

**The Australian Industry Group (Ai Group)
National Coverage**

Model Work Health and Safety Codes of Practice - Public Comment Response Form

General comments

1) First Aid in the Workplace

Comments due by Friday, 18 November 2011

Comments: (Please include section/page numbers).

Page 4: Section 1.1 – Officer obligations

It is stated that an officer “should ensure that there are adequate arrangements in place for providing and accessing first aid equipment”. This would appear to be requiring an officer to get more involved in the day to day “nitty gritty” than would generally be expected in relation to their overall due diligence duties.

Page 5: Consulting your workers

The explanation of consultation does not include all of the required steps; this should be revised.

Reference to defibrillators should not be included in the first dot point under consultation; the sentence should end after equipment. Information about defibrillators should be separate.

Page 6: Section 2.1

In the introductory paragraph, it is stated that kitchens have a greater risk of injury. For clarity this should be a reference to a commercial kitchen; this will avoid confusion with the kitchen in an office or factory.

Page 6: Table 1

Extreme temperatures – heat can cause burns, heat stress and fatigue; these are two different types of heat risk and two different types of treatment requirements – extreme heat will lead to heat stress; hot surfaces and hot materials that could cause burns.

Radiation – ultra violet radiation is a very different risk, and first aid need, to the other radiation risks; they should not be put together

“Information from any risk assessments” Should be reworded to “information obtained whilst determining risk controls”

The reference to safety data sheets, should include the requirement for a PCBU to have an up to date SDS, not just that others are required to supply them if requested.

Page 7: Multiple times

There is reference to the location of “first aid facilities” being located centrally and first aid kits in each work area. It is not clear how this links to the wording in the regulations in relation to the requirement to have access to “facilities for the administration of first aid”. It may be beneficial to include a description of what is meant by facilities, kits, equipment early in the code.

Reference is made to the provision of first aid kits in cars, but there is no guidance on when and how this would be appropriate. If this reference remains guidance should also be provided as to when it is considered necessary to have car first aid kits; what they should include; what training is required; and who has the responsibility for keeping them up to date.

Page 7: Section 2.3

It is stated that “generally a larger workforce requires more first aid resources”. This should be clarified to deal with easy access in a large workplace, rather than related to a large workforce. The current wording implies that multiple first aid treatments will be occurring at any one time. If this was the case, the organisation should be addressing its risks rather than nominating more first aiders.

Reference is made to the “likelihood of your workers being injured or ill”. Should this be reworded to suffering an injury or becoming ill at work?

The Australian Industry Group (Ai Group) National Coverage

It is stated that “additional hours of work heightens fatigue”, this should be reworded as “may heighten fatigue”

In relation to first aid, it is unclear what special requirements there might be related to younger/older workers, trainees and workers who are pregnant

Page 8:

Introductory paragraphs refer, on multiple occasions, to immediate medical attention – this should be first aid treatment.

Again there is reference to kitchens, this should be reworded to commercial kitchens

Page 8: Section 3.1

Paragraph 2 refers to a risk assessment – there may be a better way to determine the first aid needs.

Paragraph 2 has an unfortunate connection (probably unintentionally) between compressed air and spraying/hosing. This needs to be addressed as the codes should not imply that using compressed air for spraying or hosing is an appropriate work practice.

Page 8: Design of kits

It is not clear why the kits should be portable. In many workplaces a fixed first aid kit which cannot be lost is much more preferable.

Page 9: Section 3.3

There is reference to considering automatic defibrillators. But there is no guidance as to when this might be appropriate. Eye washes and shower facilities are included as a subset of section 3.4, when really they are a subset of first aid equipment (section 3.3), not first aid facilities.

Page 9: Section 3.4

This section does not clearly explain **why** you would need first aid facilities, rather than first aid kits. Nor does it explain why you would need to use a “a rest area within the workplace” if you determined that first aid facilities were not needed.

It is suggested that a first aid room would be appropriate for low risk workplaces with more than 200 workers. It is not clear why this would be the case. The need for a first aid facility should be determined by risk, not number of workers.

Page 10: Section 3.4

It is stated that “a first aid room should be the responsibility of a trained first aider ...” It should be clear that the responsibility for the first aid room rests with the PCBU, but that a trained first aid should be allocated the task of maintaining the first aid room.

Page 10: Medical Centres

It is not clear why the code is covering detailed information on the topic of medical centres. These are beyond first aid facilities and the code should only say that where this is a medical centre it may be appropriate for first aid treatment to be provided at this location.

Page 11 and 12: Training of First Aiders

We strongly support the adoption of “basic first aid” for low risk workplaces. This is a much better approach than requiring a higher level of qualification which will generally result in less first aiders being trained.

Page 12: Five step guide

Step 2: As the 2 metre threshold for falls no longer applies in the regulations, it would be more appropriate to use a broader definition of a fall risk, such as a risk of a fall which could result in a serious injury.

The Australian Industry Group (Ai Group) National Coverage

Step 3: When using the example of high risk workplaces in remote areas, the focus should be on both the number and level of first aider.

Step 4: Continued on page 13 – reference is made to the car being the workplace and the subsequent statement that it may not be necessary to have a first aider available at all times. We support this statement, but it is inconsistent with an earlier reference to having first aid kits in cars.

Page 14: Procedures and plans for managing an emergency

Paragraph 4 talks about emergency procedures specifying that first aiders must work within their expertise. This should be included in a more prominent location in the code. It is a crucial part of establishing first aid procedures.

