

HUNDREDS OF ENVIRONMENTAL FINES IN CHINA

Authorities in the Chinese capital fined 652 industrial facilities for breaching environmental regulations in the first four months of the year as it stepped up efforts to fight pollution. Beijing's air quality has come under intense scrutiny since January last year, when heavy smog settled over the city to the alarm of its residents.

Premier Li Keqiang in March promised a "war on pollution" as the Chinese government seeks to address environmental issues that sparked complaints across the nation.

Beijing's Environmental Protection Bureau handed out fines totalling 14.5 million yuan (\$2.3 million) over the first four months of the year. "The amount is twice as high as for the same period last year," said Zhong Chonglei, chief officer at the Bureau's supervision department.

In March, Beijing for the first time took charge of supervising its pollution levels. The city can hand out fines of up to 500,000 yuan and can impose additional daily fines on wrong-doers who don't pay up on time. Three-quarters of the fines handed out were for air pollution. The Beijing Yueju Heating Company received the biggest fine of 200,000 yuan for manipulating emissions data for one of its coal-fired boilers.

CLIENT AUDITS WILL IN FUTURE INCLUDE SERIES OF DOL FORMS

We are pleased to advise that at the time of annual audit, all clients will continue to receive our CD Rom with about 12 files on it. In addition, there will be a further set of files to provide the newly issued OSH forms. This is designed to assist clients in relationship to specific work that they may be required to do, plus First Aid and notifications to Dept of Health and OSH in relationship to diseases or permit to work.



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News & views from Summit – June 2014



HEALTH & SAFETY – MULTIPLE FINES FOR ONE EVENT

Most managers think that they can only be fined once for the one event. This happens to be a fallacy and needs to be put to rest. The precedent is DoL vs Nelson Dive Centre Ltd judgement 9 May 2001 (Walker J).

This case involved the Driver of the boat belonging to the Dive Centre to French Pass with a group of divers who entered the water an area described as "turbulent and energetic". The group comprised six members of a 14-week diving course and their instructor, Mr Stuart. The divers were to undertake a "drift dive" which involved descent and allowing the current to move them under the water. They were drawn by a strong current into an extremely deep part of the French Pass and taken down to dangerous depths. As a result, two of the divers died, another was lost presumed drowned, and three survived after suffering serious harm including, in the case of two of the divers, decompression illness.

Six charges were laid under s15. Another six charges were laid under s16(2)(b)(1) and the defendant faced a further charge under Regulation 48(1). Both the company and the driver of the boat were given multiple fines. We need to be aware that the Department can lay multiple charges for the one event and for example the following (even though very unlikely) is possible.

A fine under s6 for failure to take all practicable steps. A fine for failing to train staff under s13 and s19. A further fine for failure to identify and manage hazards s7. Additional fines are possible for - (a) disturbing the scene of the accident; (b) for not having and operating a formal management system; (c) for not consulting with staff to identify hazards and imminent dangers; (d) for late reporting of the event; (e) for failure to guard machinery adequately; and (f) for not having and operating Job Task Analysis or a site specific safety plan.

When the new Act becomes operative about April 2015 it will mean that the potential maximum fine is not \$3 million but many more millions. In the case of BP at the Texas Refinery the fine was \$50.6 million USD. All clients are reminded that they must contact our Head Office immediately in the event of a serious harm. They must not try and be clever and we can quote examples of several clients who let us do their first serious harm and then decided they could easily do the next one. Huge fines were the result. This was both unnecessary and unwise. Our considerable expertise should not be ignored. Management and staff have a right to remain silent under s31(6) and only give their personal details.

2.

1200 MILLION FINE IN AFRICA FOR ENVIRONMENTAL OFFENCE

N'DJAMENA (Reuters) - Chad has fined the local unit of China National Petroleum Corporation (CNPC) \$1.2 billion for environmental violations, a statement from the environment minister said on Friday.

The government suspended all of CNPC's activities in the country in August for violating environmental standards while drilling for oil in the south, and ordered an audit of all crude oil explorations in the country.

