

Individual / Organisation name: Australian Industry Group

What state/territory are you from? National

**Draft model WHS Third Set Codes of Practice - Public Comment Response Form**

Complete and submit this form by **5PM AEST FRIDAY 22 JUNE 2012** to [codes@safeworkaustralia.gov.au](mailto:codes@safeworkaustralia.gov.au)

| <b>1. Safe Design, Manufacture, Import and Supply of Plant</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <b>Section/page no.</b>                                        | <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Issues paper<br><br>Page 7                                     | <p><i>Feedback is sought on whether:</i></p> <ul style="list-style-type: none"><li>• <i>the guidance on design verification of registrable plant that is designed and manufactured overseas is easy to understand</i></li></ul> <p>When read together, sections 3.8 and 6 of the Code do provide some helpful information about the requirements related to importation of plant that requires design registration. However, our consultation with members during development of the regulations, indicated that the major concerns associated with the importation of plant that requires design registration, is a perception that it is easier for importers to achieve design registration than it is for Australian companies to do so.</p> <p>As a code that is designed to advise duty holders how to meet their obligations, it is not possible to address this issue in the context of how the various regulators apply the design registration processes.</p> <p>It is Ai Group's view that Safe Work Australia (or HWSA) should address this issue through the development of a consistent and transparent procedure for the design registration of imported plant that requires design registration.</p> |
| Scope                                                          | <p>It is not clear in the Code as to which sections of the code relate to all plant (i.e. duties under the Act) and which sections apply only to the narrower definition of plant under the regulations. This delineation requires some attention in finalising the regulations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Referencing of legislation boxes                               | <p>There is inconsistent referencing of legislation boxes – some indicate the regulation or the section of the Act, whilst others do not. It is Ai Group's view that all legislation boxes should be referenced.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1.2 Who has health and safety duties<br><br>Page 6             | <p><i>Designers, manufacturers, suppliers, importers and installers</i></p> <p>Ai Group believes it is important that the duties of designers, manufacturers, suppliers, importers and installers should be expressed as person who conducts a business or undertaking that designs ....</p> <p>Further, the reference in paragraph 3 of this section refers to a number of "people" involved with plant during its lifecycle and then refers to the duty of a person (which should be a person conducting a business or undertaking)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| <p>2.3 Controlling the risk</p> <p>Page 10 and 11</p> | <p>There are 6 items listed as requiring specific control measures. However, the regulations specify 13 items with “additional control measures”. To ensure that these additional controls are not overlooked, it is suggested that all 13 items are listed in the code (possibly in 2 columns to ensure the list does not take up too much room).</p> <p>It would also be helpful to include in this section that the regulations specify particular control measures: emergency stops, warning devices and a guarding hierarchy.</p> <p>A minor issue exists with the information provided in relation to personal protective equipment: “breathing protection” should be “respiratory protection”</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>2.5 Information sources</p> <p>Page 11</p>         | <p><i>Researching information</i></p> <p>In the context of seeking information about managing risks associated with plant, it would be more appropriate to refer to the WHS regulations, rather than the generic WHS “legislation”.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>2 Consultation</p> <p>Page 12</p>                  | <p>This section should be reframed to cover both consultation with users (workers) and the broader obligations to consult, cooperate and coordinate with other duty holders who are involved in the upstream duties and the ultimate PCBU who will be using the plant. We also believe that this should be a separate section in the code, rather than a subset of “information sources”, as it is a crucial obligation for upstream duty holders</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>3.2 Role of designers</p> <p>Page 13 and 14</p>    | <p><i>Taking on the designer duties</i></p> <p>The paragraph highlighting that a person may become a designer if they alter the plant during manufacture etc requires further information or cross referencing to explain that the obligation for a manufacturer who identifies hazards, is that they must communicate with the designer.</p> <p><i>Knowledge and capability</i></p> <p>The terminology used in this section is confusing. In the Act and Regulations, “person” is used as an abbreviation for a person conducting a business or undertaking (PCBU). “Designer” is used as an abbreviation for a PCBU that designs.</p> <p>However, in this section both “person” and “designer” are being used to describe an “individual”, not a legal entity. It is Ai Group’s view that, to minimise the confusion that may be caused by mixing these terms, it is necessary to change the wording of this section.</p> <p>An alternative lead-in could be “... the following skills and knowledge should be demonstrated by the individuals undertaking the work on behalf of the designer”.</p> <p>In the second paragraph, it could be said “... too complex to be understood by any individual ... various designers and/or the individuals who are engaged by them ...”</p> |