Page 15: Section 4

Dotpoint 1 in the introductory section refers to first aid “accountabilities”; this should be changed to responsibilities.

Appendix A

We support the concept of a flow chart to illustrate the process of identifying first aid needs. However, this flow chart requires some fine-tuning, particularly in Step 2. The references to hazards and risks should refer to hazards and risks that may result in the need for first aid. Many of the hazards and risks in the workplace will not result in a need for first aid – e.g. psychological risk and noise

Appendix B

The list is very prescriptive and should not be included in the code. If it remains, it must only be an appendix. The introductory sentence states “for most workplaces, a first aid kit should include the following items The list then includes: plastic bags for amputated body parts; eye pads; clean running water; emergency rescue blanket. None of these are necessary for low risk workplaces.

The remote module. The inclusion of a whistle appears to be inconsistent with other requirements for effective communication. If this is appropriate, it may be worth a cross reference to the general requirements for remote and isolated work.

Appendix C

Standard Precautions

Historically this approach has been described as “universal precautions”. Consider changing the “descriptor”.

Needles and syringes

It is not clear why guidance for first aiders should include reference to needles and syringes.

If this section remains, changes need to be made in relation to seeking medical advice. The Code currently states “they [first aiders] should seek prompt medical advice”. This should be modified to “the PCBU should have systems in place for reporting and referring the first aider for medical advice

Impacts: Do you anticipate any potential costs or safety benefits of complying with this code that are different to current requirements in your jurisdiction? If so what are they?

2) Managing Risks in Construction Work

Comments due by Friday, 18 November 2011

Comments: (Please include section/page numbers).

General

It is our understanding that this Code of Practice is intended to cover the full range of issues that need to be considered during construction work; it is also our understanding that this approach has been adopted in response to a specific request from the construction industry to do so.

However, we are concerned that this 78 page Code of Practice provides abbreviated information in relation to issues that are covered in other Codes, and in some circumstances in Regulations that do not have a specific Code to support them (i.e. High Risk Work Licensing).

This will mean that either:

- Construction workplaces will think that this Code is the extent of their reference material (in spite of there being reference to other Codes within this Code); or
- Construction workplaces will need to refer to this Code and all the other relevant codes, creating duplication and lack of clarity.

It may be more appropriate to include, in appendices, specific examples of hazards, risks and control measures for hazardous manual tasks, hazardous chemicals etc that are common place in the construction industry. The Code could then refer to the more detailed Codes on that topic for more information about obligations and general requirements under the other regulations / codes.

In various locations within the Code there is reference to contractors, subcontractors and workers. This implies that contractors and subcontractors are not workers. If there is a need to specifically mention them it should be as: workers (including contractors and subcontractors).

The general layout and content of the Code, particularly in relation to “controlling risks in construction work”, appears to be a bit haphazard.

- within the body of the Code information is provided on only some of the work that is “high risk construction work”. It would seem that it would be helpful to cover all of the categories of high risk construction work, especially those that do not have their own Regulation or Code of Practice.
- the order of appearance within section 8 does not appear to have a logical flow
 - public access and security is a specific requirement of the construction regulations but sits at 8.8;
 - traffic management relates to a high risk work category, (which is not addressed in a regulation/code) and is located at 8.2.

This section could be better structured as:

- Other specific requirements of the construction regulations
- Managing high risk construction work (and could utilise some of the information in the Appendix), with reference to the requirement to refer to additional Regulations and Codes (rather than the current reference to further guidance in other codes)
- Managing other regulated risk – hazardous manual tasks, noise
- Managing other risks in construction work – steel construction and concrete placing

Page 5: Introduction

The first part of the introduction section is actually a list of key definitions used in the Regulations. This needs an introductory statement such as, “a number of key terminologies are utilised in the Regulations and in the Code – the following are extracts from the Construction Regulations.”

Page 6: Who has duties relating to construction work?

It may be helpful to identify, in an introductory paragraph that there are many PCBUs who have obligations in relation to construction work. It would also be helpful, we think, to group the duty holders according to those who are involved in managing the construction work in one group and those who influence the work (designers and those who commission) in a separate group. The current structure follows the order of: two PCBUs involved in the workplace; the PCBU who commissions; the PCBU who designs; then the principal

The Australian Industry Group (Ai Group) National Coverage

contractor; and finally contractors and subcontractors. This is very confusing, and inconsistent with the order in the regulations.

In relation to the general PCBU duty, we would suggest shortening the reference to SWMS at this point and removing all the dot points.

Reference to “the person with management or control...” must clearly identify that this is a PCBU with management or control

Page 7: PCBU who commissions work

Here, and also on page nine, the PCBU who commissions work is referred to as the client. Whilst it might be appropriate to have one reference of this for clarity, it is not appropriate to adopt this terminology which is not used in the Regulations.

Page 8: Principal contractor

We acknowledge that “construction project” is defined in the regulations, with this definition repeated in the introduction to the Code. However, we think it is of value to have a short cross-reference at this point (and in some later locations) for the purposes of clarity. This could be achieved by saying “where a construction project exists (i.e. construction work valued at \$250 000 or more)...”

Page 9: Principal contractor

In the paragraph at the top of the page it is stated “unless the client [sic] engages another party to be the principal contractor, they are the principal contractor”. This makes no sense, as the use of the term “client” can only have relevance if they engage someone to act on their behalf.

