AUSTRALIAN WORKERS' UNION

Improving the safety of earthmoving machinery used for lifting operations

Submission of The Australian Workers' Union

February 2026

The Australian Workers' Union (AWU) is one of Australia's largest and most diverse unions. We represent over 79,000 workers across the length of the country and breadth of the economy. This includes around 10,000 civil construction workers who deliver vital infrastructure - ranging from major transport and power transmission projects to local roadbuilding and maintenance. In addition to construction, the AWU has thousands of members in other industries where earthmoving machinery is used. For instance, we represent Australia's agriculture and horticulture workforce, as well as a significant portion of forestry workers. We also share coverage of the metalliferous mining workforce with the Mining and Energy Union.

The AWU is, to a very significant extent, the union for heavy plant operators and other workers at risk from unsafe use of earthmoving equipment. It is on behalf of these workers that we are pleased to provide a submission to this important reform consultation. As previous Safe Work Australia projects have uncovered, the use of earthmoving plant to lift freely suspended loads is common, despite their typically inadequate design and engineering for this purpose, and a wholesale absence of suitable training and licensing. This practice can cause both loads and machinery to behave in an uncontrolled, dangerous manner - far too often leading to serious injury and worse.

The AWU suggests that these practices are a significant contributor to machinery operation's grim status as Australia's most dangerous job. National WHS statistics show that machinery operators and drivers (a category including earthmoving equipment operators) suffer by far the most fatalities per 100,000 workers of any occupation.[1] Over five times as many workers are killed in this line of work than the overall workforce average.[2] This is a huge discrepancy reflecting hundreds of lives lost and families and friends devastated each year. The rate of worker compensation claims for machinery operators and drivers is also far higher, in every category of claim, than the workforce average – rising to 160% higher for claims relating to permanent impairment.[3] As these damning figures suggest, incidents involving earthmoving plant are most often very serious. SafeWork

[1] Safe Work Australia (2025), '*Key work health and safety statistics Australia 2025*'. Available at: https://data.safeworkaustralia.gov.au/insights/key-whs-statistics-australia/latest-release
[2] Ibid.
[3] Safe Work Australia (2025), '*Workers' compensation injury frequency rates*'. Available at: https://data.safeworkaustralia.gov.au/interactive-data/topic/workers-compensation-injury-frequency-rates

NSW has found that nearly three quarters of such incidents in NSW result in serious injury or death.[4]

In addition to workers required to operate plant beyond safe limits, unsafe use of earthmovers poses wider risks, potentially encompassing all workers deployed in proximity of such activities. Construction, agriculture, forestry and mining all rank among the industries with the highest incidence of serious work injuries and fatalities in Australia.[5]

The AWU strives for zero serious injuries and fatalities across all its members' industries. Given the abundance of evidence that WHS regulation is not supporting anything close to such an outcome in relation to earthmoving equipment, the need for reform is clear. This represents a major regulatory blind spot placing thousands of our members and their colleagues in potential danger.

We welcome Safe Work Australia's explicit recognition of the distinct nature of this reform challenge. As the discussion paper states, earthmoving machinery has "*unique operational characteristics*" when used for lifting tasks,[6] giving rise to "*unique and significant safety risks"* in turn.[7] These risks go to the engineering purpose and limitations of the plant itself – designed and manufactured for a separate purpose as it is. They extend to workforce capability: The absence of relevant, dedicated and mandatory training or licensing in this space means those tasked with the job lack a fulsome understanding of their equipment's limitations and the parameters of safe usage.

Also welcome is that Safe Work has recognised the perverse incentive created by current regulation. Other high-risk work of a related but distinct nature, utilising a crane, does require dedicated training. Thus, where no crane and qualified operator is available to perform a lifting task, a worker may be required to instead complete the job using earthmoving machinery. They will often do so at considerable risk, but potentially in compliance with WHS law.