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| <p>3.4 Pre-design and concept development phase</p> <p>Page 14</p> | <p>This may be an appropriate place to re-emphasise the overlapping duties of all persons conducting a business or undertaking – including the role of the end user – each of whom are required to:</p> <ul style="list-style-type: none"> <li>• eliminate or minimise risk so far as is reasonably practicable; and</li> <li>• consult, cooperate and coordinate in relation to the overlapping duties.</li> </ul>                                                                                                                                                                                                                                                                                                           |
| <p>Figure 1</p> <p>Page 15</p>                                     | <p>In the first box of the <i>design development phase</i>, (b) should read: “conducting a risk assessment process.” Later references in this section should also be checked to determine if they should also be risk assessment, e.g. at the top of page 16</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>3.6 Testing and examination of plant</p> <p>Page 17</p>         | <p>The last sentence uses the word “should” in a context where “must” would actually be correct.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>3.7 Providing information</p> <p>Page 18</p>                    | <p>The first paragraph on this page creates confusion through the words inserted in the brackets, as they do not cover all the possible combination of duties, i.e. the manufacture might also be the supplier, meaning that they would need to provide the information to the end user. It may be better to leave this information out and then have a separate section in the code that refers to how the duties work if you have multiple duties in the “upstream” chain.</p> <p>The second paragraph on this page states that information “should be provided in a manner that can be clearly understood”. Would it be appropriate to refer to the obligations established in regulation 39, and in particular 39(3)?</p> |
| <p>4.2 Design to facilitate safe use</p> <p>Page 21</p>            | <p>As currently written it is unclear what message the example is trying to send; it also seems to refer to incorrect location of controls, rather than being directly related to the preceding paragraph. If this example is retained, it needs an additional sentence which explains what the designer should have done to avoid this error. Further, this example might be more appropriate at the end of section 4.4.</p>                                                                                                                                                                                                                                                                                                 |
| <p>4.3 Reasonably foreseeable misuse</p> <p>Page 22</p>            | <p>This section will create a concern for the designer, without providing any guidance about what the appropriate control measures might be. This section needs to be expanded.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>4.7 Maintenance</p> <p>Page 23</p>                              | <p>The first sentence of this section states “a designer’s responsibility extends to ensuring that maintenance of plant can be undertaken safely”. This is not a correct expression of the laws; it should be reworded as “extends to eliminating or minimising the risks, so far as is reasonably practicable, associated with the maintenance of plant”.</p>                                                                                                                                                                                                                                                                                                                                                                |
| <p>4.8 Guarding</p> <p>Page 23</p>                                 | <p>Whilst the guarding hierarchy is outlined in the legislation box, we believe it is important to restate in the subsequent words that decisions about guarding must be consistent with the hierarchy established in the regulations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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| <p>5.1 The role of manufacturers</p> <p>Page 28</p>    | <p>Reference to consultation should be to the obligation to consult, cooperate and coordinate.</p> <p>The last paragraph in this section is a bit contradictory. The first sentence implies that modifications can be made without consulting the original designer. The second sentence commences with a reference to the need to consult the original designer before making changes but then allows for “a person with relevant expertise” to approve substitution of materials.</p> <p>It would be helpful to include a legislation box which details the requirements of regulation 193</p> |
| <p>5.5 Registration of plant design</p> <p>Page 30</p> | <p>We do not believe there is sufficient information in this section to make it clear to the manufacturer what they can, and cannot do, in relation to modifying the plant during manufacture when there are design registration requirements.</p>                                                                                                                                                                                                                                                                                                                                               |
| <p>6.7 Second-hand plant</p> <p>Page 33</p>            | <p>Ai Group supports the information in this section which delineates the different approaches to “reasonably practicable” applied to PCBUs who are in the business of supplying second hand plant, and those who are selling second hand plant that they no longer need. However, we do think this could be made a little clearer; possibly with an introductory sentence that defines the difference between being “involved in supply” and not being involved in supply.</p>                                                                                                                  |