Second paragraph – it is stated that in relation to the owner of residential premises.... the person engaged to carry out a construction project is the principal contractor if they have management and control of the workplace. This does not address the question of “who is” the principal contractor if the home owner engages contractors who do not have management or control of the workplace.

Rather than list all the duties of the principal contractor we believe it would be more appropriate to have a single paragraph generally describing their role. More detail is covered later and, at the moment, is quite repetitive.

Page 9 & 10: Contractor and subcontractor

These terminologies are not “duty holders” in the Act. They should be included as subsets of the overarching PCBU, which would link well with our earlier comment about there being multiple PCBUs on a construction site.

Page 10: Section 1.3

The legislation box refers to the hierarchy of controls (c), but the hierarchy is not described until page 13. The regulations do not directly refer to the terminology “hierarchy of controls” so it should not be used as a summary in the legislation box. The reference should use the terminologies from the regulations.

Page 10 & 11: Consulting, cooperating, coordinating

This section should be describing the obligation to consult, cooperate and coordinate and how this would occur on a construction workplace. Instead it just describes that three PCBUs have obligations. Further work is needed on this section.

Further the duties as described imply that the demolition and concreting contractors only need to worry about the “workers” undertaking that work. The primary duty and the obligations to consult, cooperate and coordinate recognise that these contractors will need to consider the health and safety of other persons who may be on the site at the same time. This information is misleading.

Page 11: Consulting with workers.

The paragraph that starts with “in addition to health and safety representatives...” should be turned around to emphasise that the overarching obligation is to consult with workers and that HSRs must be included in the consultation if they exist.

The Australian Industry Group (Ai Group) National Coverage

Page 12: Identifying hazards

It is unclear why there is a reference to “an authoritative source” in the last dot point before section 2.2

Page 13: Control the risks

The presentation of the information around substitution, isolation and engineering controls implies that they are at three different levels in the hierarchy, when the regulations present them as controls with equal status. This should be amended.

Page 13 & 14: Administrative controls and PPE

There is good information in the PPE section that states that PPE is unreliable; a similar statement should be included in the section on administrative controls.

Further, in the section on PPE, there is reference to a need to “provide workers with long sleeved shirts and trousers....” We do not see long sleeved shirts and trousers to be PPE that must be provided by a PCBU

Safe Work Method Statements

Page 16

It would be helpful to cross reference to section 1 for the definition of high risk construction work.

The paragraph that states the SWMS must be clearly set out, easy to understand and readily accessible is very important – it needs the additional words from the regulation “to the persons who use it”. Any further information that can clarify the importance of this provision would be helpful to address the very complex SWMS that can be required on some construction projects.

The first sentence in the next paragraph is superfluous and may confuse matters; the same applies to the reference to larger organisations integrating SWMS into their management system.

This section needs to be kept very simple and to highlight the primary purpose of a SWMS which is to enable the workers and their supervisor to understand the requirements that have been established to do the high risk work safely.

Second last paragraph – clarity needs to be provided as to which “they” is being referred to; we presume it is the workers, but it is not clear.

Page 17

The paragraph that commences “in the above example” only outlines the obligation for the duty holders to consult; there should also be reference to cooperation and coordination

Page 17 & 18: Preparing a SWMS

In many situations a “standard” SWMS will have been developed over many years with significant consultation with, and input from, workers. In these situations, a standard SWMS would be taken to the workers for consultation about any specific issues that need to be considered in relation to this application of the SWMS. We have received feedback from construction companies that this approach is not always recognised by principal contractors who require them to basically “reinvent the wheel” and demonstrate consultation with the specific workers who are to undertake the task prior to the discussions on the job. It would be helpful if the Code could reflect that the practice outlined above is a legitimate, effective and efficient approach to work that is largely repetitive, with only minor tweaks needed in rare circumstances for individual sites.

Page 18: Complying with a SWMS

The regulations state that if work ceases due to non-compliance, work can only resume in accordance with the statement. This is reflected in the second paragraph in this section. Ai Group raised concerns about this wording during public comment on the regulations and also during discussions at SIG-OHS. The concern is that the provision may be read as meaning that there is no opportunity to review and modify the SWMS if, after stopping the work, it is identified that the SWMS is either not practical, or there is a safe way to do the work. We were assured that this review process is clearly “implied” in the regulations. As this may

The Australian Industry Group (Ai Group) National Coverage

be a contentious issue in construction workplaces, we are seeking clarification in the Code that it may be appropriate, after investigating the reasons for non-compliance with the SWMS, to make amendments to the SWMS to address any concerns about the practical application of the SWMS and/or to improve the SWMS to increase health and safety.

Page 19: Reviewing a SWMS

Reference is made to consulting with workers and their health and safety representatives; this should be a reference to workers who may be affected by the operation of the SWMS and HSRs who represent that work group.

WHS management plans

Page 21

It would be helpful to have a small reference to the definition of a construction project, just in brackets (construction work costing \$250 000 or more).

Section 4.1

The last sentence in the first paragraph does not add any value and may confuse things.

Section 4.3

Second paragraph needs some grammatical corrections.

Licences

Page 23

This is a quite lengthy list of license requirements for high risk work, and may lead the reader to think that these are the only ones that apply to construction work. It may be better to just focus on the reference to the schedule, or to list all work that requires high risk licensing.

