



**COURTENELL**

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# Did You See..?

*This information is distributed as and when something significant happens in the WHS world. We briefly describe what it is and provide you with a link to where you can get more information.*

**Three SafeWork NSW prosecutions in March and April 2020 stand out when compared to other prosecutions in that time period. They stand out because of the large fines and the tragedy experienced by the innocent and the guilty. They are covered in the first 3 items below.**

## **1. \$375,000 Fine for Incident Involving Fatal Head Injuries**

The worker was in Australia on a bridging visa and had only been employed a few days before the incident. The PCBU's Safe Work Method Statement and the concrete pump manufacturer's instructions specifically stated that operators should never attempt to blast out blockages with compressed air. There is a lethal danger that the delivery line may burst. But compressed air was used to clear a blockage from the concrete pump hose, which whipped under pressure and a metal coupling fatally struck the worker in the head.

The PCBU was fined \$375,000. The PCBU's Officer was fined \$50,000 and ordered to do a course in WHS risk management and due diligence. You can see the Court judgement [HERE](#)

## **2. \$200,000 Fine for Unsafe Demolition Advice**

Imagine you are a worker operating an excavator doing demolition work at the Sydney Entertainment Centre. Without warning or planning the roof collapses crushing the excavator you are operating and you are trapped in the wreckage by the collapsed roof.

An engineering company was fined \$200,000 following the dangerous and unplanned collapse of part of the former Sydney Entertainment Centre's roof during demolition.

The Structural Engineer was fined \$30,000. The Judge said, *"There were significant failures on the part of others that contributed to the unexpected structural collapse."* The Structural Engineer has lost his ability to practice as a structural engineer directly as a result as this incident as he is now unable to obtain professional indemnity insurance. You can see the Court judgement [HERE](#)

*This publication provides general information about WHS. It is not a legal opinion and does not represent a comprehensive statement of the law to be applied to a particular problem.*

**Brought to you by Courtenell Pty Ltd, Work Health & Safety Training Specialists.**

ABN 42164393628 - Email : [train@courtenell.com.au](mailto:train@courtenell.com.au) - Website : [www.courtenell.com.au](http://www.courtenell.com.au)

Phone : 02 9552 2066 - *If you need any more information, you can contact us by phone or email anytime.*

### 3. \$100,000 Fine for Worker in Nitrous Oxide Mix-up

An installation contractor was fined \$100,000 for a failure to comply with his obligations as a worker under Section 28(b) of the WHS Act. A worker must “*take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons*”.

He connected oxygen and nitrous oxide gas pipes into a neonatal theatre at the hospital but did not realise that existing pipes were mislabelled. He connected the new pipes and completed the testing forms without conducting the cross connection and gas purity identification test. The result was that 2 newly born babies received nitrous oxide instead of oxygen and both died.

The hospital was not prosecuted because SafeWork NSW accepted an enforceable undertaking worth \$536,500 from the hospital. You can see the Court judgement [HERE](#)

**The next 4 articles are our recent WHS articles that you may have missed reading;**

### 4. Clear Communication and Understanding is Vital for Safety

It is well known amongst Safety people, supervisors and managers that it is the duty of every business to provide information, instruction and training to its staff to be able to conduct their jobs safely and with the least risk. [HERE](#)

### 5. A WHS Consultation Review for Current Work Situations

Prior to the impact that the virus SARS-CoV-2 has had on workplace operations and conditions, you probably had suitable arrangements and procedures in place for consulting with workers and taking any necessary steps to keep them safe and healthy. But along came the virus that has a potential of causing a disease COVID-19. [HERE](#)

### 6. The Magic of e-Learning Courses

You might think that we are exaggerating a little bit to have a title like, The Magic of e-Learning Courses on our WHS article. But we are impressed at the amount of learning and development that can occur in a short period of time in an e-learning course and the benefits that it brings to the participant and the workplace. [HERE](#)

### 7. A WHS Tool to Help Identify Areas of Concern

You may find it useful to have a simple WHS tool that can help you identify areas in your workplace that are areas of concern that need WHS improvement. And you may need to drill down into that area to identify or verify specific situations that require attention. [HERE](#)

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