

Individual/Organisational name: WorkSafe ACT

Discussion paper on the review of crane licensing under the model Work Health and Safety (WHS) laws

Public comment response form

Questions posed in the discussion paper are listed below. You may answer some or all questions or raise other matters not explicitly addressed, as long as it is relevant to crane licensing.

If available, please provide evidence of any problems, and how this impacts WHS (e.g., injuries, fatalities, near-misses).

Data and evidence

1. Can you provide additional data or information on the:

- **extent and nature of crane use in Australia**
- **frequency and nature of crane-related incidents, or**
- **impact of crane licensing and other regulatory controls on managing risks?**

There were 72 incidents in total related to ‘crane’ in Salesforce since 10 October 2020 and the below table shows the break down based on Incident Type.

Incident Type	Count	Notices	Infringement
Serious Incident	1	1	0
Dangerous Incident	21	6	1
Complaint	31	3	0
Enquiry	15	0	0
Proactive	4	3	1
Total	72	13	2

Review of the case descriptions was undertaken. It was identified that very few cases have mentioned anything related to HRWL:

Incident Type	Count	Mentioned in (Case Number)	Key Words
Complaint	3	Description (100813) Description (197687) Description (199006)	Unlicensed Without Licensing Unlicensed
Enquiry	1	Description (167550)	NAI for crane license
Proactive	1	Notes (30813)	Checked high risk work licenses

Additionally, three case description under Dangerous incident had “Crane contacting scaffold/pump” incident details.

Case Number	Notice	Key Words
67046	N-0000001207	Crane load hitting scaffold
59571	-	Striking the top of the scaffolding
69947		Crane load struck pump HV Cable

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2. In your view, what are the gaps in or limitations with crane-related data or evidence? What impact do these limitations have on determining, at a national level, the overall risk of using cranes in workplaces (e.g., underestimation of injuries)?

WorkSafe ACT considers that there may be limited amounts of reported incidents that we can use to inform a position.

A gap in data may be the result of only hearing about the incidents that reach the threshold of notifiable. Therefore, we may not be aware of the majority of incidents or near-misses that are not reported.

It may be worth considering that the Commonwealth Office of Best Practice Regulation (OBPR) will require evidence to support any assertions that crane safety standards/injury rates have diminished.

It may be helpful to have guidance from SWA on how we can collect, provide and share nationally consistent data.

Licensing (general issues)

3. Is the licensing framework under Part 4.5 of the model WHS Regulations fit for purpose now and will it remain fit for purpose with changing work practices, equipment, and environments? Why/why not?

Yes, the framework for licensing is functional but improvements could be made in two key areas:

- Section 82 Regs – Exceptions – 82 (2) (a) provides an exemption to be licensed.

Given that some aspects (testing, trialling, maintenance etc) of (2) (a) require operation of the plant in certain configurations, it is reasonable to expect that those workers who undertake these tasks understand how to operate the plant.

The ACT has had one incident where maintenance workers extended a boom without counterweights for an inspection resulting in a shift of the centre of gravity which led to the crane toppling forward and came to rest on the boom.

- Section 106 – Suspension or Cancelling of licence –

An option to direct a licence holder to undertake Verification of Competency (VOC) as an intermediate step in the cancellation process, including that if the licence holder refuses, then immediate cancellation under section 110 would occur.

4. How well do the crane licence classes and descriptions of HRW in Schedule 3 to the model WHS Regulations (and the relevant definitions in Regulation 5) reflect contemporary work practices and equipment? Why?

Industry is best to comment on this as they are aware of the various types within each definition.

5. How well do the qualification requirements in Schedule 4 to the model WHS Regulations ensure crane operators can perform their work safely? Why?

The licencing model works but there needs to be more stringent control of ongoing competency after a licence is granted.

