Systems*

- ❖ 13, 14, 15, 16, 17 September 2004
- ❖ 6, 7, 8, 9, 10 December 2004

#### *Writing Workplace Documents*

- ❖ 21-22 June 2004
- ❖ 19-20 October 2004

#### *Introduction to Return to Work Coordination*

- ❖ 4-5 August 2004
- ❖ 11-12 November 2004

#### *OHS Committee Chairperson*

- ❖ 12 August 2004
- ❖ 18 October 2004

#### *OHS Induction for Employees*

- ❖ 25 June 2004
- ❖ 20 August 2004
- ❖ 28 October 2004

#### *Senior First Aid*

- ❖ 15-16 June 2004
- ❖ 23-24 August 2004
- ❖ 5-6 October 2004
- ❖ 8-9 November 2004

#### *Manual Handling for Employees*

- ❖ 2 July 2004
- ❖ 10 September 2004
- ❖ 18 November 2004

#### *OHS Developing and Implementing OHS Systems*

- ❖ 9-10 August 2004
- ❖ 15-16 November 2004

#### *Accident/Incident Investigation*

- ❖ 9-10 September 2004

#### *How to Conduct an OHS Audit*

- ❖ 23-24 September 2004

#### *Accessing & Using OHS Information*

- ❖ 1 September 2004

#### *OHS & Managing Human Resources*

- ❖ 8, 15, 22, 29 October 2004

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