Page 24

Explosives: there needs to be a reference to “who controls” explosive licensing – such as what is included in relation to demolition and trades.

Information, training, instruction and supervision

Page 25

If a section on information, training and instruction is going to be included, reference should be made to the requirements of regulation 39 which requires it to be suitable, adequate and readily understandable.

General construction induction training

The third paragraph provides a list of person who will “undertake construction work”; the list includes an architect. It would appear more appropriate for them to be in the “other people who might visit the site” category.

Page 26

Last paragraph before 6.2. It is stated that “the certificate is only valid for 60 days”. This is not consistent with regulation 319(8) which extends the life of the certificate if the worker is waiting on the regulator to issue the induction card.

Page 26: Workplace specific training

The first sentence in the second paragraph implies that “workers” and “other persons” have the same need for workplace specific training. This should be reworded

Within the dotpoints:

- Reference to issues and disputes should be replaced with a reference to the issue resolution

The Australian Industry Group (Ai Group) National Coverage

- procedure; there should be no mention of disputes
- Workers compensation arrangements are an HR issue that should be covered through whichever processes are dealt with for pays, leave etc. They should not be included in safety training.

Section 6.3

The intent of “other training *can* be provided ...” is unclear.

The intention of the first paragraph on page 27 is unclear, and needs to be reworded.

Page 27: Section 6.4

First paragraph – “adequate supervision must be provided, particularly where workers are unfamiliar with the site or the nature of the work” is misleading. “Adequate” must always take into account the circumstances; it may be more appropriate to say “adequate supervision must be provided, taking into account

The last sentence should refer to policies and procedures, including SWMS; not just SWMS.

Facilities and the work environment

Page 28

The introductory paragraph states that the principal contractor for a construction project “can be responsible for putting these arrangements in place”. It is our view that the correct interpretation of the law is that they “are responsible” as outlined in regulation 314 (once it is amended to reflect the relocation of these provisions from Part 2.2 to Part 3.2)

Page 30: Work areas

The order of the controls outlined in the first paragraph should be changed to align with the hierarchy

Page 31: Remote and isolated work

In this section there is reference to circumstances where the person is unable to get immediate assistance to perform a task. This is not the purpose of the remote and isolated work provisions.

Falls and falling objects

This section of the Code is very difficult to follow. There is a legislation box for falling objects, but not for falls. Information in the third paragraph highlights “work at heights” or open excavations but does not cover the broader obligations in relation to falls from one level to another. After the first four paragraphs you think the section on falls has been completed, but then further references to falls occur later in the section.

The second set of dot points on page 33 allocate the type of control measure (in brackets), but there is no reference to what these mean or their context in relation to the legislation. In fact, the descriptions are those that apply to the prescribed falls control measures, but they are being applied to falling object risks.

The last two paragraphs on page 33, just repeat what was in the earlier dot points on the same page.

On page 34 there is reference to “proprietary systems”. This is unlikely to be understood by the average reader; alternative words should be used.

On page 35, in relation to exclusion zones, there is reference to “direct supervision”. This is not appropriate, as it has a specific meaning in other parts of the regulations.

Hazardous manual tasks

On page 39 there is reference to the manual tasks risks associated with work on ladders. This is not appropriate; in other Codes the use of ladders is recommended only for the purpose of access, not for working from.

Hazardous chemicals

On page 40, reference is made to “assessed and controlled”; a similar reference to assessment is made in relation to contaminated materials on page 41. The regulations do not require an assessment of hazardous

The Australian Industry Group (Ai Group) National Coverage

chemical risks.

On page 41 the paragraph that commences “the principal contractor and/or the construction contractor...” This introduces another new duty holder who is not referred to in the Act – should this be “the PCBU with management or control of the workplace, which in the case of a construction project will be the principal contractor...”

Further, in the same paragraph it is stated that this duty holder must inform “all workers of the presence of hazardous materials or chemicals, as well as the measures for controlling exposure and safe disposal.” This appears to be a far broader obligation than that established under the hazardous chemicals regulations.

Last dot point on page 41 – limiting exposures to dust is what is trying to be achieved by all of the other dot points, it does not make sense to list it as a separate item. Further it is not clear why these control measures have been singled out for different treatment from other hazardous chemicals. It is noted that another section on ignition sources is included on page 44; it is unclear why these two references have been separated.

The section on hazardous atmospheres, on page 42, is incomplete, not referring specifically to the obligation to control ignition sources, but referring to it only tangentially. It is also unclear why hazardous atmospheres are included in the hazardous substances section of this Code when the relevant regulations are in general workplace management. A similar comment is made in relation to combustible materials that are covered on page 43 of the Code.

Page 44: Dust

The first sentence has a typo that needs correction. We believe silicosis should be silica.

Page 44 to 46: Asbestos

It is stated that any construction work involving asbestos requires a SWMS, which includes a copy of the asbestos register. In some workplaces this could be a very large document. Would it be more appropriate to state that it must include relevant information from the asbestos registers, e.g. pages 45 and 46 which cover the area in and around which the work will be undertaken.

This section seems to be trying to abbreviate too much information into a very small part of the Code.

Page 46 to 47: Confined Spaces

This section seems to be trying to abbreviate too much information into a very small part of the Code. Further it is stated that a SWMS is required for any work that “involves a confined space”. The regulation actually states that it is any work in or near a confined space. This is an important variation that needs to be fixed

Page 47 to 48: Plant operating near overhead electric lines

The heading needs to be changed to make it clear that relevant regulations apply to both overhead and underground electric lines.

