

PETER DRAPER

INDEPENDENT MEMBER FOR TAMWORTH

MEDIA RELEASE

Machinery dealers face anxious wait over WorkCover prosecution case

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The State Government has its head in the sand over the impact of WorkCover legislation on rural NSW, in particular the farm machinery industry according to Member for Tamworth Peter Draper.

Local machinery dealerships have recently approached Mr Draper with concerns that action by the NSW WorkCover Authority against a southern NSW machinery dealer will set a precedent, which could shut the industry down.

WorkCover has served an order on the Wagga Wagga machinery firm to appear before the Industrial Relations Commission after a farm accident involving a combine harvester. The operator lost his right leg below the knee after slipping in the machine's grain bin while cleaning it while the auger was still rotating.

The harvester was reportedly overhauled and checked prior to being sold and was fitted with large decals warning not to enter the grain tank when the machine was running.

But WorkCover has taken action against the dealer that sold the two-year-old machine as well as its importer and original supplier for "failing to ensure the machine was safe and without risk to health when properly used (or) to provide adequate information about the machine to the persons to whom it was supplied, to ensure its safe use".

The purchaser of the header has also been served notice to appear before a commission for an alleged breach of a section of the Occupational Health and Safety Act, which requires all employers to ensure the health and safety of their employees

"This case has understandably rattled machinery dealers who are now concerned about the implications of a conviction," Mr Draper said.

"The dealers are worried that should the case go against the dealer and supplier, they would not be able to trade or re-sell used machinery as they would be held responsible for any accident involving the machine throughout its working life.

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“It would be a risk not worth taking by an industry which employs hundreds of people in the Tamworth electorate. It also has enormous ramifications on farmers’ ability to replace aging equipment.”

Mr Draper holds concerns that the traditional clearing sale held on farm after a property has sold will become a thing of the past. He fears the farmer would be unable to risk selling equipment because of life time liability concerns should an accident occur in the future.

“An adverse decision would cripple the industry and have long-term detrimental effects on the average age of machinery used in NSW, the dealership network that is vital to farming communities and broadly on regional employment,” he said.

Mr Draper will speak on the issue of WorkCover when Parliament resumes next month and has taken the concerns of local dealers to the Minister for Industrial Relations, John Della Bosca.

“I have raised the broader issue of WorkCover and its impact on country NSW as a matter of public importance in the NSW Parliament where I received support from the Liberals, Nationals and other Independents,” he said.

End Release

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