



# Insights in Transport SafeWork SA

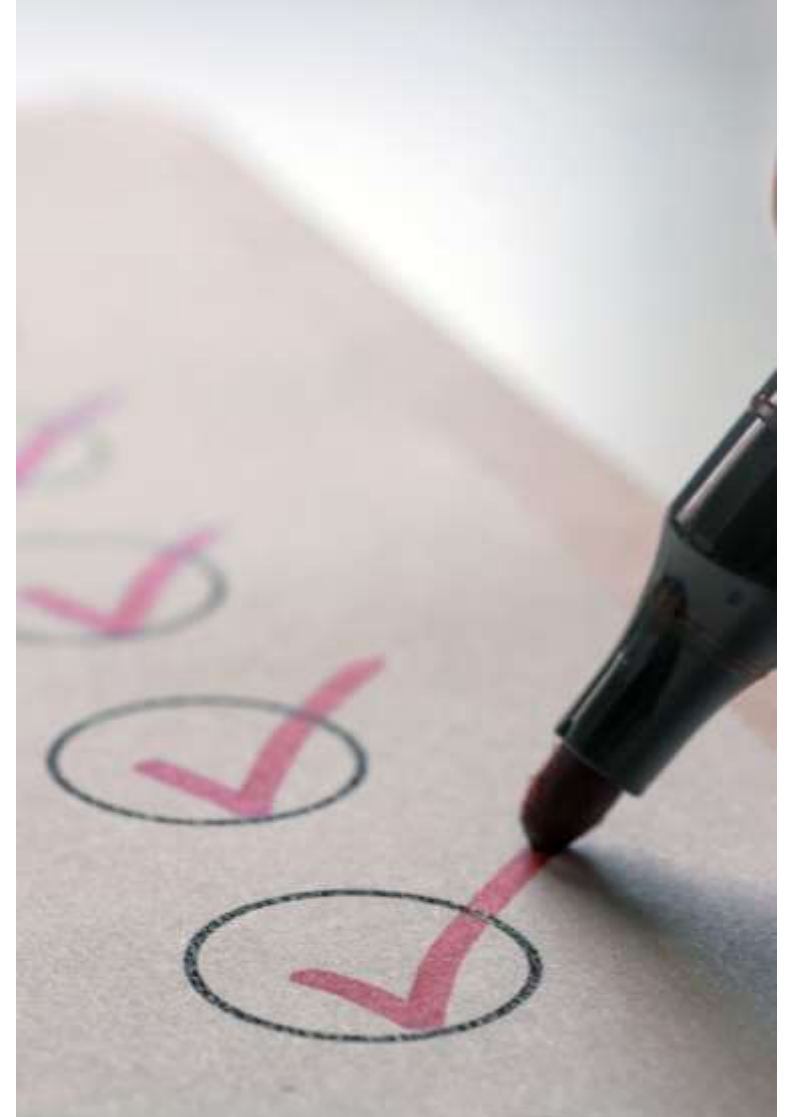
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Government of South Australia  
SafeWork SA

# What will be covered today? Plenty!

- What are our Inspectors looking for when it comes to SAFETY in Transport?
- What's commonly found during visits?
- Rationale for the ***traffic management compliance campaign***
- Campaign findings
- New regulations that affect everyone



# What are SWSA inspectors looking for?

- At static workplaces that are stable in both site layout and work processes it is reasonably practicable to implement engineering type controls for traffic management, such as line marking, warning signs, physical barriers separating plant and pedestrians.
- Correct and in date High Risk Work Licences for forklifts.
- Completed forklift prestart checks recorded in logbook.
- Maintained plant as per the manufacturer's specifications.

# What are SWSA inspectors seeing?

- Mobile plant colliding with pedestrians-workers.
- Losing control of loads from forklifts or while opening delivery trucks where the loads have shifted.
- Drivers can be injured while loading, strapping-securing and tarping loads at pick up and the destination workplaces.

# Why the compliance campaign?

- Mobile plant such as forklifts and delivery vehicles have the potential to cause fatalities and life changing injuries at the workplace.
- Mobile plant is a major cause of workplace death and injury in Australian workplaces.
- The campaign purpose was to ensure workplaces are managing the risk associated with mobile plant in the workplace and to provide advice on appropriate controls for traffic management.