Page 49: Guarding of plant

It is stated that guards should be used “wherever practical”. This is not appropriate terminology for the code; it should be so far as is reasonably practicable. Plant guarding, and in particular the hierarchy, are presented in detail in the plant regulations. These requirements should be at least referred to in this Code.

Page 50 to 51: Noise

The second sentence of the second paragraph needs some further work for clarity.

Examples of noise control measures: “flexible working hours” should really be about scheduling of work to minimise exposure.

Page 51: Steel construction

This section introduces another reference to managing fall risks. The issues highlighted do not appear to be restricted to work involving steel construction.

**The Australian Industry Group (Ai Group)
National Coverage****Appendix F**

The information in this appendix is very helpful and may be more appropriate in the body of the document, replacing some of the currently highly abbreviated information on these topics.

Impacts: Do you anticipate any potential costs or safety benefits of complying with this code that are different to current requirements in your jurisdiction? If so what are they?

3) Preventing Falls in Housing Construction

Comments due by Friday, 18 November 2011

Comments: (Please include section/page numbers).

Impacts: Do you anticipate any potential costs or safety benefits of complying with this code that are different to current requirements in your jurisdiction? If so what are they?

4) Managing Electrical Risks in the Workplace

Comments due by Friday, 18 November 2011

Comments: (Please include section/page numbers).

Page 5: Scope and application

It would be helpful to take a few more words to define/describe extra-low voltage

It is stated that work on overhead and underground electrical is not covered by this code. It would be helpful to identify where readers can find information on these issues.

Page 7: Section 1.3

The legislation box refers to the hierarchy of controls (c), but the hierarchy is not described until page 10. The regulations do not directly refer to the terminology "hierarchy of controls" so it should not be used as a summary in the legislation box. The reference should use the terminologies from the regulations.

Should reference also be made to the specific control measures of inspection and testing, RCDs and prescribed processes for live electrical work?

Page 7: Consultation

Incomplete description of the consultation obligation.

Page 8: Consult, cooperate and coordinate

The example only describes consultation, not the other requirements.

Page 9: Identify the hazards

In the first set of dot points, the last dot point refers to electric overhead lines and underground electric services; but the scope says this code does not cover these activities.

It is not clear why the code refers to exposure to electromagnetic fields. This should be removed, as it is not relevant to the regulation, is not in context, and no other information is provided about this in the code.

Page 12: Specific hazards

The second dot point tells the reader what "not to do" if the circuit keeps overloading, but should also advise what to do instead

Page 12: Unsafe electrical equipment ...

In the second paragraph, reference to "tested, repaired or replaced" should just be a reference to "repaired or replaced".

Page 12: Inspecting ...

First paragraph – "in many cases more than 90 percent of electrical defects are detectable .." is a really odd sentence, with two qualifiers – only one qualifier should be used: many cases, or more than 90 percent.

Page 12 to 14: Inspecting and testing electrical equipment

This section is sending very mixed messages to the reader, when read in conjunction with the regulations and section 3.3. Inspection and testing is only required for "hostile operating environments". Yet this section implies that inspection and testing of all equipment should be done in line with AS/NZS 3760 – which outlines testing for a far broader group of equipment.

This section should have no more than a general statement about visual inspection. All other references should be in section 3.3 and must relate only to the requirements under the regulations. Otherwise we will find the code being used to convince workplaces that the microwave needs to be tested and tagged.

Further, wherever the information does get included there should not be a reference to "should arrange a risk

**The Australian Industry Group (Ai Group)
National Coverage**

assessment” as in paragraph one on page 14 or “will need to arrange a risk assessment” in paragraph three on page 14.

Page 14 to 15: Inspecting and testing – additional requirements for higher-risk workplaces.

On page 15, just below the legislation box, the first dot point says that inspection and testing may involve “users ... regularly inspecting the equipment ...” Yet the next paragraph states that inspection and testing should only be carried out by a competent person. Further, the regulations state that it must be a competent person, not should be. This section needs to be corrected.

Second last paragraph on page 15 – must and should appear to have been used interchangeably.

Residual current devices

Page 16

Paragraphs commencing: “workplace fatalities”. Is this only about fatalities or also serious injuries.

It is our view that the simple explanation of how an RCD works is much more useful than the technical explanation that follows in the subsequent paragraph.

Page 17

The sentence directly under the legislation box should commence with “Under WHS laws ...

Page 18 & 19

The statement directly under the table which outlines each type of RCD implies that it is only appropriate to utilise Type I and II. If this is what the code is trying to say it should be explicit, particularly as the non-technical are likely to skim the table, thinking it is only providing technical detail. It may also be helpful to overcome the “non-technical skimming” to reformat the table so that it is in three columns; the second column could describe the technical detail and the third column could describe the appropriate and inappropriate uses.

Hostile operating environment (page 14 for inspection and testing and page 17 for RCDs)

It is not appropriate to describe each of these requirements as hostile operating environments, because they are different environments. Reference should just be to the specific conditions that apply, otherwise the code runs the risk of misleading – and resulting in under usage of RCDs or implying a broader need for inspection and testing, dependant on which definition is read closely.

There may be some value including a comparative table, possibly in the appendix, which illustrates the environments within which each type of control measure is required. An example which we have been using in training and briefing members is shown below.

