094 The Australian Industry Group

`Draft model WHS Codes of Practice and guidance - Public Comment Response Form

Complete and submit this form by 5PM AEST FRIDAY 24 AUGUST 2012 to codes@safeworkaustralia.gov.au

General
Ai Group is generally concerned about the very detailed information provided in these draft Codes of Practice. Codes should be providing information which is clearly linked to how to comply with obligations under the laws. Much of the material included in these Codes are informative or explanatory in nature, rather than focused on compliance. As such this information would be more appropriate in guidance. There appears to be inconsistent use of "should" in the Code when the regulations say "must". The use of should and must needs to be checked for consistency with the intent of the regulations. Whilst we do not want the Code stating that something is a "must" when it is not, equally we do not want duty holders believing something is optional, if the regulations specify that it must be done. Throughout the suite of codes the hierarchy is presented as having six steps; however, the regulations and the risk management code group substitution, isolation and engineering controls together. The information presented in the codes should mirror the information in these other instruments.

1. Cranes	
Section/page no.	**Comment**
Feedback on specific questions posed at the start of the code	1) Referencing technical standards Consistent with previous decisions made by Safe Work Australia, we do not believe it is appropriate to reference Australian Standards in the Code. However, noting that it may be a very long list, it would be appropriate to provide a list of the Standards that may be useful. 2) Structure of the material It is Ai Group's view that this document includes far too much information for a Code of Practice; much of the material would be better suited to guidance material. In fact, it could be argued that there is no need for a specific Code for cranes. Much of the general risk management provision are the same as those for plant more generally, and will be covered by the two codes associated by plant. As a minimum, we would agree that the separate guidance material should be provided for: inspection, testing and maintenance; crane operation; and specific types of cranes.
General comment – title and content of code	Title of codes is 'Cranes' but throughout the text only mobile and tower Cranes are covered in any detail. The majority of other types of crane (monorails, bridge cranes, pillar mounted jib cranes etc) are not frequently mentioned. A suggestion has been made to change the name of this particular code to 'Code of Practice – Mobile and Tower Cranes'. Alternatively, the code should be expanded to cover a broad range of topics, but this would result in an even longer document. It should be noted that serious concerns have been raised by industry in relation to the operation of bridge and gantry cranes for the "simple" loading and unloading of trucks, i.e. when is there a need for a dogging/rigging licence. This has been an issue for many years, with different regulators and different inspectors providing conflicting advice. It was hoped would this issue would be resolved by the development of WHS Laws; to date this has not been the case. In relation to dogging and rigging licenses, the Code restates the requirements in the Regulations, but does not explain what is meant by "exercising judgment"; nor does it consider how the implementation of safe work procedures for repeated work could reduce these requirements. Whilst the Code may not be the appropriate location to address this issue. Ai Group repeats the need for industry to be given clear and consistent guidance on this issue.
General – comment on specific technical issues	Ai Group has sought feedback from industry regarding specific technical issues. We understand that a number of organisations have made their own submissions on the Code, and may also raise issues about the interaction of the Code with Australian Standards. Due to time constraints, it has not been possible for all of these organisations to provide us with their comments in time for us to consider their views to inform our submission. Where we have been provided with such information, we have included the overarching issues in this submission. In relation to highly technical matters, we have left the industry experts to address these. We encourage Safe Work Australia to pay attention to the views of industry when finalising the Code, and possible guidance material.
General – use of the terminology "risk assessment"	In a number of locations in this Code, reference is made to "risk assessment". Due to the specific application of this terminology in the Act and regulations, its use should be reviewed to ensure that it is being utilised in an appropriate manner.
General – determining what risks are covered and which are not	As with many of the other Codes, there is tension between trying to cover everything and recognising that other Codes provide adequate information on that topic. This code includes information on falling objects, plant registration and noise; it does not cover remote and isolated work, hazardous manual tasks. It is Ai Group's view that these issues, which are covered by other Codes should not be addressed as part of this Code. However, the inclusion or exclusion needs to be consistent; including some topics and not others is quite confusing for the reader.
General – overhead cranes	We have had input from some parts of industry that whilst the document is a fairly good basis for a code of practice consideration should be given to possibly having a separate document for overhead type cranes.