# Traffic management compliance campaign **closure report** (July 2023 – June 2024)

## Strategic objectives:

- Long term and sustainable improvements to workplaces in relation to interaction between moving vehicles and pedestrians/workers.
- Ensuring PCBUs are better informed of obligations, responsibilities and how to manage risks.
- Protection of workers and other persons in the workplace.
- Addressing trends, risks and/or systemic issues via proportionate enforcement by the Regulators Inspectors.

## The campaign resulted in:

- 72 PCBUs being visited Inspectors generating 128 work site visits.
- 63 improvement notices
- 2 prohibition notices
- 39 high risk work licence checks

# Traffic management compliance campaign **closure report** (July 2023 – June 2024)

## Common Themes:

- Lack of forklift maintenance
- Absent or poor pedestrian walkways
- Absent or poor loading and unloading practices
- Absence of traffic management signage or planning
- Absence of pre-start checks and maintenance records on mobile plant
- Non-compliant forklift truck work OR lift box OR cage

# Traffic management compliance campaign closure report (July 2023 – June 2024)

## Distribution of compliance notices:

- 63 improvement notices were issued to 23 of total a 72 the workplaces visited
- In one workplace the business was issued 8 improvement notices
- Three workplaces account for 18 of the 63 improvement notices issued
- Prohibition notices were all to do with forklift-mounted work boxes (unrated)

## Summary:

- 8 notices issued on forklift maintenance.
- 8 notices issued for failure to undertake and record pre-start operational checks.
- 7 notices issued for failing to have traffic management plans, lack of pedestrian walkways and elated signage.
- 7 notices issued for poor loading and unloading practices separations for driver of heavy vehicles in unloading areas, driver of forklift being unaware or out of sight of heavy vehicle driver in the unloading area.



# New regulations

- Insurance against indemnity
- Industrial Manslaughter Offence.
- Psychosocial Regulations

*Ignorantia juris non excusat - "Ignorance is no excuse"*

*-Legal principle*

# Insurance or other indemnity against penalties

Amendments now prohibit a person (without a reasonable excuse) from entering into, providing or benefiting from an insurance contract or arrangement that purports to cover monetary penalties under the WHS Act.

- Maximum penalty: \$50 000.
- If a body corporate commits the offence each officer of the body corporate is also taken to have also committed the offence if:
  - the officer authorised or permitted the body corporate's conduct constituting the offence; or
  - the officer was, directly or indirectly, knowingly concerned in the body corporate's conduct constituting the offence.

By 1 September 2024, all persons must not:

- Enter into a contract that purports to cover penalties
- Provide a contract that purports to cover penalties.

# Industrial manslaughter

- A Person (PCBU or officer) commits an industrial manslaughter offence if—
  - (a) the person has a health and safety duty; and
  - (b) the person engages in conduct that breaches that duty; and
  - (c) the conduct **causes the death** of an individual to whom that duty is owed; and
  - (d) the person-
    - i. engages in conduct with **gross negligence**; or
    - ii. is **reckless** as to the risk to an individual of death or serious injury or illness.



## *Reckless*

*“conscious choice to take an unjustified risk”*

- **person is *reckless* as to the risk to an individual of death or serious injury or illness if—**
  - (a) the person is aware of a substantial risk that death or serious injury or illness will happen; and
  - (b) having regard to the circumstances known to the person, it is unjustifiable to take the risk.



## *Grossly Negligent*

*“a great falling short of the standard of care that a reasonable person would exercise in the circumstances and that there is such a high risk of causing the death of an individual.”*

- **a person engages in conduct with gross negligence if the conduct involves—**
  - (a) such a great falling short of the standard of care that a reasonable person would exercise in the circumstances; and
  - (b) such a high risk of causing the death or serious injury or illness of an individual, that the conduct merits criminal punishment for the offence.