Supplied with electricity through an electric socket used in an environment in which the normal use of electrical equipment exposes the equipment to operating conditions that are likely to result in damage to the equipment or a reduction in its expected lifespan, including conditions that involve exposure to moisture, heat, vibration, mechanical damage, corrosive chemicals or dust	Inspect & Test Residual Current Device (RCD)
Electrical equipment is moved between different locations where damage to the equipment or flexible electricity supply cord is reasonably likely	RCD
Electrical equipment is frequently moved during its normal use	RCD
Electrical equipment associated with an amusement device	RCD

The Australian Industry Group (Ai Group) National Coverage

Part B: Electrical Work

Page 22: Section 4.2 – Assess the risks

Assess the risks. We would recommend a rewording of the statement in relation to energised electrical work to read “if energised (or live) electrical work is carried out a risk assessment must be undertaken, and it must be carried out by a competent person”

Based on the location of the reference to live electrical work in this section, it is not clear whether the subsequent parts of this section relate to all electrical work, or just live electrical work. It may be better to relocate the reference to the start of the section; this would also allow a broader statement about the fact that risk assessments may, or may not, be needed in relation to general electrical work, but are required when undertaking energised electrical work.

Page 23: Section 4.3 – Control the risks

The example utilised in substitution does not appear to really be a substitution example. This is clearly an illustration of why it may be more appropriate to group substitution, isolation and engineering into one category with examples. This would be consistent with the way in which the hierarchy is presented in the regulations.

The isolation example should refer to the fact that the safety screens are protecting others, not the person who is doing the work.

Page 25: General principles

Legislation box – we believe it would be clearer if the exceptions were listed in the box, not just referred to in passing, with reference to chapter 7 of the code.

The first paragraph outlines that risks must be minimised by ensuring work is done de-energised; yet on the preceding page, de-energising was an example of elimination.

First dot point – should it be switched off and isolated, rather than “or”?

Page 25 and 26: Section 5.2 – safe work procedures

The words following the legislation box are a repetition of the dot points in the legislation box, making for difficult reading. A variation of the words used may be of benefit.

The third dot point of “safe electrical testing requires” states “that a proximity tester should not be used to confirm the presence of electricity”. This leads the reader to ask the question – does this mean that the presence of electricity should not be tested; or that the use of a proximity tester is the problem; if the latter is it because it is unreliable, or is it dangerous? Would it meet the intent, if the detail in this dot point was added to the end of the first dot point?

Directly after these dot points, an example of what should not be used is given. Is this a type of proximity tester, or is it something else?

As there is a separate section on testing instruments later in the document, it may be less confusing to the reader to only state at this point that the equipment must be appropriate, and leave the rest of the detail to chapter 8.

Consultation – Various locations

An example of the concern relating to consultation appears on page 26, directly under the legislation box. The reference to “consultation with workers and their health and safety representatives”. This may imply that there is a requirement to have HSRs. It would be better written as consultation with workers; if the workers are represented by an HSR, the HSR must be involved in the consultation.

Page 27 to 30: Securing Isolation

We believe that this section needs a bit more structure to aid understanding. This could be achieved by:

- Having an introductory paragraph (or two) which outlines the principles of isolation and tagging – what each it is intended to achieve and the importance of locks being for personal protection and tags being for general information

The Australian Industry Group (Ai Group) National Coverage

- Including a step by step process for isolation and tagging, rather than the descriptive and a bit disjointed approach presented here

Last paragraph on page 27 – seems to be contradictory indicating that it is okay to have isolation methods that can be inadvertently or easily compromised, unless the isolation points are accessible to others in the workplace. This enables a decision to be made that “no-one is going to be near the isolation point” so the integrity is not as important.

Page 30 – third paragraph – the last sentence is unclear. Does it mean that “additional precautions should be taken based on whether the cable is low voltage, high voltage or a control cable?” OR “additional precautions should be taken irrespective of whether the cable is low voltage, high voltage or a control cable?”

Page 31: Prohibition on energised electrical work

This section has some good information, but is difficult to navigate. It appears to need some restructuring to assist the reader.

Further, after the legislation box:

- First paragraph – would be clearer if finishing the sentence by: “... equipment being worked on is connected to electricity”
- Second paragraph – needs reference to “energised”
- Third paragraph – reference to the “exceptions” should either list what they are, or refer the reader to the detail in the legislation box above

Page 31: Planning and preparation

The legislation box at the bottom of page 31 outlines key provisions of the planning and preparation process, including the requirement to do a risk assessment. Yet these requirements are not further explained in this part of the code. There needs to be more information provided on these issues and requirements; in relation to risk assessments, it may be appropriate to refer back to the general risk assessment section, but there would need to be at least an explanation as to why a risk assessment is required for live electrical work and what the risk assessment should consider. At the moment, the guidance provided by this part of the code really jumps straight into the SWMS

Page 32: Consultation

This section refers to the obligation to consult, cooperate and coordinate, which is not reflected in the heading, nor in the detail of what would be expected in relation to these obligations, i.e there is insufficient detail about what should be done by each of the duty holders.

There is incorrect information about the role of the occupier of residential premises. They are listed as “having management and control”; in the subsequent paragraph it is implied that they have duties to ensure health and safety and obligations to consult, cooperate and coordinate.

If reference to an occupier of residential premises is to be included in this section, it needs to be clear that they do not have obligations under the WHS Act.