2.1 – key hazards Page 9	Other key hazards are: operating environment, crane type and suitability for the lift, maintenance/serviceability of the crane, operator controls
2.3 – controlling risks Page 11	In line with how they are presented in the regulations, the control approaches of substitute, isolate, engineering controls should be banded together.
3.3 – hiring cranes Page 14	It would be helpful to restate the obligations related to consulting, cooperating and coordinating.
3.5 – training, information, instruction and supervision Page 17	The words associated with licensing are a bit "soft". We believe that the words used in the Industrial Lift Truck Code, at the top of page 15 (including the three dot points) are clearer. These words would also enable the more detailed information on page 18 to be removed. There are two references to safe work procedures in this section of the Code; there is no reference to safe work procedures anywhere else in the document. In the specific sections for types of cranes the terminology "safe work method statements" is utilised, but this is clearly in line with the requirements of the construction regulations which will not be relevant to all crane operations. Given that safe work procedures are not specified elsewhere it may be more appropriate to refer to training in safe work practices, supported by supervision to ensure that work is being carried out correctly. It is not appropriate to refer to management systems in this section. The focus should be on the provision of supervision.
4.1 – 4.5 Page 21	It has been highlighted by industry that the Code focuses largely on mobile and tower cranes. There are many different variants of cranes with the biggest population being bridge cranes; there is very little details on these crane types.
4.9 – lifting people Page 30	The introductory information must refer to the requirements of regulations 219(3)(a)&(b) as well as 220, otherwise the reader will not fully understand their obligations. This section is primarily written around mobile cranes lifting workboxes; this does not cover the full range of cranes which may lift people. Bridge cranes and fixed hoists for example are also used to lift work boxes/platforms. Where cranes are to lift personnel and/or hazardous substances, there are a number of design requirements which need to be implemented before such a lift can take place.
5.1 inspecting and testing cranes Page 34	This section has one minor reference to overhead cranes, but misses what should be the intent for major inspections on overhead cranes. Industry is of the opinion that overhead cranes should be assessed at the end of their design life to see if they are safe for continued use. To determine when they are approaching their design life, regular audits need to be done, and a maximum of 10 years for the audit on mechanical components and 25 years for structural.
5.3 – unattended cranes, parking and storage Page 39	This section should be referenced to regulation 207 which requires, so far as is reasonably practicable, that plant that is not in use is left in a state that does not create a risk to the health and safety of any person. In the first sentence, there is reference to the "use of the crane by person who are not competent crane operators". Given the use of "person" as an abbreviation for PCBU it would be more appropriate to say individuals.
Appendix E Page 81 – 83	Appendix E has no reference to load limiting devices for overhead cranes. Load limiters should be considered as a primary safety device for all overhead cranes.

2. Amusement Devices	
Section/page no.	**Comment**
Feedback on specific questions posed a the start of the code	1) Referencing technical standards Consistent with previous decisions made by Safe Work Australia, we do not believe it is appropriate to reference Australian Standards in the Code. However, it may be appropriate provide a list of the Standards that may be useful.
Inconsistent use of terminologies	There is inconsistent use of the term "operator" between the cash-in-transit code and this code. Whilst the audience is unlikely to be the same, it could be confusing in the broader sense of interpreting and applying the codes. In cash-in-transit the PCBU is referred to as the operator, and the person doing the work is called the worker; in this code the amusement device owner is the PCBU and the person doing the work is referred to as an operator. For clarity, the individual who is actually "manning" the amusement device should be referred to as worker who is running the device.
1 – introduction Page 7	The manner in which this information is introduced is uncomfortable. It is recognised that failures in amusement devices can have extreme outcomes; however, we are generally talking about high consequence / low probability occurrences. It may be more appropriate to start with 1.1 What is an amusement device; this would be consistent with many of the other codes. This could then be followed with an outline of the importance of designing and maintaining amusement devices to reduce the risk of catastrophic incidents from occurring.
1.3 – consultation, cooperation and coordination Page 9	In the second last paragraph, the example is incomplete. It refers to the need for the amusement device owner to consult with the event organiser about the risks associated with the amusement device and then work together in a co-operative and co-ordinated manner. The example would be more beneficial if it included the requirement of the event organiser to discuss any local factors that may affect the safety of the amusement device, e.g. land stability, electrical connections etc.
2.1 – identifying hazards Page 10	We have some minor issues to raise about this list: • Long hair: should be long hair that is not adequately restrained • Contact with a heat source: this sound more like a burn hazard than a thermal hazard • Radiation from heat sources: we have presumed this should read radiant heat, or UV exposure
2.2 – controlling the risks Page 12	The elimination example "amusement devices that do not lift people off the ground eliminate the risk of falls from heights". We have identified two key issues with this example. Firstly, any protection will only be provided to the passengers, not to the workers who may be maintaining the device; secondly, as a fall could occur if a person is not restrained and they decide to climb out of the device. Finally, it is difficult to identify any amusement device which would not involve lifting people of the ground in some way. It would be more appropriate to use an example which involves a worker undertaking a maintenance activity at height which could be relocated to the ground. PPE – long sleeved shirts are listed as a control measure, but earlier they were identified as a potential hazard; it would be helpful to include some words about considering the creation of other risks.
3.2 – hiring an amusement device Page 14	This is a logical point to reinforce the obligations to consult, cooperate and coordinate activities between the duty holders,
3.3 – registering amusement devices Page 15	It is not clear what is meant by the sentence "if your device is not covered by the list of amusement devices that do not require design or item registration it is best to seek advice from the local WHS regulator before treating it as not registrable." The owner of the device should be able to rely on the combined reading of AS3533.1 and the list of exclusions to determine whether their device is required to be registered.
4.1 – inspections Page 20	In the last paragraph of this section, reference is made to the requirement to ensure the health and safety….; this needs to have the qualification, so far as is reasonably practicable, included.