# Penalties

**20 Years imprisonment  
(up from 5 years).**

**\$18,000,000  
(up from \$3 million)**



# What about Officers?

*Officer of the PCBU must exercise due diligence (in the context of safety) to ensure that the PCBU complies with that duty.*

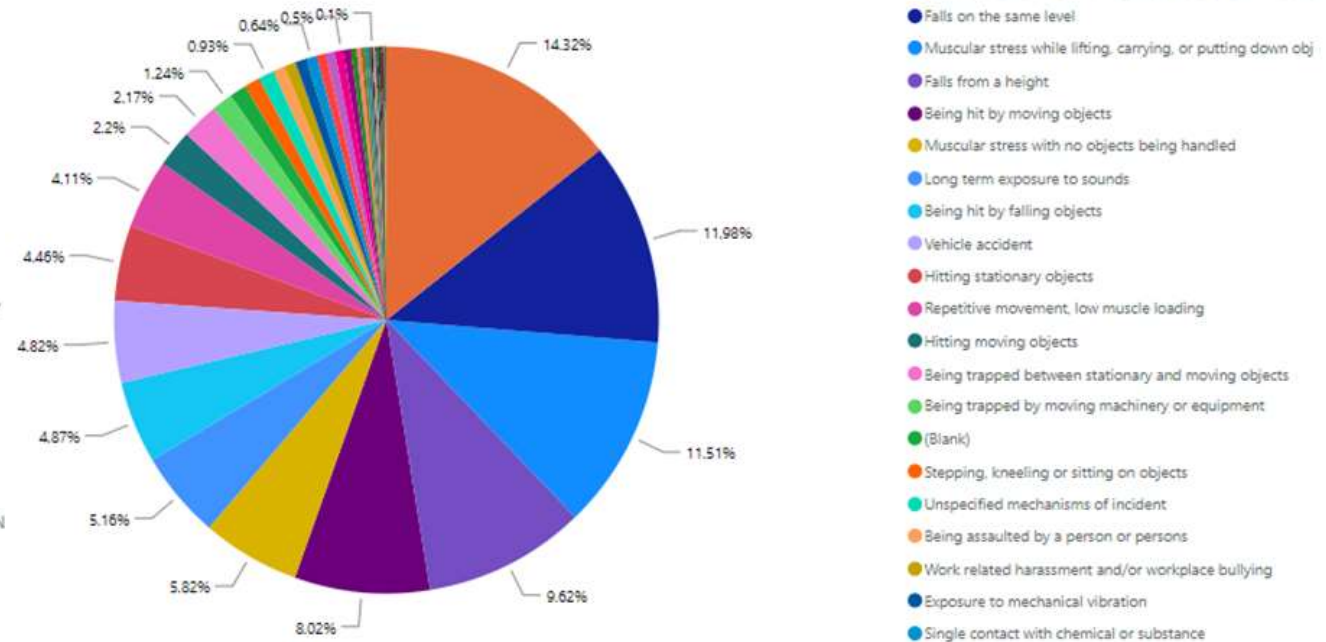
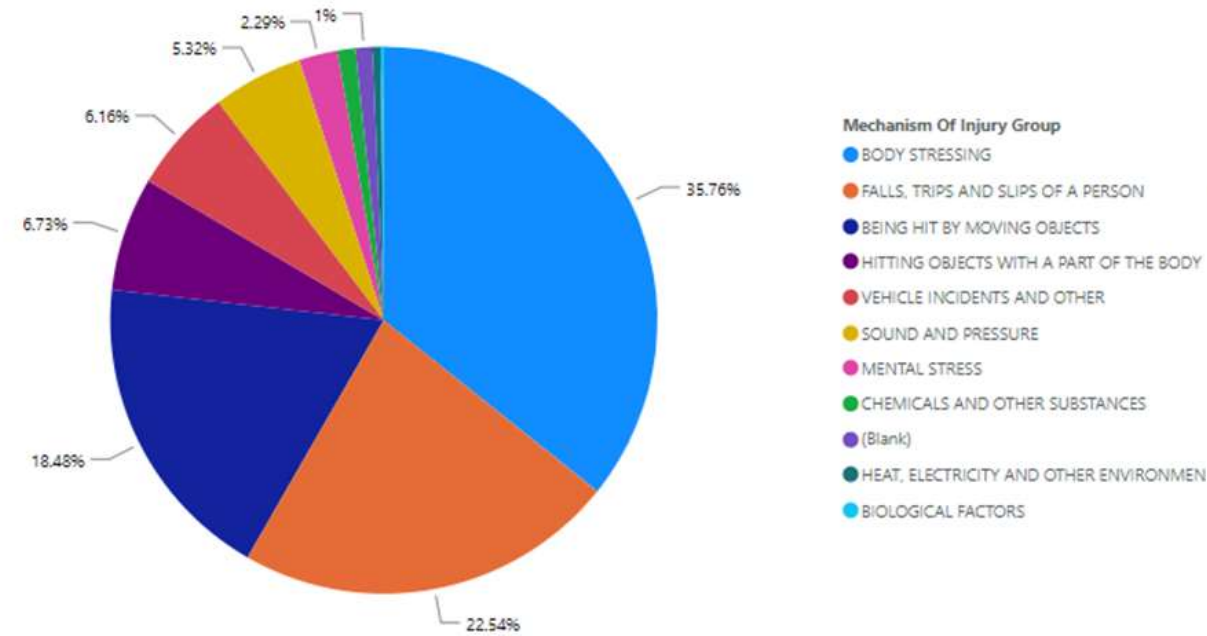
Take reasonable steps to:

