



Smoking in the workplace

Robin Ingerson (Keith, SA) has brought to my attention the new tobacco legislation that came into effect in South Australian (SA) in December last year. The legislation bans smoking from "enclosed areas" in SA workplaces. An enclosed work area is defined as one with a ceiling and a wall space in which 70% of the area is enclosed. This includes shearing sheds, motor vehicles and any other place a person may visit while at work such as toilets.

Penalties under the SA legislation include a maximum fine of \$1,250 for an employer and \$200 for an individual found to be smoking.

Robin became aware of the changes to the law via the SA Farmers Federation newsletter. Therefore SA contractors may find that their clients are now aware of the law and may want it enforced.

After further research into other state legislation on this matter it becomes clear that there are no exceptions to the rules – You and your employees cannot smoke in or around the workplace (including vehicles). The fines and penalties vary from state to state yet both employers and employees will be liable for any breach of the legislation. For example, it should be noted that employees who fail to look after the safety of other people by not complying with the policy can be personally liable for a fine of up to \$3,300 under the NSW Occupational Health and Safety Act 2000.

One may ask who is going to enforce the law "in the middle of nowhere"? Maybe a disgruntled employee may just be that person who reports you when they are out of your employment.

Why be a member?

- Access to industrial awards and award updates as they happen
- Assistance with legal type issues such as; traineeships, government and non-government grants and funding, workers compensation, workcover and public liability insurance
- Access to the cheapest and best value emery paper (note that the saving on 50 emery sheets of paper per will save you the cost of your yearly SCAA membership)
- SCAA has access to the lowest cost public liability insurance for the rural industry
- Access to OH&S training programs, instructional manuals and guidelines
- One year's supply of tally books are provided free with every membership. In 2005 the tally books will act as an official document for logging injuries in the workplace
- Networking - support forum - you can learn from other members' experiences
- Basic and accounting and IT assistance, including job costing

Sedation of Rams

Victorian member Quinton Mitchell has reported that they have a successfully trialled using a drug called "ACP" to sedate rams before shearing them. The drug was administered by a vet, at an appropriate interval before shearing the rams. Quinton reported that the rams are fully conscious and mobile but have temporarily had the "fight" removed from them. If anyone would like to know more, please contact the SCAA secretary.

Accommodation Bill and Code of Practice in NSW

The SCAA has reviewed the drafts of the bill and code of practice and made submissions regarding SCAA interests. In summary, the draft RWA bill has gone from being a simple piece of legislation to state the nature of accommodation where stipulated by awards and work place agreements to being a complex, covert, tool to incorporate the OH&S Act. As you are well aware the OHS act is a piece of legislation that places the onus of responsibility on the employer via the "risk assessment" process. The consequences of the employer failing in their duties are severe fines and in the extreme, jail terms. Copies of the drafts and submissions are available upon request for the Secretary.

Final Submission on Workcover formula.

As mentioned in previous correspondence the SCAA has made a submission in regard to the NSW Workers Compensation premium formula. Copies are available from the Secretary. In summary, at a glance it appears that significant improvements will flow through from 1/1/06 for employers with wage bills less than \$300,000 p.a. For employers with wage bills greater than \$300,000 p.a. please see the Secretary at your regional meeting.

AWI Shearing Strategy

The Secretary recently met with AWI's Joe Sullivan and George Walderhausen. Basically they discussed how AWI has begun a \$14m 3 year program aimed at making wool harvesting easier and more efficient. The program aims to improve OH&S and to ensure that the people who work in the industry have ongoing training and development support. AWI's strategy covers new harvesting technologies, add-on shearing technologies and shearer and wool handler training programs.

\$3.50 (+GST)

Only 3000 Sheet left at this price
Call 02 9571 6655 to place an order





Would you like to contribute to Sheepo?

We welcome members contributions to Sheepo, so please fax and information you would like to see in future editions to 02 9571 6700.