4.2 – operating the amusement device Page 21 & 22	It is stated in the second last set of dot points on page 21 that the operator should be 18 years or over. This is not specified in the regulations; we question is if it is appropriate to include in the code. If it is, there needs to be some explanation as to why this is the case. The information provided on page 22 is very detailed and much of it steps outside general WHS information. In some cases it may even be contradictory to WHS advice, e.g. "be careful when assisting patrons with disabilities"
4.3 – public safety Page 23	The third paragraph has a very strange sentence: "when fencing is installed around the perimeter either permanent or temporary, they should be maintained until unauthorised entrants are no longer at risk". This should be reviewed to identify exactly what is intended and the sentence reworded accordingly.
4.4 – access and egress Page 24	The use of "must" in the second paragraph is inappropriate; "should" would be more appropriate.
4.6 – safe distance from electric lines Page 25	This information needs to be reviewed in line with any amendments made to the Code.
4.7 – patron safety Page 26	As currently presented, it is not clear who the manufacturer needs to supply the information to. The third dot point states that the patron needs to "fully understand the information provided"; there is no way in which the amusement device owner or the person running the device could assess this.
Figure 2 – height guide Page 27	It is not completely clear how "safe" the sign itself is. If it is metal and/or solid, it would create a risk of head injuries. An example which is clearly without risk would be more appropriate.
4.8 – other control measures; emergency stops Page 28	This information is providing two contradictory messages. By their nature emergency stops should always be a backup to appropriate guarding etc. However, this is a different message than the fact that they should not be the only method for bringing an amusement device to a stop. This message is more about maintaining the integrity of the emergency stopping mechanism, and the device, by ensuring, under normal circumstances, that the device is stopped in a planned and controlled manner.
5 – maintenance, repair, repair, dismantling and storage Page 29 to 31	In a number of locations this section states that "you" must/should do something. It is not clear who this is directed to.
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. Industrial Lift Trucks	
Section/page no.	**Comment**
General – risks and controls associated with powered pedestrian forklifts	Industrial lift trucks are defined in the regulations as "powered mobile plant, designed to move goods, materials or equipment that is equipped with an elevating load carriage and is in the normal course of use equipped with a load-holding attachment, but does not include a mobile crane or earthmoving machinery". For this reason, a powered pedestrian forklift (also known as a walkie stacker) is included in the definition. However, the risks, and therefore necessary controls, associated with these pieces of equipment are different to those associated with industrial lift trucks that are driven by a person seated on the lift truck. e.g. ROPS and seatbelts. It should also be noted that Victorian guidance currently identifies that walkie stackers are not forklifts. Further, walkie stackers are often selected for use in workplaces as a safer alternative to other forklifts, as appropriately indicated in the substitution example on page 11. This issue could be addressed by either: • Excluding this equipment from the scope of the code, due to the inherent differences in its operation; or • specifically referring to ride-on lift trucks where appropriate, e.g. in the section on seat belts, commencing on page 17
General – layout and flow of the document	The flow of the document and/or the title of sections of the code do not take the reader on a logical journey. The Codes for hazardous manual tasks and confined spaces include all the specific control measures as subsets of the section entitled "controlling risks", which is then followed by the section on how to review control measures. We would suggest using the same format for this document.
1.2 – who has health and safety duties in relation to industrial lift trucks Page 6	The last sentence in the section related to PCBUs generally, would be clearer if it was reworded as follows "…. You have management or control of that plant for the period that you have hired it; both you and the person you have hired or leased it from will have duties to eliminate or minimise the risks associated with the plant, so far as is reasonably practicable."
1.1 – what is an industrial lift truck? Page 6	Here and in the illustrations at the back, it would be more appropriate to describe "special purpose forklift trucks" as "special purpose industrial lift trucks"; this would provide a broader scope. There is inconsistency between terminologies use in the list at the top of the page and the table at the bottom of the page. These need to be aligned, and match with the illustrations at the back of the document.
2 – managing risks associated with industrial lift trucks Page 10	As currently presented the reader could believe they only need to address the risks listed in the legislation box. It would be helpful to have an introductory sentence below the box which clearly identifies that these risks are specifically listed in the regulations, but other hazards/risks may also need to be addressed. It would be helpful, to present the list of dotpoints in 2.1 in the same order as those in the legislation box; this could be where it can be clearly identified that there are other risks than those in the legislation box. The information presented in the last paragraph in section 2.1 is misleading. It implies that the hirer needs to consult (but not cooperate and coordinate) with the person they have hired the lift truck from. It does not identify that the provider of the lift truck also has these obligations. The last words "ensuring the plant is without risk to health and safety" needs the qualifying words, so far as is reasonably practicable.

