



19 August 2009

TELSTRA COURT PROCEEDINGS COMMENCED BY COMCARE

Today, Comcare initiated proceedings in the Federal Court of Australia against Telstra Corporation Limited alleging a breach of s17 of the *Occupational Health and Safety Act 1991* (the Act). The proceedings arise from an incident in which a member of the public was injured when an access pit, maintained by Telstra, was allegedly left unguarded.

Comcare alleges that Telstra breached the Act by failing to take all reasonably practicable steps to ensure that persons at or near a workplace under its control (who were not its employees or contractors) were not exposed to risk to their health or safety arising from the conduct of its undertaking. Comcare further alleges that this failure resulted in a serious personal injury to a member of the public who is vision impaired.

The maximum pecuniary penalty for a breach of s17 of the Act by a body corporate is \$242,000.

The proceedings arise from an incident on 31 January 2008 when two Telstra sub-contractors opened an access pit while conducting work. The pit is located on a pathway between a train station in Brisbane and the office of an organisation that provides services to persons with impaired vision. While the access pit was allegedly left open and unguarded, a member of the public, with a vision impairment, fell into the pit and sustained a serious personal injury.

Comcare's Acting CEO Steve Kibble said "This action is a reminder to organisations within the Comcare scheme that they have a responsibility, not only to their employees, but to the public, in maintaining safe work environments."

- Ends -

Media enquiries:

Elizabeth Mail

Ph: 1300 366 979

Email: media@comcare.gov.au