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<p>6. What risks to safety, if any, are not being managed by the current crane licensing requirements, or are already managed adequately by other controls?</p> <p>Competency and currency. Whilst competency assessments associated with a VET course is effective, there needs to be more of a focus on ongoing competency and currency, particularly when new equipment is introduced.</p>
<p>7. Are some issues confined to particular industry sectors, crane classes or geographical areas (e.g., regional and urban areas)?</p> <p>Residential construction and vehicle loading due to environment, information, training, instruction and plant maintenance issues.</p>
<p>8. Which crane licence issues are most important to you? Why?</p> <p>The vehicle loading crane licence is important as the activity occurs outside of a controlled environment, we have seen several dropped loads with at least one leading to a serious injury.</p>
<p>9. How much of an impact have these issues had—or will they have—on you, your workplace, and your work?</p> <p>N/A</p>
<p>10. What could we do to make crane licensing work better? How would that ensure the health and safety of workers and others at the workplace?</p> <p>Tighten the VOC requirements to ensure operators maintain skills, specifically when changing between types of equipment.</p>
<p>Slewing mobile cranes</p>
<p>11. How well do the slewing mobile crane licence classes reflect the capabilities of current cranes and how they are used? Why?</p> <p>Consideration should be given to the on-road use of slewing mobile cranes (i.e. driving to and from site). These vehicles are difficult to drive and a component of the training should be competence in on-road use. This matter has been raised by Qld as a result of a coroner's recommendation.</p>
<p>12. What are the risks to safety resulting from the current licensing of slewing mobile cranes?</p> <p>a. What changes to the model WHS Regulations could be made to manage these risks? How would this ensure the health and safety of workers and others at the workplace?</p> <p>b. Are there any other ways these risks could be managed?</p>
<p>13. How much of an impact has this had on you, your workplace, or your work?</p>
<p>14. How will this change as technology, work practices, and environments evolve?</p>
<p>Cranes not covered by the current licensing scheme</p>

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15. What are the common WHS issues associated with using cranes that do not require a HRW licence?

Competency of operator, there is nothing in place to measure this against outside of the VET process and no real control over who verifies the competency.

Consideration should be given as to whether the current slewing mobile crane licence classes best reflect the modern fleet, in terms of lifting capacity. Specifically, the Slewing mobile crane with a capacity up to 100 tonne and Slewing mobile crane with a capacity over 100 tonnes should be increased to reflect changes in the lifting capacity.

16. How much of an impact have these issues had—or will they have—on you, your workplace, and your work? Does this create safety risks and, if so, what are they?**17. Should the cranes listed above (or any other cranes not included in the model WHS Regulations) require a licence to operate? How would that ensure the health and safety of workers and others at the workplace?****18. What other approaches could be taken besides requiring a licence, and how would those approaches ensure the health and safety of operators and others at the workplace?****Encompassment****19. How well is the ‘encompassment’ of mobile crane licences working and why? What impact, if any, does this have on workplace safety?**

The characteristics of cranes change, even as you reduce the safe working limit and engineering controls built into the plant.

The concept of encompassment should be reviewed, and consideration given to the inclusion of experience requirements/provisions before a crane operator can move up the licence weight classes of crane operation.

Also, at a minimum, non-slewing mobile crane, vehicle loading crane and reach stackers should not be included in mobile crane encompassment – the operation of these items of plant are considerably different to the operation of slewing mobile cranes.

20. What are the risks to safety resulting from the current crane licence ‘encompassment’?

- a. **What changes to the model WHS Regulations could be made to manage these risks? How would this ensure the health and safety of workers and others at the workplace?**

Type certification and stringent VOC requirements.

- b. **Are there any other ways these risks could be managed?**

21. How much of an impact has licence ‘encompassment’ had on you, your workplace, or your work?

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22. How will this change as technology, work practices, and environments evolve?

Training of crane operators in dogging work

23. Noting that the training packages for most crane licences have recently changed to include competencies related to dogging, how well do the current arrangements for dogging of crane loads work and why? Are they improving or likely to improve safety outcomes?

There still needs to something built into the system that defines the transfer point of accountability.

24. What are the risks to safety resulting from the current training requirements for crane operators in relation to dogging competencies?