2.3 – controlling the risks Page 11	This section should include the specific control measures outlined in Regulation 215: protective devices; no person other than the operator to ride on the plant …; ensuring plant does not collide with …; and warning devices. Currently regulation 215 is only partially referenced, later in the document, in relation to traffic management. One elimination option is to have materials delivered directly to the location they will be used. When considering the use of industrial lift trucks within a manufacturing plant to deliver raw materials to the work location, direct delivery would really mean drive the truck into plant, which would not be elimination.
3.1 – purchasing or hiring an industrial lift truck Page 13	The first dot point in the section of safety features has the following issues: • It is not linked to the legislative obligation in 215(2) to "ensure, so far as is reasonably practicable, that a suitable combination of operator protective devices for the plant is provided, maintained and used". This should be specified and the definition of operator protective devices should also be included. • Wherever possible, should be "if it is reasonably practicable to do so". • The last sentence needs to be broken in two; at the moment it implies that you can choose to use someone who is not competent. It would be better if it read: If it is reasonably practicable to do so, these safety features should be retro-fitted to older plant if they were not included in the original design. Any retro-fitting must be undertaken by a competent person. • There should be reference to the fact that if the plant is altered, the PCBU may take on the duties of a designer. The second dot point would be better worded as "integrated guarding such as engine and battery compartments that comply with appropriate technical requirements" It may be useful to also list appropriate warning devices
3.2 – safe work environment Page 14	The information presented in this section is good, but lacking in a logical flow. It would aid clarity if there was a focus on safe design of the workplace to eliminate or minimise the risks. This could then be broken into separate sections of: separation of pedestrian and industrial lift trucks; surfaces; loading docks and ramps; designing to reduce speed; lighting and ventilation. This would overcome the current impression that speed limits (and admin control) are more important than edge protection on loading docks.
3.3 – training, information, instruction and supervision Page 15	It is not appropriate to refer to management systems in this section. The focus should be on the provision of supervision The second dot point in the paragraph on management systems refers to ensuring that "safe work procedures are being followed". The only other mention of safe work procedures is section 4, in relation to shut down, maintenance, modification or alteration. In the section of training, reference is made to safe work practices. With this in mind, it may be more appropriate to state that there must be supervision to ensure that the work is undertaken in an appropriate manner.
3.4 – traffic management Page 16	The legislative box implies that this is the total of regulation 215, it should be modified to say 215(4)&(5). This information is partly repeating information presented in the section on safe work environment. Where they relate to "before using …" these two lots of information should be consolidated into the same location and streamlined. The rest of the information should be relocated into the section "using …"

4.2 – operating the industrial lift truck Page 17	After the legislation box, it would be helpful to provide the definition of an "operator protective device". It would also be helpful to include the relevant information from regulation 215, as the reference to seat restraints etc. at this point is only in relation to passengers, not the driver. It may be helpful to break up the requirements presented in the legislation box; if not within the box, at least as logical subheadings in the subsequent information. At present we jump from seatbelt issues, to explosive atmospheres and back to seatbelts again. The information presented is currently contradictory. The section starts with an **exclusion** to the need to wear a seatbelt and then two paragraphs later says an operator **must** wear any seat restraint devices; in section 5.2 there is further contradictory advice stating that the seat belt restraints **should** be worn at all times. This section would flow better, and focus the reader on the importance of wearing seatbelts if the first paragraph after the legislation box was moved to the end of the discussion on seatbelts. There should also be some further explanation as to what appropriate controls would be in the example given; as currently written the code appears to be encouraging the use of forklifts on a wharf without edge protection. We understand that this may be a requirement in some circumstances, however, better wording may be – where there is a likelihood that the operator of the forklift would drown if they were restrained in a forklift which had overturned into deep water.
4.3 – parking and shutdown Page 19	This section should be referenced to regulation 207 which requires, so far as is reasonably practicable, that plant that is not in use is left in a state that does not create a risk to the health and safety of any person
4.5 – modification and alteration Page 20	The information about using the industrial lift truck in a different way is important, but does not fit in this section, as it may be possible to use it to another purpose without making any modification or alteration It would be useful to repeat that any modifications may result in the PCBU becoming the designer Rather than provide an example of competent person, it may be more relevant to provide the definition from the regulations.
5.2 – stability Page 22	In its current form the information about counter balanced forklifts is not very helpful to the reader who does not have a good understanding of the "types" of industrial lift trucks and/or forklifts that are available. The question that arises when reading this section is "what other sorts of forklifts are there", which is then followed by are they more or less stable than a counterbalanced forklift?
5.3 – work platforms / cages Page 22 & 23	This section needs some additional preliminary information, and may be better titled "lifting people". The introductory information must refer to the requirements of regulations 219(3)(a)&(b) and 220, otherwise the reader will not fully understand their obligations. We are not sure if it is helpful to mention only an order-picker in this context, as work boxes are often used for access in relation to maintenance, rather than daily activities. It may be more appropriate to refer to the preferable use of EWPs or scaffolding for access. The first dot point at the top of page 23 should be part of the introductory information, rather than just a dot point. The illustration clearly shows the worker wearing a harness but this is not mentioned in the dot points. There should be specific reference to the falls regulations, in particular the specified hierarchy and the control and rescue measures required when using a harness.

