

10 April 2018

Dear Ms Boland

RE: 2018 Review of the model WHS laws

Thank you for the opportunity to provide comment in response to the discussion paper prepared for the first review of the WHS laws.

Introducing CICA

The Crane Industry Council of Australia (CICA) is the national peak body for the crane industry in Australia. CICA represents over 600-member companies that are comprised of crane company owners, original equipment manufacturers, rigging equipment retailers, CraneSafe Assessors, and other industry service providers. CICA has branches that operate in each state or territory.

CICA Mission: The Authority for the Crane Industry

CICA members have actively volunteered time and resources to work with Safe Work Australia representatives to improve the safety of the construction and resource industry through industry guidance notes, training programs, and review of existing Codes of Practice.

Response to Question 9: Are there any remaining, emerging or re-emerging work health and safety hazards or risks that are not effectively covered by the model WHS legislation?

Recommendations

1. Revise WHS Reg definitions for HRW activities, particularly dogging and rigging.

The WHS Reg calls out HRW activities that pertain to dated crane technology. For example, requiring an intermediate rigging licence to change the crane configuration is interpreted as necessary when changing the hook block. However, this is a legacy requirement when cranes didn't have hydraulic booms and the only way to change the crane configuration was to add lattice sections to increase boom length.

Furthermore, the increase in precast and tilt-up applications is not reflected in appropriate licence levels. It isn't mentioned at all and therefore isn't included in any units of competency in the current HRW licences.

Current HRW licences for crane operators allow for operation of multiple crane types based on the crane lifting capacity. This is also a legacy issue when the range of cranes was quite limited whereas cranes operating in Australia today have a range of 3 tonne to 1200 tonne lifting capacity. The licence hierarchy should not be based solely on capacity, but rather for operation of cranes that have unique operation requirements.

- 2. Introduce trade certificate pathway into the Crane Industry via traineeship or apprenticeship requirement in HRW instead of a licence to increase knowledge of the broader construction industry and work experience prior to operating independently.**

In the 2015 SWA Study, Work Health and Safety Perceptions: Construction Industry the following was noted:

- 75% of construction works said they would accept some degree of risk taking if the schedule was tight.
- 49% of workers said that their workplace does not suit people who were overly concerned about being injured.

Current culture needs to change in industry and a key way to make this change is to adjust how new workers enter the industry. Current practice for cranes is to obtain a high risk work licence in dogging, rigging or crane operations. These courses are completed, on average, in 3 days. Most do not require any prior work experience. Training requirements to become a certified hairstylist is more onerous than operating mobile plant on a construction site in a CBD or near live traffic – rail or vehicle.

In 2016 the Strategic Industry Audit of Units of Competency was published by the WA Training Accreditation Council. The key need identified by industry was experience before obtaining a HRW licence. 55% of RTOs issuing HRW licences were found to be deficient in completing assessments that complied with the assessment requirements. Industry employers were surveyed and 70% of employers were not confident that the licence holder was not competent for a basic licence course.

Improving the requirements of workers in the crane industry by way of a traineeship curriculum will broaden the knowledge of workers to a wider range of variables that affect safe operations at a work place. An unintended benefit of introducing the traineeship can be a shift in culture that creates a way for workplace experience to be completed throughout the training program. As a result of a traineeship, a trade qualification is obtained that is internationally recognised the same way plumbers, electricians and carpenters are recognised.

Previously, Australia lead the world with crane industry competency training. Now the EU and OSHA (US) are recognising and developing crane industry competency training and assessment that surpasses the path that Australia is on.

- 3. Consider increasing the role and authority of Industry Associations (e.g. MBA, CCF, EWPA, PFSF and CICA) in providing guidance or recognised programs that improve safe operation of mobile plant.**

Industry Associations can move more nimbly to address emerging issues that are trending in the work place. The rate of change that is occurring with equipment design and operation are not often reflected in the review cycle of Regulations, Codes of Practice, or Standards. In many instances historic regulatory burdens are imposed on

industry for the sake of compliance rather than current best practice, e.g. 2006 QLD Mobile Crane Code of Practice and 2002 Australian Standards.

As industry guidance does not have the same status for compliance as regulation, the lag in regulatory revision contradicts modernisation attempts by industry to reflect the latest best practices in design and use, e.g. modern control systems are modified locally from the original equipment design to retrofit historic requirements that mislead the operator.

Respectfully, Regulators are no longer the gatekeepers of industry best practice. Due to the diverse workload in many of the engineering services departments of each of the WHS Regulators, SMEs are rare. Anecdotally, it appears that many departments are in a stage of building / re-building their workforce as a generation of experts are retiring. Reputable Industry Associations can provide governance if given the authority for the industry.

As the national peak industry body for the crane industry, CICA looks forward to hearing from you on what changes can be made to the current laws to improve safety in high risk work areas and how CICA can be further engaged in the discussion and decisions that affect the safety of the crane industry.

Sincerely,
Brandon Hitch
CICA CEO