



**23 February 2009**

## **ASCIANO PROCEEDINGS INSTITUTED**

Today Comcare commenced proceedings in the Federal Court of Australia against Asciano Services Pty Ltd (Asciano) for an alleged breach of section 16(1) of the *Occupational Health and Safety Act 1991* (the Act).

Comcare alleges that Asciano breached the Act for failing to take all reasonably practicable steps to protect the health and safety at work of its employees and contractors, and that the failure resulted in a dangerous occurrence on 28 November 2007 involving an Asciano contractor.

A 76 tonne mobile crane, known as a 'reach stacker', being operated by the contractor, was loading a 5.67 tonne container onto the wagon of a train at the Adelaide Freight Terminal, when the train started to move. The wagon collided with the container which resulted in the reach stacker falling on its side. No-one was injured as a result of the incident.

This is the first time court proceedings have been lodged against Asciano alleging a breach of section 16(1) of the Act. The maximum civil penalty for a breach of section 16(1) of the Act by a body corporate is \$242 000.

Comcare CEO, Martin Dolan, said that the proceedings send a clear message to the jurisdiction that even workplace incidents that do not involve injury are still taken seriously by Comcare.

"Comcare continues to highlight the requirement that partner organisations be vigilant in ensuring they protect the health and safety of all employees and contractors at all times at work," Mr Dolan said.

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