



News Release - SafeWork SA

20 April 2007

HINDERING SAFETY INSPECTORS EARNS \$15K FINE

SafeWork SA is reminding all employers of the protection afforded to its inspectors under the law when investigating alleged safety breaches.

Today in the SA Industrial Relations Court, Largs North developer, **Arthur Dyna** was fined \$15,000 for three breaches of the *Occupational Health Safety and Welfare Act 1986*, relating to Section 38, which deals with an employer's obligations towards inspectors.

Mr. Dyna pleaded not guilty, but a trial in February found the charges proven.

It was found that on 6 October 2004, Mr. Dyna hindered two SafeWork SA inspectors as they tried to investigate reports of a workplace injury allegedly involving a forklift driven by Mr. Dyna's 12 year old son.

It was found Mr. Dyna:

- refused to answer questions despite being legally required to
- refused to allow photographs to be taken on the site although legally required to
- seized the camera from the inspectors and removed the film
- swore at, and was physically aggressive towards the inspectors.

Today Industrial Magistrate Michael Ardlie imposed a penalty *ex tempore* following submissions from both parties.

He rejected Mr. Dyna's claim that his distrust of public authorities due to his upbringing in Poland under a totalitarian regime could excuse his behaviour.

Magistrate Ardlie said this was a "severe example" and a "serious breach" of the law in regards to the powers of entry afforded to workplace safety inspectors.

"Keeping the public safe at work requires a cooperative effort from employers, employees and SafeWork SA," says the agency's Acting Executive Director, Peter Hampton.

"In the vast majority of cases, we receive that cooperation and many benefits arise as a result.

"But in this day and age, attitudes and behaviour such as this towards our inspectors is unacceptable and we are glad the court agreed," Mr. Hampton says.

For answers and advice on workplace health and safety and the relevant laws, SafeWork SA operates a telephone Help Centre on 1 300 365 255 or 8303 0400. To report serious accidents or incidents, in the workplace call 1 800 777 209