5.5 – tandem lifting Page 24	The work impracticable should be replaced with “not reasonably practicable”
5.7 – overhead electrical lines Page 25	The last paragraph will need to be revised in line with any modification made to the quoted code in relation to unsafe distances.
Appendix A – examples Page 28 to 31	A number of figures currently include two pictures, but it is unclear whether the description applies to one or both of the pictures. Hopefully this will be addressed through final formatting and layout Figure d – the second illustration needs some “context” added to the picture. At present it looks like the worker is standing on the pallet and about to step into thin air. The first picture in figure g appears to be a straddle carrier, and therefore it is not appropriately described as a special purpose forklift. It is unclear what the second picture in figure g is – we presume it is a truck mounted brick forklift. It may be more appropriate to have the “special purpose” equipment last and give each piece of plant in the example a description – if nothing more than to aid the general understanding of the range of industrial lift trucks used in industry.
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 Risks of Plant used in Rural Workplaces	
Section/page no.	**Comment**
Feedback on specific questions posed a the start of the code	1) Referencing technical standards Consistent with previous decisions made by Safe Work Australia, we do not believe it is appropriate to reference Australian Standards in the Code. However, it may be appropriate provide a list of the Standards that may be useful. 2) Inclusion of guidance for two-wheeled motorcycles Other than a possible passing reference to choosing the correct vehicle for a task, it is not appropriate to include motorcycles which have significant coverage in the general road safety area. If motorcycles were to be included, the question may be asked about whether we should then include utes, and other general vehicles
General	There is no upfront information provided about the importance of selecting the correct piece of plant for the job.
1 – Introduction Page 6	Whilst we understand the meaning of the last sentence before 1.1, it is not appropriate in a Code to imply that a farm related death or injury is more significant than one that is not on the farm.
1.3 – who has duties Page 8	The explanation of consultation, cooperation and coordination of activities with other duty holders is not clearly explained. Describing the duty as "important that everyone consults and exchanges information …" is insufficient. The words used in the draft Code for Industrial Lift Trucks is more complete and should be adopted for this code as well.
2.1 – identifying hazards Page 9	It is not clear the first dot point in 2.1 includes "operator protection" as a hazard. If this is intentional, it needs to be explained as to why this would be the case. ***Inspect the plant.*** The section paragraph that refers to the need to consult the person who owns the plant is inadequate. "It implies that the hirer needs to consult (but not cooperate and coordinate) with the person they have hired the plant from. It does not identify that the provider of the plant also has these obligations. The words "have responsibility for ensuring the plant is safe, should be changed to "without risk to health and safety"; the qualifying words, so far as is reasonably practicable, should also be added. The third paragraph in this section includes dot points outlining the sort of hazards that may need to be considered. Other common hazards related to rural plant that have not been listed are confined spaces and falls – these should be added.
2.2 – assessing the risks Page 10	The introductory paragraph is inconsistent with other Codes. The words used in the cash-in-transit code would be more appropriate. The issue of consequence and likelihood is not the focus of other codes. A more appropriate approach is that taken in the code for managing the risk of falls the following information is provided: A risk assessment will help you determine: o What could happen and how likely it is to happen o How severe a risk is o Whether any existing control measures are effective o What action you should take to control the risk o How urgently the action needs to be taken
2.3 – controlling risks Page 11	In line with how they are presented in the regulations, the control approaches of substitute, isolate, engineering controls should be banded together. We understand that a "side-by-side" might be a common terminology within rural workplaces. However, a search on google did not identify anything that might effectively replace a quad bike. If this suggestion is to remain, a more identifiable term may be appropriate.

3.1 – purchasing and hiring plant Page 13	The second last paragraph in this section would be enhanced by referring again to the obligation to consult, cooperate and coordinate with other duty holders.
3.2 – second hand plant Page 13 & 14	This section should be revised in line with the final version of the code for safe design, manufacture, import and supply of plant. This is important as people in rural workplaces may be suppliers of second-hand plant as well as buyers.
3.4 – modifying plant used at a rural workplace Page 14	The co-location of the legislative provisions of regulation 244 and 282 is likely to create confusion for the reader who is unclear about the difference between design registration and item registration. 244 says that any design change that may affect health and safety needs to be registered; but 282 states the regulator must be notified if the item of plant is altered to an extent or in a way that required the plant to be subject to new control measures …" It would be helpful to have an explanation as to how these two provisions work together. This may be as simple as stating that there are separate obligations related to registering plant designs and registering items of plant. The paragraph which outlines options to modify plant should be reworded for clarity. The last dot point should be moved to earlier in the section and changed to "you should only do modifications yourself if you are competent to do so"; competent should then be defined. In the last two paragraphs on this page "assessment" is used three times. As assessment has a specific meaning in the Act and Regulations, this should be replaced with an alternate word such as analyse or identify. In the last dot point a simpler word than mitigate should be used.
3.7 – overhead electric lines Page 16	The last paragraph will need to be revised in line with any modification made to the quoted code in relation to unsafe distances.
3.8 – transporting plant Page 16	It may be useful to provide information about the licensing requirements associated with loading the plant on and off a truck.
3.9 – storing plant Page 16	It would be helpful to include the legislative reference to requirements associated with plant that is not in use.
3.10 – training, information, instruction and supervision Page 17	This code includes a statement that "you should develop safe work procedures". This is not a specific requirement of the WHS laws, and it is not included in codes for workplaces that are likely to be more structured than a farm. ***High risk work licences*** Reference is made to schedule 3 of the regulations. In other codes, information from these schedules has been provided in the Appendix. This should be done in this code as well. And it may also be appropriate to include the information about what plant is required to have design and item registrations.
4.1 – tractors Page 18	Last paragraph (list of dot points). The list commences with a statement that "tractors can overturn anywhere"; this is then followed by a non-exhaustive list. We would suggest changing this to "tractors can overturn anywhere, however, there is a much greater risk of the tractor overturning in the following situations:"