This section also does not cover the specific requirements of 158(1)(d) which requires the person who authorises the energised electrical work to consult with the PCBU with management or control of the workplace.

Pages 32 to 36: Carrying out energised electrical work

The legislation box at the bottom of page 31 outlines key provisions of the planning and preparation process, including the requirement to do a risk assessment. Yet these requirements are not further explained in the code. There needs to be more information provided on these issues and requirements.

Page 34: Hazards indirectly caused by electricity – conductive materials

The first two paragraphs in this section seem to be out of place. These, and possibly the whole section, would be better placed as a subset of risk assessment

Page 35

The Australian Industry Group (Ai Group) National Coverage

Work position

- reference should be to safe work method statements, not safe work procedures.

Safety observers

- reference to “known disabilities” – it is unclear as to whether this is known to the worker or to the PCBU
- it is indicated that safety observers “may also be used to manage risks in other situations”; it is not clear what is intended here – the role of the safety observer in energised electrical work is to respond in an emergency, but the dot points indicate some other role.

Page 36

Where it is advised that relevant incidents will need to be notified to the WHS regulation, it would be helpful to state that there may also be a need to advise a separate electrical safety regulator.

Page 37: Section 7.5 – testing and fault finding

The section on de-energised testing should be placed ahead of the other material in this section

Page 37: hazardous atmospheres

This paragraph just needs rewording for clarity

Page 37: high fault current levels

This section appears to be out of place – it may be better as part of a risk assessment section.

Appendix B

This material is very helpful, but might be better presented in four column format: description of type of RCD; advantages; disadvantages; when it would not be appropriate to use that type of RCD.

An additional disadvantage of non portable RCDs installed at the main switchboard is that a fault in one piece of equipment may unnecessarily shut down the entire operation; in some cases this may create risks associated with uncontrolled cessation of a work process.

Impacts: Do you anticipate any potential costs or safety benefits of complying with this code that are different to current requirements in your jurisdiction? If so what are they?

5) Managing Risks of Hazardous Chemicals

Comments due by Friday, 18 November 2011

Comments: (Please include section/page numbers).

Ai Group believes that this Code generally provides good advice to duty holders about their obligations under the Hazardous Chemicals regulations.

We acknowledge that the nature of chemicals and their risks does require the use of some technical terms. However, we encourage Safe Work Australia to do a check of all technical terms to ensure that they are necessary, and:

- if not necessary change them to simpler words in common usage; or
- if they are necessary, to ensure that they are appropriately defined and described to aid understanding

Scope and application: Page 3 & 4

The paragraph at the top of page 4, should be split into 2 – one for schedule 14 chemicals and one for asbestos. An additional paragraph should be added directing those with schedule 15 chemicals to the MHF regulations.

Introduction: Page 5

It is not clear why this long list of obligations is required at this point. The introductory paragraph should be

The Australian Industry Group (Ai Group) National Coverage

sufficient with the detail being addressed in the body of the code.

The meaning of key terms

Page 6

Dangerous goods – second paragraph refers to DGs being substances that present a risk during transport. This needs to be expanded to cover storage and handling.

There is some potential confusion caused by the reference to hazardous chemicals, in relation to dangerous goods. In a couple of locations it is stated that most dangerous goods are “hazardous chemicals”. As dangerous goods are a subset of the hazardous chemicals chapter, all DGs are hazardous chemicals – however, they may not be hazardous substances.

Under physicochemical – states “they generally do not occur as a result of interaction of the chemical with people”. Yet, often it is the interaction which causes an “incident”. We believe it is intended to mean that the outcome has broader implications than a health impact on one or more individuals.

The legislation box refers to the hierarchy of controls (c), but the hierarchy is not described until page 25. The regulations do not directly refer to the terminology “hierarchy of controls” so it should not be used as a summary in the legislation box. The reference should use the terminologies from the regulations.

Page 8: Consulting, cooperating and coordinating

The explanation of this obligation is clear. However, the example talks only about “finding out” what chemicals are to be used. The example should be expanded to better reflect the full duties under consult, cooperate and coordinate.

Page 14: Decide who should do the assessment

It is unclear exactly what is meant by the second paragraph, in particular “the authority to do the work”.

The fourth paragraph uses terminologies which are not very common – works manager and works chemist. These could be better worded.

Page 15: Decide on what sort of risk assessment is appropriate.

Generally, we believe this section provides good guidance on the various levels of assessment complexity. However, the following improvements are recommended:

- The introductory paragraph appears to be sending an incorrect message that if you don't have information, data or resources you can do a simpler assessment. This is not consistent with what is required by the regulation and the Act – to have the appropriate resources and to take into account what is known or ought reasonably to be known
- Detailed assessment – rather than using a dry cleaning shop as an example, it may be more appropriate to utilise an example where there are multiple chemicals that may be interacting with each other

Page 17: Chemical and physical properties

We understand the intent of the sentence that refers to odour as a poor indicator of the presence of chemicals, but believe it could be written more clearly.

Page 18: Determining who could be exposed

Reference is made to ventilation systems being poorly maintained – this should include a reference to them being poorly designed or maintained.

Page 19: What is the estimated amount of exposure

It is recommended that an additional section be inserted before this section. At this point the Code starts to refer to estimating exposure, doing measurements and even health monitoring.