It allowed CNPC to resume operations in October after the company improved its environmental practices. The government urged the company then to strictly respect environmental rules, in particular those concerning the management of waste.

QUALITY ASSURANCE LEAP 2015?

We have prepared a paper for the working party on Compliance Qualifications that are being developed by the Standard Setting body vis Skills Organisation of NZ.

We are advocating that there be three new quality standards for NZ called CQS1 or Compliance Standard No 1 designed for NZ Government and Local Bodies; CQS2 for Corporates and SME; CQS3 for very small businesses and sole traders.

This will be a compliance system and it will be a subset of ISO 9001:2008 with the CQS3 as a basic and simple system for small enterprises. CQS3 is likely to have a small number of policies and forms plus a few work instructions and audit tools.

ACC FLEET SAVER PROGRAMME

ACC's Fleet Saver programme (ACC Fleet Saver) addresses a priority issue for New Zealand: the unacceptably high incidence and costs of heavy truck accidents on our roads. A complete package covering workplace, on-road and in-cab safety, it offers levy reductions to eligible businesses who demonstrate a strong safety culture and a commitment to the highest standards of safety among their employees.

For a copy of the full information and the application forms and audit log, refer to -

<http://www.acc.co.nz/for-business/small-medium-and-large-business/how-to-pay-less/fleet-saver/index.htm>

The scheme provides up to 40% discount per vehicle and it is estimated to be about \$186 per annum per vehicle. The scheme is open to fleets operators with 5 or more vehicles.



3.

ACC COVER PLUS FOR SOLE TRADERS

ACC CoverPlus is ACC's standard personal injury cover for self-employed people. It automatically applies when you start self-employment. It includes 24-hour no-fault cover for work-related and non-work related personal injuries, including access to the full range of medical treatment and rehabilitation benefits and up to 80% compensation for lost earnings.

ACC CoverPlus provides access to treatment, help with recovery, and weekly payments of up to 80% of your liable earnings, starting a week after the injury. The amount of lost earnings compensation paid is dependent on your self-employed status.



20 March 2014. The indoor ski park company Snowplanet has been fined \$42,000 and ordered to pay reparations of \$9,500 after a worker had his arm crushed while clearing snow from under a conveyor belt in April last year.

Christopher Hill's arm was fractured when it was trapped in a 'running nip' created by a roller and the 'Magic Carpet' conveyor, which is used to move skiers up a snow-covered slope.

Mr Hill had climbed underneath the upper end of the conveyor to clear away snow. The glove on his left hand and his jacket got caught in the pinch point between the roller and the conveyor belt, dragging his arm into the mechanism. He had to be cut free from the machine and had to undergo surgery.

Snowplanet pleaded guilty to one charge under the Health and Safety in Employment Act of failing to take all practicable steps to ensure his safety. WorkSafe NZ's chief investigator, Keith Stewart, said Snowplanet should have done more to prevent access to the dangerous parts of the conveyor.

11 March 2014. Share-milking company Holden Farms Limited has been fined \$28,125 and ordered to pay reparations of \$75,000 after a farm hand died last year when the quad bike he was riding rolled on top of him. Holden Farms pleaded guilty in the Tokoroa District Court to one charge under the Health and Safety in Employment Act of failing to take all practicable steps to ensure the safety of Gary Tantrum.

Mr Tantrum died one year ago tomorrow while he was mustering cattle on a farm at Mangakino in Waikato. His quad bike rolled while he was riding up a steep slope. It fell on top of him, crushing him causing fatal injuries.

WorkSafe's chief investigator, Keith Stewart, said Holden Farms could have done more to protect Mr Tantrum. "The area he was riding in had been identified as a hazard, but the company had not taken any action to tell its workers not to ride quad bikes there, or in other hazardous areas. "The quad bike was also carrying a sprayer with 20 litres of liquid in. That would have affected its stability – and could also have restricted the 'active riding' required for quad bikes.