News in brief

Heiniger's 'Jet' and 'Diamond' cutters have been replaced with a 'safer' cutter based on fears of lock-up if the cutter is ground beyond its limits. As the employer carries the cost of accidents, it may be advisable to suggest your shearers to not use the jet and diamond cutters and replace them.

Good to see John McRae at the Armidale meeting after ending battling a very serious bout of blood poisoning.

Media

The Land Newspaper ran another story on Workcover NSW and their impact on the industry and shearing contractors. The Article (5/5/05) told the plight of SCAA members Bruce Sugars and Kerry Mead after an employee died on the board from natural causes (heart attack) in 2001. Two years after the death, the family filed a workers compensation claim.

As a result \$150,000 "claims experience" has been added to Sugars/Mead's policy of which they had to pay an additional \$17,000 on top of their base insurance premium of \$16,000. This is despite the fact that Workcover has not paid out \$1 to the employee's family as Workcover are contesting the claim. If Workcover is successful in not paying the claim pending a court case, Mead/Sugars will not receive any refund on the \$17,000 as three years will have passed since the death occurred!

Not receiving emails?

If you haven't been receiving emails from the Secretary please send him an email so you can be added to his list and receive information in a more timely manner.

Victorian Workcover

Victorian Members are urged to take up the offer of free Shearing Shed inspections by OH&S consultant, Michael Lawrance. Thanks to the efforts of Frank Sutherland, the SCAA has received further funding to pay for the costs of these visits.

Due to the Workcover Victoria's policy changes from 1 July 05, it is imperative that all work places are "safe" and that potential risks are minimised. Experience shows that Michael Lawrance is excellent in advising clients as to what are 'essential' and what are 'advisable' improvements required for sheds to satisfy Workcover Vic's requirements.

To arrange for a friendly visit, or just more information, contact:

Michael Lawrance 03 5332 2400 / 0417 562 881
Frank Sutherland 03 9568 3458 / 0428 542 298

SCAA is proudly supported by



Superannuation – "Choice for Employees" - new rules

From 1 July 2005, Employers will be required to offer their employees the option of choosing the superannuation fund into which their authorised superannuation contribution is to be paid.

For current employees, the employer must provide the employee with a "standard choice form" before the 29 July 2005 – copy enclosed or download from: <http://www.ato.gov.au/content/downloads/NAT13080.pdf>. New employees need to be provided with a "standard choice form" at the time of engagement.

If the employee does not return the form (no time specified by the ATO – stay tuned) the employer may choose the fund – as long as it offers life insurance cover specified in the regulations as does Australian Primary Super.

It is inappropriate for the SCAA to recommend a fund. However, it should be noted that Australian Primary is an avid supporter of the SCAA and the rural sector in general. It has spent \$12,000 advertising in our Newsletter, Wagebooks, Tally books, OH&S material among other things. This advertising revenue is critical in keeping the costs of membership as low as possible.

Ironically Superannuation choice of funds legislation does not apply to government employees. I.e. the government makes the rules but does not have to abide by them.

Shear Outback ANZAC Weekend

On Sunday 24 April 2005, Shear Outback at Hay NSW inducted 4 shearers into the Shearing Hall of Fame.

- Viv Parkes 1907-1993 (VIC)
- Jim Davidson 1865-1936 (NSW)
- Devcem Smith 1896-1947 (NSW)
- Tony Ryan 1923 to date (SA)

The SCAA was honoured to have Frank Sutherland (Vice President) asked to speak and officially induct the new members into the Hall of Fame.

The day was very well attended with 160 attending the breakfast at the shed. There were various activities throughout the day, culminating with a great bush-band dinner/dance in the big marquee.

Emery paper

Sales of the current stock of emery paper have been strong. We have only 1500 sheets of fine and course remaining at this price. The next order will undoubtedly cost more.

Contacting SCAA

PO Box 211
Milsons Point
NSW 1565
02 9571 6655
02 9571 6700
info@scaa.org.au
www.scaa.org.au