



A New Chapter in Work Place Safety

This document aims to briefly outline the new and relevant laws in Victoria and the other Australian states for the purpose of highlighting the current obligations cast upon both buyers and sellers of new and used machinery and to thus reassure you, our customer that you are in responsible hands when purchasing from Press Shop Automation.

Be informed

A new chapter in work place safety is unfolding in Australia.

End users and machinery suppliers are now the focus of Work Cover Inspectors. New OH&S penalties will become law as of June 2005 with increased penalties for directors, owners and individuals of companies. Persons can face prison sentences if they recklessly endanger persons in the work place. Fines will also be substantially increased (maximum \$920,000)

In each state and territory occupational health & safety legislation requires designers, manufacturers, importers, suppliers, occupiers and employers to ensure that workplaces and the plant used therein is as safe as is possible. Onerous duties are cast upon designers, manufacturers, importers, suppliers and employers to **each** identify and eliminate hazards, undertake formal risk assessments and implement procedures whereby all conceivable risks are minimized as much as is practicable.

Specific requirements exist in relation to emergency stops, and guarding both in relation to where such devices are used and to what type of emergency stops and guarding are acceptable. In addition to this, and very often overlooked, is consideration that must be given to the equipment's electrical and electronic safety system. As we pointed out earlier breaches of occupational health & safety legislation are criminal offences punishable by substantial fines and in some cases imprisonment. The fact that the offending conduct did not necessarily depart from industry standards may not be an effective defense to successful prosecution.

In 2004 alone, 29 Victorians died in workplace accidents and 32,000 lodged Work Cover claims. The cost of this death and injury was estimated at \$8.5 billion, aside from the immeasurable impact on affected individuals, families and the wider community. The new Occupational Health and Safety Act 2004 follows on from major review of the 1985 Act carried out for the Government by Chris Maxwell QC. The new Act clarifies and brings Victoria's workplace safety law up to date to reflect modern workplaces and arrangements. Most sections of the Act come into effect on 1 July 2005. Similar review and legislation take affect in NSW within a similar time frame.



Key changes to health & safety laws

The new Act makes a number of changes that will help people to create safer and healthier workplaces. The new Act provides duty holders with more certainty of what they need to do to build and maintain a safe work environment.

- The act makes it clear that the duty to ensure health and safety requires all **reasonably practicable** steps to be taken to eliminate risk or, if they cannot be eliminated, to reduce them.
- Compliance with a relevant compliance code will conclusively demonstrate that the Act has been complied with.
- Owners of a workplace, who have management or control, have a duty of care to ensure the workplace is safe.
- Specific workplace incidents resulting in death or serious injury or the threat of such incidents must be reported to the Authority, with the site being preserved until there is a direction made by an inspector. This follows the inclusion of reporting requirements previously contained in regulations.
- The meaning of “officer” of a corporation, association or partnership is clearly defined. Liability is no longer confined to offences in which they consented or connived or which occurred because of their willful act of neglect. The officer will be liable under the new Act if the contravention arose from their failure to take reasonable care having regard to the officer’s knowledge, role and other matters. Volunteers are excluded from this provision.
- The act of any employee, agent or officer acting within the actual or apparent scope of their employment or authority will be the act of the corporation for the purpose of liability under the Act.

The new reforms will deliver long term benefits for the community and business by:

- Transforming Work Safe into a more constructive, transparent, accountable and effective regulator able to give more help to employers and employees, and provide the guidance and assistance they need to make their workplaces safe and healthy.
- Provide greater clarity and certainty about the obligations of duty holders.
- Fostering increased participation by employers and employees and their representatives in workplace health and safety issues.
- Promoting fairness, consistency and transparency in the enforcement of the legislation.
- Bringing penalties broadly into line with other jurisdictions.



As an extremely responsible supplier of very dangerous equipment (Category 4) to the metal stamping industry, Press Shop Automation has seriously studied its parallel responsibilities under the new act. The aim of the study being to ensure that PSA will provide machinery in line with the OH&S ACT (Victoria) and thus eliminate risk as far as practicable and by so doing, provide a duty of care to its customers and its customers are then, in turn, able to provide a duty of care to their employees.

How do we hope to achieve this mandatory objective?

PSA Safe.

The expression PSA Safe is a strategic action within Press Shop Automation. PSA has set its own extremely high standards by using the most rigorous standard in the country (OH&S Act Victoria) as its guide line. To operate responsibly and effectively PSA Safe needs a framework that brings together all aspects of OH&S for all machinery supplied including the integration of new to existing equipment. This framework is known as the Press Shop Automation Management System (PSAMS). For you, put simply it means that **you are in safe and secure hands when doing business with PSA.**

How do we achieve PSA Safe:

- Press Shop Automation is committed to being a responsible supplier of machinery, by legally complying with the OH&S Act 2004.
- Our company exercises a duty of care to deliver machinery to the market place which is safe to use by our customer's employees.
- In line with the regulations we take all care at all times, plus we take all **reasonably and practicable** steps to eliminate risk or, if they cannot be totally eliminated, to reduce them.
- We work with our customers in a parallel manner to insure machinery is fitted with all the correct guarding, be it a physical guard or light curtain type guarding, electrical and electronic safety systems.
- Our equipment conforms to Australian Standards AS4024-1 and 2, plus AS1219.
- All electrics and electronic safety systems that we use comply with Australian Standards and are certified and come complete with certification certificates.
- No matter what the product we supply, all machines are Category 4 compliant.
- Our "equipment hand over" to our clients addresses OH&S requirements in accordance with PSAMS which provides all the essential paper work such as safety policy, training, manuals, risk assessments, and "Safe Operating Procedures" (SOP).
- We diligently monitor and address changes to OH&S legislation.
- PSA operates an OH&S Management System, with the objective of achieving certification to ISO9001 within stage two.



Press Shop Automation

Phone NSW: 02 9620 7822

Phone Vic: 03 9551 6733

For an in depth explanation about our safety and OH&S services please ask one of our technical staff to discuss your particular concerns. If the answer is not at our finger tips we will take great pride in finding the answer for you. This is a very serious issue in our industry and we all need to collaborate to move our industry forward.

References:

OH & S Regulations 2001 (NSW)

OH & S Act – Victoria 2004

Rick Review – Noel Arnold and Associates

Keep Navy Safe – Royal Australian Navy

Australian Standards – AS4024 – 1 & 2

Australian Standards – AS1219

Power Presses – Safety Requirements Part 2

Mechanical Power Presses (Draft for Public Comment)