4.1 – tractors Page 19	The diagram does not clearly illustrate the locking pins; including a close up of the locking pins would be of assistance. The paragraph which talks about tractors that are exempt from ROPs have strange words used at the end; "… all reasonable action…" should be replaced with all reasonably practicable steps to eliminate or minimise the risks. ***ROPS design and construction*** It is stated that the designer should ensure that tractors capable of rollover are either designed for a ROPS to be fitted or are fitted with a ROPS. Regulation 216 requires that the PCBU with management or control of the tractor must have ROPS for certain types of tractors. It would appear to flow that a designer would need to ensure that they are supplying a tractor that can comply. "must" would be a better word, and reference should be made to the regulations which specifies which tractors require ROPS. This will make it clear that it is not up to the designer to determine whether they think the tractor is capable of a rollover.
4.1 – tractors Page 20	A word is missing in the last sentence. It should read " a manufacturer should ensure …"
4.2 – plant that lifts or suspends load	The order in which this information is presented is a bit confusing. It could be improved by putting all the loads related information together, before the legislative box and description associated with lifting people. The information presented here is not consistent with the information provided in the industrial lift truck code. This Code only refers to using cranes to lift a person, not industrial lift trucks. It does not include information about the strict requirements about using plant that is not designed to lift a person. This should be completely reworked, having consideration to the comments we have also made on this issue in the industrial lift truck feedback. **EWPs** There is reference to the use of a harness when working on an EWP, but no reference to the need to have rescue and emergency procedures in place, as required by the regulations. These need to be included.
4.5 – Quad bikes; crush protection devices (CPDs) Page 31	A code of practice should be presenting information that enables a duty holder to understand their obligations to comply with the law. A statement which says that research is continuing, and you may or may not decide to fit crush protection devices, is not helpful to duty holders. Given that the NSW government has recently committed $1m to research the effectiveness of CPDs, it is our view that it is best for the Code to stay silent on this issue. Once the research is completed, supplementary guidance on the use of CPDs could be developed
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 Security Risks in the Cash-in-transit Industry	
Section/page no.	**Comment**
General – scope of the Code	The title of the Code implies that the focus is on the "security risk". However, throughout the Code the detail covers other risks such as manual tasks and slips/trips/falls. We will highlight these in this comment, but would also recommend that a total scan of the document is undertaken to ensure that the messages are not confused.
1.1 – What is cash-in-transit Page 8	The introductory sentences imply that the term cash-in-transit, and therefore this code applies only where there is a vehicle provided; can this be more specifically stated? Dot point 3 – it is not clear why management, secretarial and administrative tasks related to these activities are included: is it due to security risks (which appears unlikely), or is it because of their influence on the activities undertaken by those carrying out the cash-in-transit activities? If it is the latter, it may be more appropriate to rework the section by removing this dotpoint and rewording it to reflect the influence they have on the potential risks. The last sentence refers only to "cash" whilst the previous references are to "money, jewels, bullion, securities and other financial instruments" and "cash and valuables". Once the first long description has been stated, a consistent abbreviation should be utilised throughout the document.
Example Page 10	The term "client" is used in this example in one way, and then used later in a different context (see our later comments regarding section 3.5). The example could work quite well without describing the financial institution as a client, which would lead to less confusion.
2.1 – Identifying hazards Page 11	Potential hazards, dotpoint 4. Given that "assessing" has a very specific meaning in WHS laws, it would be more appropriate to say "analysing" or "evaluating" the routes, rather than assessing
2.2 – Assessing the risks Page 12	Second dotpoint on this page. Is the weight of the transfer relevant to security risks? If it is not, and has been included due to the risks associated with manual tasks, it should be removed. A similar question arises about environment conditions – second last dotpoint; darkness is definitely relevant to security risks, but maybe not hot and cold environment
2.3 – Controlling risks Page 12	Introductory sentence, which states that the methods for controlling risks "are to rank them from the highest level of protection…" is not quite correct. The wording used in earlier codes, such as in 2.3 of "Managing the risk of falls" is more appropriate. The second elimination example appears to be related to hazardous manual tasks, whilst the third control measure appears to relate to a slip/trip hazard, rather than a security risk. In line with how they are presented in the regulations, the control approaches of substitute, isolate, engineering controls should be banded together "Use security screens…" appears to relate more to the handling of cash in a public place, rather than the process of transporting the cash and valuables
3 – Control measures Page 14	Dotpoints – it does not seem to be appropriate to have safe work procedures listed as the first control measure; options should be presented in the same order as the hierarchy of controls. The detailed sections that follow should also be presented in that order. Given that there will almost certainly be at least two PCBU duty holders, it would be helpful to refer once again to the obligation to consult, cooperate and coordinate when determining control measures.