[4] SafeWork NSW (2026), '*Excavations and earthmoving plant in construction'*. Available at: https://www.safework.nsw.gov.au/hazards-a-z/excavations-and-earthmoving-plant-in-construction
[5] Safe Work Australia (2025), '*Key work health and safety statistics Australia 2025'*. Available at: https://data.safeworkaustralia.gov.au/insights/key-whs-statistics-australia/latest-release
[6] Discussion paper, p. 16
[7] Ibid., p. 11

In the AWU's firm submission, **reform must address both the engineering and the skills deficiencies** that have led to disastrous, avoidable incidents related to misuse of earthmoving machinery. To this end, model WHS law jurisdictions should implement both Option 2 and Option 4 proposed in the discussion paper. As well as fulsomely addressing these issues, implementation of Options 2 and 4 would be most consistent with the model regulations in their current form. We note in particular the following requirements:

- That any plant used for lifting be designed for the task, used within safe limits, and have its load remain under control during the activity;[8]

- That specific control measures be in place to prevent collisions, objects falling on operators, and machinery overturning associated with the use of plant;[9]

- That a person controlling mobile plant manage WHS risks associated with the machinery overturning, and people being ejected from the plant.[10]

Option 2 would reform model WHS law to prescribe requirements that earthmoving equipment used for lifting be fitted with suitable engineering controls. This, plainly, would help address the engineering limitations of such machinery when used for lifting tasks. The mandated controls must meaningfully alleviate safety risks associated with the task; That the discussion paper proposes that machinery be fitted with at least one of several design features appears to reflect such an approach. Likewise, controls should be required to adhere to Australian standards and be maintained in safe working order – both as a basic means of ensuring the reform is effective and to meet the requirements of the model law.

[8] *Model Work Health and Safet Regulations* (2025), Cl 219 (2), (4), (6)
[9] Ibid., Cl 215 (4)
[10] Ibid., Cl 214

Recommendation: Model WHS regulations should require that earthmoving equipment be fitted with suitable engineering controls, adhering to relevant standards and maintained in safe working order, wherever it is used for lifting.

Option 4 would amend model WHS laws to prescribe use of earthmoving machinery for lifting as a new, distinct category of high-risk work. This, in turn would mandate training and licensing for those performing this work. Option 4 would confer an appropriate level of responsibility on employers as the party chiefly responsible for allowing such tasks to be completed by suitably trained and skilled persons only. By prohibiting a person conducting a business or undertaking (PCBU) from directing or allowing a worker to carry out high-risk work requiring a licence unless that PCBU has sighted written evidence of the licence, the obligation is placed on the PCBU rather than resting solely with the worker.

We submit that this more stringent approach is the appropriate, proportionate means of addressing the current absence of training in this area. It would ensure both that training provided to workers is sufficiently robust, and that the requirement to obtain the requisite skills is meaningfully enforced. It would also appear commensurate with the gravity of concerns for worker safety in this space held by Safe Work Australia and other industry stakeholders.[11]

The AWU emphasises that the training regime developed under this option must provide assurance that any worker using earthmoving equipment for lifting has received tailored, dedicated instruction in that work. The training regime must not be developed or implemented as a subset, nor in any manner related, to distinct lifting work performed with other plant designed specifically for lifting work. Those operating earthmoving machinery in this manner must be trained and licensed in the task itself.

[11] Discussion paper, p. 17

We acknowledge that prescribing a new high-risk work category, with related training and licensing, would increase compliance costs for all industry stakeholders as well as governments. However, in addressing the patently unsafe use of such equipment and its often-grave consequences, we urge government to ascribe the proper weighting to workers' lives and safety. Trading such outcomes against marginal costs benefits would not be appropriate. A genuinely robust, dedicated training and licensing regime will ensure that improper use of earthmoving equipment is regulated in a manner corresponding with similarly high-risk activities - thus delivering the greatest safety benefit to workers.

Recommendation: Model WHS regulations should prescribe the use of earthmoving machinery for lifting as a distinct class of high-risk work, with dedicated training and licensing requirements imposed accordingly.

The AWU is committed to advancing the safety of all workers in construction, agriculture, forestry, mining and other industries where its members work. We would welcome the opportunity to respond to any queries regarding this submission, and to otherwise contribute to positive reform around the safe use of earthmoving equipment.