- Acquire and keep up to date knowledge of WHS matters
- Gain an understanding of the nature of the business and hazards and risks
- Ensure PCBU has appropriate resources available
- Ensure PCBU has appropriate processes for receiving information regarding safety
- Ensure PCBU has and implements processes for complying with duties or obligations

# RTW SA Claims data

RTWSA Claims (FY16 - Sept24)  
by Mechanism of Injury

RTWSA Claims (FY16 - Sept24)  
by Mechanism of Injury Description



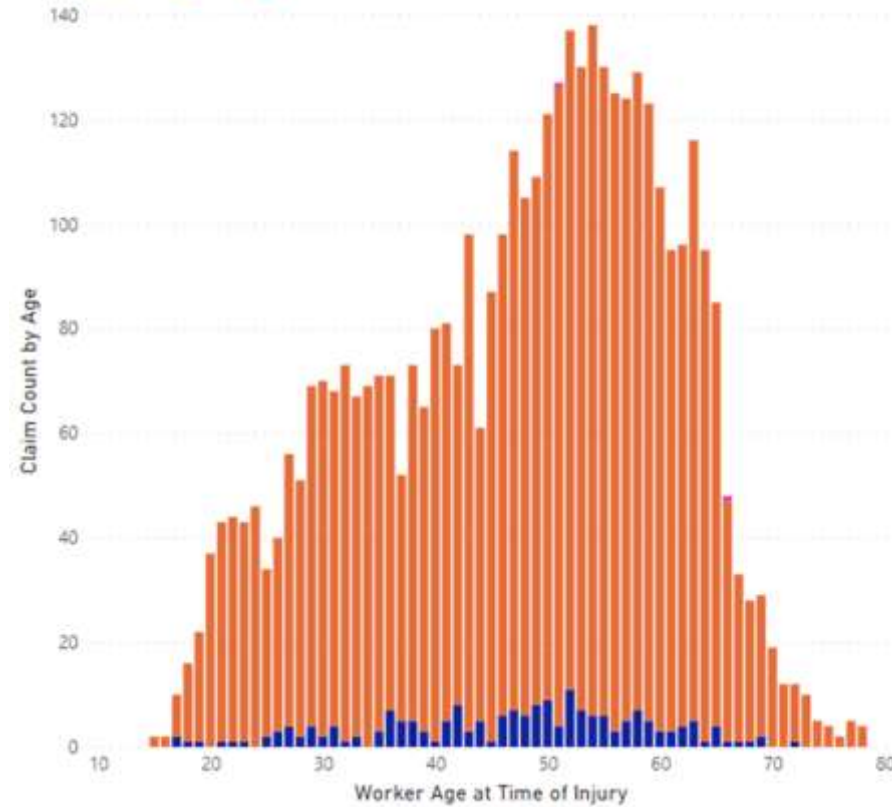
- Mechanism Of Injury Description**
- Muscular stress while handling objects other than lifting, c
  - Falls on the same level
  - Muscular stress while lifting, carrying, or putting down obj
  - Falls from a height
  - Being hit by moving objects
  - Muscular stress with no objects being handled
  - Long term exposure to sounds
  - Being hit by falling objects
  - Vehicle accident
  - Hitting stationary objects
  - Repetitive movement, low muscle loading
  - Hitting moving objects
  - Being trapped between stationary and moving objects
  - Being trapped by moving machinery or equipment
  - (Blank)
  - Stepping, kneeling or sitting on objects
  - Unspecified mechanisms of incident
  - Being assaulted by a person or persons
  - Work related harassment and/or workplace bullying
  - Exposure to mechanical vibration
  - Single contact with chemical or substance