3.1 – Developing safe work procedures Page 14	The first dotpoint implies that the actual individual who is doing the work is the duty holder. It would be better to say that the various duty holders must clearly define and communicate the roles of each type/class of worker, example driver, escort guard, cash carrier. Second last dotpoint – this needs to be directly related to fatigue and stress created by the security risks, rather than a general reference to these multi-faceted issues.
3.1 – Developing safe work procedures Page 14 & 15	This section creates confusion about the duty holders. - At the start of section 3.1, the Code introduces another duty holder that is not defined – that of a cash-in-transit operator, which is then abbreviated at the top of page 15, to operator. This makes it difficult to understand exactly who is being referred to in the document. - Further, within one paragraph at the top of page 15, reference is made to an operator engaging "another business" which is then referred to as the "contracted business" and the "contractor"
3.2 – Allocating appropriate resources (staffing levels) Page 14	This should be the starting point of the control measures, once elimination has been considered. The safe work procedures mentioned above, should be put in place to support the other decisions/controls that have been put in place. The reference to staffing levels is currently "lost" in the introductory paragraph; this topic should have its own heading.
3.2 – Allocating appropriate resources (selecting appropriate vehicles) Page 14	It is not clear whether some of the information provided in the description of controls related to "soft skin" and "armoured vehicles" are included for safety reasons, or as part of a description of how the work is undertaken in the industry. This information may be able to be reordered to aid clarify, especially as much of the information in the dotpoints is duplicated.
3.2 – Allocating appropriate resources (providing effective communication systems) Page 15	Whilst the information provided here is accurate, it is lacking completeness. There should be an introductory sentence that highlights the importance of eliminating or minimising the need for remote or isolated work, before turning to the implementation of communication systems.
3.3 – Imposing cash limits Page 16	It is not clear why "insurance requirements" have been incorporated into this information; they do not relate to the safety of cash-in-transit personnel.
3.4 – Designers of workplaces Page 16	The role of councils is probably worth mentioning, however, they do not fit logically under the heading of designers. Maybe this could be fixed by changing the title to design of workplaces. In the second paragraph it is stated that designers "should collaborate … if possible". It would be more appropriate to restate the obligation to consult, cooperate and coordinate so far as is reasonably practicable. It may also be helpful to cross reference to the obligations of designers, and those who commission the work, under the construction regulations. CCTV is mentioned in the consideration in 3.5. It may also be appropriate to include a dotpoint for designers in relation to the need to consider whether the design will enable effective CCTV utilisation, i.e. angles and lighting.

3.5 – Client responsibilities to control the risk of armed robbery Page 16	The title of this section is very specifically "armed robbery", whilst the scope of the document is more broadly presented as "security risks". It is not clear whether this is an intentional focus for this section, or if the title should be …responsibilities to control security risks". The use of the word client, especially directly after the designer duties, is confusing for the reader. We believe it is intended to mean the client of the PCBU who provides the cash-in-transit services, i.e. the PCBU with management or control of the workplace. However, it could be read to mean the client of the designer.
3.6 – Information, training, instruction and supervision Page 17 & 18	In the sub-section entitled *training and supervision* there are some issues around the manner in which the material is presented. The use of the word "engaged" implies that a person needs to have all of the training necessary before they are engaged/employed; yet the intention of this section is to highlight the need for training in the workplace and relevant to the specific tasks. The words "continually monitored" are inappropriate. The information about gaining experience and direct supervision are confusing and contradictory. We would suggest changing the first two paragraphs to read: Workers undertaking cash-in-transit work should only be allocated to duties consistent with their qualifications. Training must be provided to ensure that the worker has the necessary skills to undertake the tasks. Appropriate levels of supervision must be provided to ensure that workers carry out their duties in an appropriate manner. New workers should be under direct supervision until such time as they have gained the necessary experience to demonstrate the appropriate skills to perform the service safely. In relation to training it would be helpful to identify which training topics (listed on page 18) relate to each of the people who require training. It is our view that people undertaking the cash-in-transit activities will require different training to those who are scheduling the work. The current presentation of information implies that everyone needs the same training. At the bottom of page 17, there is reference to "a competent person". This has a specific meaning in the WHS Regulations. If it is intended to have the same meaning in this Code it would be helpful to either define it, or to replace the term with a description, as follows: "training should be provided by a person who has the knowledge and and skills, developed through appropriate training, qualifications or experience."
3.7 – Personal Protective Equipment Page 19	At the top of this page, the word "confined" is used to describe the work environment. To avoid any confusion with the specific terminology of "confined spaces" it would be helpful to change the description to "locations with restricted access".
3.8 – Emergency plans and first aid arrangements Page 19	The current wording around consultation is not sufficient to describe the obligations placed on all duty holders to consult, cooperate and coordinate activities with each other. As currently presented it states that the cash-in-transit operators should consult with the client; however, it does not outline the obligation for the client to consult with the cash-in-transit operator; nor does it include the important requirement to cooperate and coordinate with each other. Further, it only refers to the obligations associated with emergency plans; there is no reference to this obligation also applying in relation to first aid. It may help place both the legislative boxes at the top of the section and then to have an introductory sentence that states "the cash-in-transit operator, their clients and any other relevant duty holders (i.e. shopping centre managers) have obligations to ensure that there is adequate emergency plans and access to first aid in relation cash-in-transit operations.