However, having done the initial identification and observations the Code should be suggesting to people that they consider implementing, modifying, fixing control measures. For example:

The Australian Industry Group (Ai Group) National Coverage

- if an observation is that the ventilation system is not doing what it should be, immediate action should be taken to fix it, not to measure how bad it is
- if workers are not following appropriate procedures, we should determine why and address that issue, rather than undertaking measurements.

This section could then be retitled – if further assessment of exposure is required.

Page 19: First legislation box

Information is incomplete

Page 21:

Just below table 2 there is reference to electrical equipment not always being a source of ignition. This paragraph doesn't seem to connect to anything and needs some more words around it to provide context.

Page 24: Compressed air

There is no doubt that compressed air poses a significant risk in the workplace, but is it a dangerous good?

Hierarchy of controls: Page 25 to 29

The presentation of the information around substitution, isolation and engineering controls implies that they are at three different levels in the hierarchy, when the regulations present them as controls with equal status. This should be amended.

Reference to PPE on page 29 (in the legislation box) should include that the PPE must be provided by the PCBU directing the work unless it has been provided by another PCBU.

Impacts: Do you anticipate any potential costs or safety benefits of complying with this code that are different to current requirements in your jurisdiction? If so what are they?

6) Managing Risks of Plant in the Workplace

Comments due by Friday, 18 November 2011

Comments: (Please include section/page numbers).

Page 3: Scope and application

After the first paragraph, reference should be made to a separate code outlining the duties of upstream duty holders – designers, manufacturers, suppliers and importers.

Page 5: Introduction

Fourth dot point refers to electrocution – a broader term “electric shock” would be better.

Page 6: More than one duty

It is not clear why this is included in the code; it is not presented this way in other codes which refer to consult, cooperate and coordinate.

Page 6: Section 1.3

Given that there will be a separate code for these duty holders, it may be more appropriate to reword this section to identify the responsibilities of other duty holders in the context of the reader of this code which will be the PCBU who is operating the plant, i.e. what the PCBU should expect from designers, manufacturers etc.

Page 8: What is required ...

The Australian Industry Group (Ai Group) National Coverage

The legislation box refers to the hierarchy of controls (c), but the hierarchy is not described until page 12. The regulations do not directly refer to the terminology “hierarchy of controls” so it should not be used as a summary in the legislation box. The reference should use the terminologies from the regulations.

Page 10: Condition

The last dot point has a reference in the brackets to “constantly or rarely”. Without context, it is not clear which of these will increase the risk and in what way.

Page 12: Engineering controls

There is a stand-alone sentence that states “if you decide to modify plant you will take on the duties of a designer and manufacturer”. Whilst this is correct, as currently written it may discourage the PCBU from making the necessary modifications, particularly if they think a small modification will make them responsible for the whole design/manufacturer. Further clarifying words are required about the extent of the obligation and what it actually means.

Page 12: General

The section on risk controls should cross reference to the later section on guarding. There also needs to be reference in the code somewhere about the fact that the regulations have specific control measures for specific plant, i.e. lasers, tractors, amusement devices etc.

Page 13: Review risk control measures

Within the first dot points there should also be reference to whether workers perceive that guards are restricting workability.

Page 14 & 15: Hiring plant

It may be helpful to clearly state at the start of this section that there are a range of arrangements for hiring of plant that may influence the various duties and level of control, e.g. short term hire, vs long term hire. Some clarify and differentiation could then be provided in subsequent paragraphs.

The first and second paragraphs seem to be contradictory, in relation to management and control. Some rewording would assist this.

Page 17: Making changes

The role of the competent person seems to be confused with that of the PCBU. For example, the PCBU should be identifying whether there are alternatives (dot point 2); the role of the competent person is to determine the level of risk associated with the alternative use.

Page 18: Inspecting plant

This section refers to the inspection of plant *and associated work processes*, and refers specifically to identify any “unsafe work practices associated with the plant”. This is not the role of the person inspecting the plant.

Last paragraph in this section has at dot point 1 action which will protect the person undertaking the inspection, but the second dot point (whilst important) is about protecting those who are going to use the plant after the inspection.

Page 19: Maintenance, repair and cleaning

It is not clear what is meant by dot points 2 and 3 on page 19

Last paragraph of this section – assessed should be removed.

Page 20: Decommissioning etc.

Where there is reference to selling the plant, there needs to be a mention that the PCBU takes on the responsibilities of a supplier and should refer to the relevant code for guidance on what this means in the context of disposing of plant.

**The Australian Industry Group (Ai Group)
National Coverage****Page 25: Emergency stops**

We are concerned about the code's reference to the e-stops being capable of stopping the plant itself as well as all equipment interrelated to its operation. This could have far-reaching unintended consequences in some workplaces.

Page 26: Motion sensors

It is not clear what is meant by the last paragraph in this section.

Page 26: Air horns

As the only warning device which relies on human activation, this should be listed last.

Page 27: Isolation procedures

In the introductory words to the second lot of dot points: "... energy sources likely to activate the plant ..." should be changed to "...activate the plant or be released during the activity that is to be undertaken". This deals with the release of energies which can cause damage to the worker, without restarting the plant,

Page 29 & 30: Plant registration

It is not clear what value is added by this section, other than the reference to the appendix which lists the items requiring registration. If this section is kept; keeping records should become a subset of section 5, rather than a separate section.

Impacts: Do you anticipate any potential costs or safety benefits of complying with this code that are different to current requirements in your jurisdiction? If so what are they?