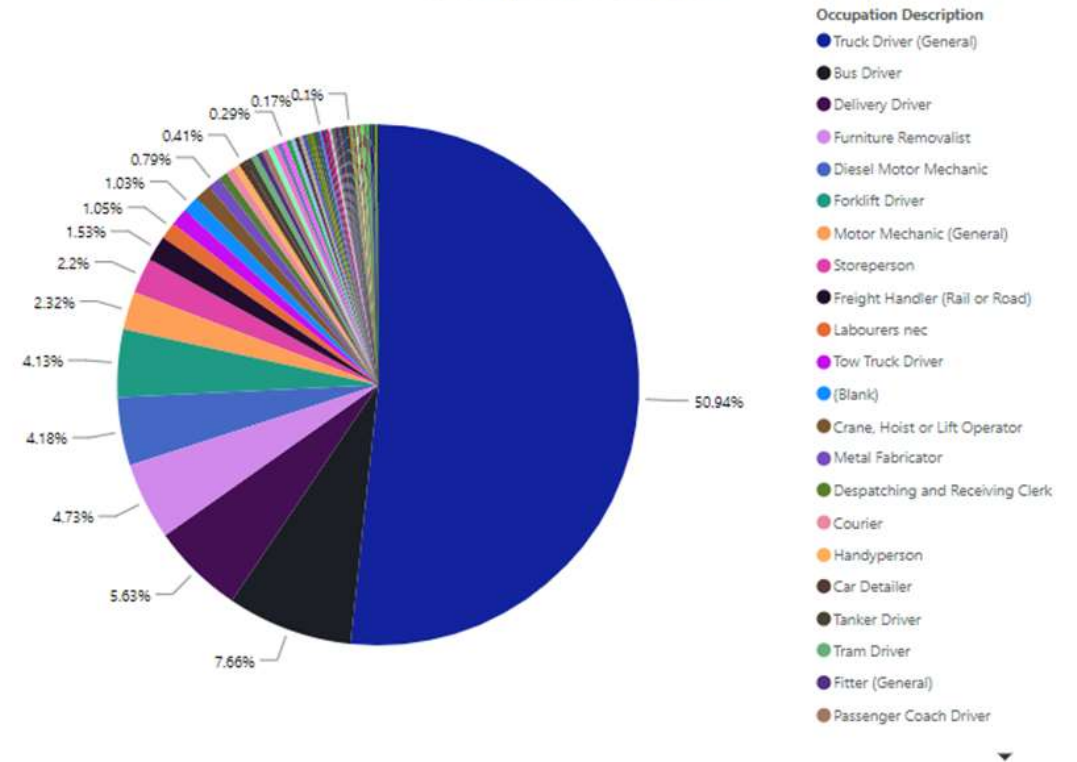
# RTW SA Claims data

Worker Age at Injury Date

Gender ● Female ● Male ● Unspecified



RTWSA Claims (FY16 - Sept24)  
by Occupation Description



# What are Psychosocial Hazards?

- Psychosocial hazards are anything in the design or management of work that **increases** the risk of work-related stress
- Work-related stress is the physical, mental and emotional reactions that occur when a worker perceives the demands of their work **exceed** their ability or resources to cope
- Not related to stressors from outside of work
- Psychological ill-health should be treated the same as physical ill-health



# How to identify psychosocial hazards

- Talk with workers
- Direct observation
- Review data such as:
  - Incident reports and compensation claims
  - Use of EAP
  - Absenteeism records
  - Worker surveys – People At Work



# How to control psychosocial risk

- Ensure all roles have job description
- Provide appropriate induction, training and supervision
- Undertake genuine consultation
- Implement policies on appropriate behaviour
- Have a grievance resolution procedure in place
- Equitable disciplinary process
- Managers that are approachable and trained to manage people
- Zero tolerance for behaviour that negatively affects others
- Flexibility in rosters

# Resource – free online module



The cover image features a man and a woman in a modern office setting. The man, on the left, is wearing a blue button-down shirt and holding a white laptop. The woman, on the right, is wearing a brown button-down shirt and holding a tablet. They are both smiling and looking towards the camera. The background shows a glass-walled office interior.

**Managing  
Psychosocial  
Hazards and Risks  
in the Workplace**

 Government of South Australia  
SafeWork SA

 Return to  
WorkSA





Questions?



# Contact Us

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