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| <p>7 Specific risk controls</p> <p>Pages 35 to 41</p> | <p><i>General</i></p> <p>This section includes specific requirements established by regulations and other requirements which are more general in nature. Whilst the legislation boxes highlight the legislative requirements for confined spaces, manual tasks and noise, we believe there should be an introductory paragraph to explain the structure of this section.</p> <p>This section should also include all of the specific requirements specified in regulations 214 to 226, rather than just regulations 223 (page 38).</p> <p><i>Guarding related issues</i></p> <p>Sections 7.8 (page 37) and 7.11 (page 39) are subsets of guarding issues, and may be more appropriately located in section 4.8. Further, the information presented in 7.8 is providing mixed messages – it is unclear whether the code is “allowing” non-guarded rotating elements, or not.</p> <p><i>Lasers</i></p> <p>We understand that there has been some confusion regarding the restriction on the use of Class 3 lasers in construction created by regulation 223(6), i.e. it is not clear that class 3B lasers can be used in some circumstances. As a code focused on the upstream duty holders, including suppliers, it may be appropriate to clarify this restriction in this section.</p> <p><i>Radio frequency radiation</i></p> <p>It is not clear what the code is attempting to achieve with this information. It is contained within the section entitled “specific risk controls” but it only covers an explanation of possible risks. This information should either be removed, or have further information provided about how to control such risks. Alternatively, it may be that this information may be more appropriate located in a section that focuses on the appropriate information that needs to be provided down the supply chain to ensure that the end user puts in place appropriate controls.</p> <p><i>Ultraviolet radiation</i></p> <p>This section seems to only address the need for the designer to identify ultraviolet risks. It should provide further information about how to control those risks and/or the need to provide the necessary information to enable workers to undertake the work. This may also be better located in a section about provision of information.</p> <p><i>Hazardous chemicals</i></p> <p>This section does not assist the designer to understand specific risk controls that need to be considered. In its current format it is not about specific risk controls. If it remains in this section, more information is required.</p> <p><i>Mechanical or structural failure during operation</i></p> <p>The last paragraph on page 40 relates more to guarding issues than to mechanical or structural failure; accordingly it should be relocated to the guarding section of the code.</p> |
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| <p>Appendix B</p> <p>Page 46</p> | <p>The way in which Appendix B is presented creates some confusion.</p> <p>It is titled “registrable plant”, but the first list of information commences with an introductory sentence indicates that it is a list of plant requiring registration of design. The information about plant that is required to have item registration is on the next page.</p> <p>Clarity would be aided by aligning the title of the appendix with the title of the schedule, i.e. Registration of plant and plant designs</p> |
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**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. Working in the Vicinity of Overhead and Underground Electrical Lines