- a. What changes to the model WHS Regulations could be made to manage these risks? How would this ensure the health and safety of workers and others at the workplace?**

A regulation that forces the requirement to comply with section 46 of the Act so that there is consultation with other duty holders (workers) when transferring high risk work tasks between those duty holders.

- b. Are there any other ways these risks could be managed?**

25. How much of an impact has this had on you, your workplace, or your work?

26. How will this change as technology, work practices, and environments evolve?

Rigging licences

27. How well do the rigging licence classes and definitions in the model WHS Regulations reflect the capabilities of current crane and rigging activities? Why?

28. How will this change as technology, work practices, and environments evolve?

29. How much of an impact has this had—or will this have—on you, your workplace, and your work? Does it create safety risks and, if so, what are they?

30. What could we do to make licensing for rigging work better? How could the model WHS Regulations be changed and how would that ensure the health and safety of workers and others at the workplace? Are there other ways?

Telehandlers

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31. How well are the current jurisdictional arrangements for telehandlers working and why? Are they improving safety outcomes? Is a national approach needed?

Due to the fork, jib and platform attachments, there should be a standalone telehandler high risk work licence. Currently, WHS authorities require workers performing these high risk telehandler operations to hold HRW licences for other powered mobile plant, such as an elevating work platform (EWP) licence for work platform attachments, or a non-slewing mobile crane licence to operate a non-slewing telehandler as a crane. These are vastly different types of plant and an operator should be trained and licenced in telehandler operation, at a minimum, in fork, jib and platform attachments.

32. What are the risks to safety resulting from the current arrangements for telehandlers?

- a. What changes to the model WHS Regulations could be made to manage these risks? How would this ensure the health and safety of workers and others at the workplace?
- b. Are there any other ways these risks could be managed?

33. How much of an impact has this had on you, your workplace, or your work?**34. How will this change as technology, work practices, and environments evolve?****Definition of crane****35. How well does the current definition of a 'crane' reflect the capabilities of current cranes and how they are used? Why?**

To ensure clarity the definition of crane needs to be revised to reflect the Australian Standard definition of freely suspended load.

36. How will this change as technology, work practices, and environments evolve?**37. How much of an impact has this had—or will this have—on you, your workplace, and your work? Does it create safety risks and, if so, what are they?****38. What changes could be made to improve the definition? How would this ensure the health and safety of workers and others at the workplace?****39. Are there other cranes for which the definitions in the model WHS laws cause issues or problems? If so, please provide details.****Definition of tower crane****40. How well does the current definition of a tower crane reflect the capabilities of current cranes and how they are used? Why?****41. How will this change as technology, work practices, and environments evolve?**

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42. How much of an impact has this had—or will this have—on you, your workplace, and your work? Does it create safety risks and, if so, what are they?
43. What changes could be made to improve the definition? How would this ensure the health and safety of workers and others at the workplace?
Definition of vehicle loading crane
44. How well does the current definition of a vehicle loading crane reflect the capabilities of current cranes and how they are used? Why?
45. How will this change as technology, work practices, and environments evolve?
46. How much of an impact has this had—or will this have—on you, your workplace, and your work? Does it create safety risks and, if so, what are they?
47. What changes could be made to improve the definition? How would this ensure the health and safety of workers and others at the workplace?
The definition of vehicle loading crane needs to be modernised to better reflect its scope of operation. They are now not only used to load and unload the vehicle they are attached to ... they are sometimes called to lift objects from the ground to put in place in elevated positions.
Definition of HRW using a bridge and gantry crane
48. How well does the current definition of HRW using a bridge and gantry crane reflect the capabilities of current cranes and how they are used? Why?
49. How will this change as technology, work practices, and environments evolve?
50. How much of an impact has this had—or will this have—on you, your workplace, and your work? Does it create safety risks and, if so, what are they?
51. What changes could be made to improve the definition? How would this ensure the health and safety of workers and others at the workplace?
Additional issues
52. Are there other issues related to crane licensing under the model WHS laws?