



2018 Review of Australian Model WHS Act

Submission by Agricultural Shows of Australia (ASA)

Attention: Independent reviewer Marie Boland

Introduction

Agricultural Shows Australia (ASA) appreciates the opportunity to submit a paper for consideration in the upcoming review of the Model Work, Health and Safety (WHS) Act. ASA submits comment in relation to adopting a national risk management approach for amusement devices that mirrors aspects of the current and proposed Queensland Regulations and specific recommendations.

Challenges and Improvements

ASA is the representative body for agricultural show societies in Australia. Most of these Societies contract transportable amusement devices at public events. The devices tend to travel the eastern seaboard and operate across the State Show circuit. Irregularities between the State laws, result in a number of risk issues, identified below.

National Disclosure of Prohibition or Improvement Notices

Show societies request evidence of device safety performance as a pre-qualification to engagement. One measure is a request for current and historical Statutory Notices issued by State Regulators. Some States, for example Queensland will cross reference this advice with the National Register of Notices, maintained by the local Regulator. The Regulator acknowledges that the register, intended to be a national recording tool, is incomplete, with delays in reporting or non-disclosure of interState issued notices.

The lack of uniformity creates the potential for a device to be subject of an improvement or prohibition notice in one State and travel or potentially operate in another without declaration or remedy of the safety matter.

Consistent with the *Best Practice Review of Workplace Health and Safety Queensland*, ASA supports the recommendation to ensure statutory notices are recorded in the amusement device logbook and made available to the competent person inspecting the amusement device. Furthermore, ASA advocates for a complete and mandatory National Register of Notices across State jurisdictions.

Recommendation 1: The development of a national database to be shared across jurisdictions, with mandatory reporting of Notices or other enforcement activity by the State Regulators.

Uniformity in Plant Design and Plant Registration Requirements

Variation in the State requirements for plant design registration creates a safety risk and administrative burden on the various Show societies. There is currently no single, uniform requirement for design and plant registration across the States. Some jurisdictions, until recently, have allowed for the application of 'grandfather clauses' excluding older rides from design verification by the Regulator.

ASA submits that a Regulatory process intended to verify the design of high risk plant in accordance with certain technical standards, including critical safety controls, should be uniformly applied at a national level. With the current industry approach toward adoption of a common technical standard this may be more achievable.

Recommendation 2: The development of a common Regulatory process to verify the design of high risk plant.

Mandatory Major Inspections of Amusement Devices, by Competent Persons

ASA supports the phased introduction of mandatory major inspections of amusement devices at prescribed intervals. Show Representatives are currently participating in stakeholder consultation forums convened by the Office of Industrial Relations (Qld). ASA foresees that a failure to adopt a national regulation may have the unintended consequence of reduced safety and maintenance standards of rides operating in States where the requirement is absent.

In addition, a national communication of critical safety issues identified as part of major inspections or mandatory reporting of critical incidents across the industry, may contribute to an overall increase in safety standards. Currently, alerts covering such matters are issued by individual State Regulators and shared via informal networks.

Recommendation 3: The mandatory major inspection of amusement devices nationally consistent at prescribed intervals.

Recommendation 4: Mandatory, national reporting of critical incidents and critical defects associated with devices.

Competent Persons are nominated to Operate Specified Amusement Devices

Finally ASA supports minimum competency for operators of amusement devices as per other high risk plant training regimes. Acknowledging that safe operating behaviours and emergency response are a key part of risk mitigation, it is preferable to have prescribed, minimum operator knowledge and a system that allows for reliable evidence of competency.

Recommendation 5: Implement nationally a framework for minimum competency for operators and mandatory requirement to have evidence of training and instruction available to third parties.

Conclusion

ASA formally submits the above recommendations in support of a nationally consistent legal framework for amusement devices and does so in the interest of continued public safety at major events.

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