| Section/page no.           | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <p>Issues paper</p>        | <p><i>Feedback is sought on how to deal with approach distances in the draft model code.</i></p> <p>It is Ai Group’s view that option 3 should be adopted – remove reference to approach distances, and include a statement that local electricity supply authorities set the safe approach distances. The reasons for this view are outlined below:</p> <ul style="list-style-type: none"> <li>• Page 8 of the Issues paper refers to the <i>National guidelines for the safe approach distances to electrical and mechanical apparatus</i>. Safe Work Australia advised SIG-WHS that there was no agreement amongst the jurisdictional electricity supply authorities to adopt these guidelines. We are unaware of the reasons why these guidelines are not being adopted consistently, but it is unlikely that a common approach in WHS laws would be accepted in these circumstances.</li> <li>• Option 1 – It is not appropriate, nor justifiable in a code which will be adopted into the jurisdictional landscape to set a standard distance in the code which is greater than that set by an electricity supply authority established in the same jurisdiction.</li> <li>• Option 2 – Setting a distance and then advising that the local electricity supply authority may apply more stringent requirements will just create confusion and potential disagreement in the workplace.</li> <li>• Option 4 – Assuming that option 4 would be used to create a variation of options 1 and 2, the views expressed above apply to this option as well.</li> </ul> |
| <p>General terminology</p> | <p>Throughout the code the word “person(s)” has been used extensively to describe individual workers. As person is the term used as a common abbreviation for person conducting a business or undertaking, it would be more appropriate to use “worker” or if intended to apply more broadly “individual” or “people”.</p> <p>It is not clear whether an individual becomes “authorised” once they are deemed competent, or if the individual has to be authorised for each particular task they are to undertake. This should be stated more clearly.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| <p>1.1 Working in the vicinity of</p> <p>Page 6</p>               | <p>It is not clear from this explanation whether in the vicinity means within the “approach distances” or if it includes those working outside of approach distances but close enough that lack of attention could bring them within the approach distances. Therefore, in reading parts of the codes where “in the vicinity is used”, e.g. within section 2.6 it is used in relation to authorised persons and safety observers and in section 2.2 in relation to unauthorised persons.</p>                                                                                                                                                                                                                         |
| <p>2. Assessing the relevant approach distance</p> <p>Page 10</p> | <p>The first sentence at the top of the page reads “you should consult the electricity supply authority ..” It is unclear who is being addressed in this sentence. To avoid confusion this should be reworded to remove the word “you”.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>2.2 Unauthorised person zone</p> <p>Page 12</p>                | <p>The terminology of “unauthorised”, whilst defined earlier on that page, gives a very strange message. It implies that the person is somewhere they shouldn’t be. However, we do recognise that the word “untrained” would also be inappropriate. Perhaps the use of the term “non-specialist” or something similar would be better than “unauthorised”.</p>                                                                                                                                                                                                                                                                                                                                                       |
| <p>Figure 3</p> <p>Page 11</p>                                    | <p>Cross referencing to other sections of the code does not appear to be correct</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>Footnote</p> <p>Page 12</p>                                    | <p>If the current manner of presenting approach distances is maintained, the footnote provided on page 12 is insufficient to highlight the important information that the electricity supply authority may have more stringent arrangements. The average reader is unlikely to understand the use of footnotes and may completely overlook the information – particularly as the footnote is attached to an introductory paragraph, rather than the specific tables.</p> <p>This information needs to be in clear words attached to every one of the tables.</p> <p>The footnote also states “You should contact...” It is unclear who “you” is referring to. This should be reworded to avoid the use of “you”.</p> |
| <p>2.4 No Go Zone</p> <p>Page 13</p>                              | <p>The description of the “safety envelope” is unclear. Is it referring to the area around the electricity lines (in which case the description of the plant is inappropriate). Or is it referring to the area around any plant that is approaching the electrical lines?</p> <p>The <i>No-Go</i> zones description refers to “energised electrical part”. As this code is specifically focusing on electrical lines, would it be more appropriate to say “energised electrical lines or parts” as in the introductory sentence?</p>                                                                                                                                                                                 |
| <p>2.6 Authorised persons</p> <p>Page 15</p>                      | <p>This section states that “authorised persons” and safety observers should complete appropriate training provided by a registered training organisation. It is not appropriate to provide that level of specificity about the training required.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| <p>2.7 Safety Observer</p> <p>Page 16</p>                                                                       | <p>This section states that a safety observer is given a “duty”. As duty has a specific meaning in the WHS laws, this should be changed to “role”.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>3.1 Identify hazards</p> <p>Page 17</p>                                                                      | <p>It is stated that the lines should always be treated as energised unless they have “received an access authority ... from the electricity supply authority which allows persons to work within the no go zone”. This sentence should specifically state “... and the authority confirms that the electrical lines have been deenergised.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>3.5 Work in the safety observer zone</p> <p>3.6 Work in the authorised person zone</p> <p>Pages 22 to 24</p> | <p>This section needs some additional explanation about what the “safety observer zone” is. At present the reader has to assume that this zone is one in which a safety observer should be used to minimise the risks, but it is not stated as such.</p> <p>As in 2.7, the safety observer is described as being assigned the “duty”; this should be “role”.</p> <p>Further, the first completed paragraph on page 23 provides another unclear explanation of the role of safety observer zones.</p> <p>A safety observer is specified as a role in both 3.5 and 3.6. However, the detailed description of that role is only provided in 3.5. It may be more appropriate to have this level of detail provided in 3.3 as part of the control measures – with a cross reference in 3.5 and 3.6</p> <p>The dotpoint on the top of page 24 states “encroachment into the authorised person zone is strictly forbidden”. Other than the strange choice of words for a code, it is unclear whether this statement relates to the safety observer or the crane operator. If it is the crane operator, and they are authorised, then they would be permitted to enter the authorised person zone. This needs to be reconsidered and reworded, both for clarity and for the relevant tone of a code.</p> |