3.9 – Hazardous manual tasks Page 19	As the Code is focused on “security risks” it is unclear why this section has been included, particularly when other regulated risks that may be relevant to the industry have not been included (e.g. falls). This section should be removed. Alternatively, a reference could be made to the range of other regulations/codes that could be relevant to the industry.
4 – Incidents Page 21	This section should be removed for the following reasons: • It does not appear in any of the other codes related to tasks/work where exposure to that risk may result in a notifiable incident, e.g. falls, electrical risks • It utilises the legislative box associated with incident notification, but then concentrates on “serious incident procedures”, a terminology that is not used in the regulations • It could be implied that a robbery is required to be notified to the regulator as a “dangerous incident”; however, the definition of dangerous incident would not incorporate a robbery; hence an incident involving a robbery would not be notifiable to the WHS regulator unless there was a serious injury. • Having referred to notifiable incidents, there is no information provided about site preservation. • The information provided largely relates to the interaction with the police after an incident, rather than any specific WHS issues • The section on follow up action is not appropriate, as it relates to workers compensation rather than WHS. Any information about “incident response” which relates to “security risks” and safety should be located in the section on emergency plans as issues to consider when developing an appropriate plan.
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 in Forestry Operations	
Section/page no.	**Comment**
Feedback on specific questions posed at the start of the code	1) Referencing technical standards Consistent with previous decisions made by Safe Work Australia, we do not believe it is appropriate to reference Australian Standards in the Code. However, it would be appropriate provide a list of the Standards that may be useful.
General – layout and formatting	The look of this code is very different to the other Codes that have been developed by Safe Work Australia. The content and layout appears to be more appropriate for guidance material. Throughout our comments, we have recommended removal of much of the coloured material, to enable the document to match the style of the Codes. It may ultimately be more appropriate to retain this material in guidance material, rather than making it a Code.
General – industry specific feedback	Ai Group has not received any industry specific feedback. We note that the Australian Forest Contractors Association has made a submission focusing on issues associated with trespassers and protestors. It is our view that the submission raises some very important issues that need to be addressed in the finalisation of the Code.
We note that the there are no page numbers on this code, so our identification will be through section numbers and, where possible other descriptions to aid clarity of our feedback	
1.1 – Table 1	This is the first example of inconsistent presentation of data in the Code. It may be more appropriate to include this list in an appendix
1.3 – consulting, cooperating and coordinating	It is indicated at the bottom of the page where this topic commences that " as the number of duty holders increase, so does the importance of consultation, co-operating and co-ordination". Whilst it might become more complex to undertake this process, we do not believe that more duty holders, means greater importance. The concern about this appearing in the code is that it implies that if you only have two duty holders the obligation is not as important. This reference should be removed, or changed to consider complexity.
Table 3 – assessing the risks of forest operations	The "traffic light" approach is not consistent with how information is presented in other codes. It may be appropriate for guidance, but should not be used in the code. Further the note at the bottom of the table could be misleading, by stating that "the more activities in the red zone, the greater the importance of the risk management system"
2.3 – control of risks	The hierarchy is presented differently in this Code to elsewhere. There are no examples of elimination and the format is different. We do support the way in which substitution, isolation and engineering controls have been banded in line with the way the information is presented in the regulation and the risk management code.
Figure 2	To maintain a consistent look between the codes, if this diagram is to remain it should be in an appendix.
4.4 to 4.8	It would be helpful to reference the requirements for duty holders to consult, cooperate and coordinate in relation to communications, workplace facilities, first aid and emergency procedures
4.9 – incident reporting	This is not a true reflection of the incident notification requirements which include "dangerous incidents" (as defined in s.38), not "the potential for serious injuries. Further, the section is incomplete as it does not include the requirement to notify "immediately", nor to ensure that the incident site is preserved. As the incident notification requirements are not included in other Codes they should be removed from this Code as well.
5.5 and 5.6 – visitors and unauthorised entry	As highlighted above, we support the concerns raised in the submission made by the Australian Forest Contractors Association.

Section 6 to 10	We repeat our earlier comments regarding the use of the “traffic light” approach. It is not consistent with other codes and should be removed from this code or reformatted to more closely fit the style of the Model WHS Codes.
Section 11	There is a very detailed code on plant. We believe that it would be more appropriate to refer the reader to that material than to include a relatively short section on plant, which is predominated by quotations from the regulations.
Section 12 – other common hazards in forestry operations	There are detailed Codes on many of these topics. The information provided in this section is more appropriate for industry specific guidance material.
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?	