| <p>4 Tree and vegetation management</p> <p>Page 26</p>                                                          | <p>It is unclear why a householder would be included in this list as, whilst they might be at risk if undertaking this activity, they are not covered by the WHS laws.</p> <p>However, when reading 4.1 “managing risks”, it may be that the householder has been included because the PCBU with control of the electrical line can reduce risk by ensuring trees and vegetation are trimmed.</p> <p>It may be more appropriate to have the examples listed after the paragraph in 4.1</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>6 Agricultural work</p> <p>Page 36 to 39</p>                                                                 | <p>Some of the control measures refer to keeping out of the “no go zone”. We think it should be out of the “approach distances”</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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| 7 Low voltage<br>Page 40 to 43                                                                                                                                                              | The reference to authorised persons in relation to approach distances (7.1 at bottom of page 40) is a long way from the definition of authorised person in the general part of the Code. It may be helpful to redescribe the definition, or provide a cross reference. Alternatively, this and other similar sections could benefit from an introductory section which advises the reader that this section can not be read alone and reference must also be had to the general part of this code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 9 Electrical risks underground and in buildings<br>Page 48 to 50                                                                                                                            | <p>It is not clear why this code has been extended beyond the scope of the regulations, i.e. the regulations cover underground electrical lines, not electrical services in buildings. By including the broader activities, it has made the section quite confusing, especially with the reference to a SWMS for high risk construction work. If this broader scope is maintained, the relationship between the regulations and the rest of this section must be clearly explained in an introductory section.</p> <p>On page 49 it is stated that “if excavating in a public place, suitable means should be used to identify any electrical cables”. It is not clear why this is only appropriate in public places.</p> <p>9.3 – the wording used here is inconsistent with the interpretation of the law. “...control measures must be implemented to eliminate the hazards so far as is reasonably practicable, or if that is not possible, minimise the risks so far as is reasonably practicable” This should be reworded to more accurately reflect the correct application of the law.</p> <p>Page 50 – the substitution examples are not clear, and need to be reworked. It appears that the first dotpoint is describing the hazard and the second and third dotpoints are examples of substitution.</p> |
| Appendix B                                                                                                                                                                                  | <p>Case 2 – The first sentence uses the term “Workplace Health and Safety” instead of “Work Health and Safety”. The wording in Case 2 implies that electric line safety is not part of WHS. This should be reworded. It is not clear why the focus of this case study is on the “no go zone” rather than covering approach distances as well.</p> <p>A number of the cases (e.g. 3, 4, 5), whilst interesting, do nothing more than to identify the cause of the incident to be “failure to carry out an adequate risk assessment and put implement adequate risk controls in place”. It would be more helpful to explain the specific risk controls that could have assisted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Impacts:</b> 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. Traffic Management in Workplaces                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| Section/page no.                                       | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Issues paper                                           | <p><i>The issues paper advises that separate guidance material will be provided for specific workplaces where traffic issues are most prevalent. Feedback is specifically sought about whether the scope and content of the code is appropriate.</i></p> <p>Our comments on specific content within the code is provided below.</p> <p>Our general view is that this code, providing information about generic traffic issues is appropriate as a code, supported by guidance. The inclusion of any specific information about particular industries would make the code too long and may give the impression that the specific industries covered in the code are the only ones that require traffic management to be considered.</p>                                                                                                                                                                                                                                                                                          |
| General                                                | <p><i>Scope is unclear and confusing</i></p> <p>It is unclear what scope the Code is intended to capture</p> <p>The first sentence in the introduction (page 5) seems to set the scene that the code is focused on risks associated with the interaction between traffic and pedestrians that share work areas or traffic routes.</p> <p>However, the information presented in 2.1 (pages 7 to 8) identifies “traffic hazards involving vehicles and mobile plant” and “traffic hazards involving pedestrians” as different types of hazards.</p> <p>The content in the risk control section then indicates that the focus is on interaction between pedestrians and traffic.</p> <p>There needs to be clearer statement of which risks are being covered by this Code – is it traffic/pedestrian interaction or is it a broader focus of all traffic risks, e.g. overturning of a forklift, sustaining an injury falling off a step when dismounting, or damage to a building which does not involve risks to pedestrians?</p> |
| 2. Risk Management<br><br>General<br><br>Pages 7 to 10 | <p><i>Flow of information could be improved</i></p> <p>The flow of this section is a bit disjointed. The introductory section states that there is a need to commence with hazard identification and an assessment of the risks. However, the dotpoints that follow this are more general elements to take into account in traffic management. This list of elements is then a mixture of things to determine (traffic demand), specific traffic requirements (special vehicles and over-dimensional vehicles; parking) and control measures (traffic signals).</p> <p>These items would be better located in either identification or control sections of the Code, rather than in this current format.</p>                                                                                                                                                                                                                                                                                                                    |

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| <p>2.1 Identifying traffic hazards</p> <p>Pages 7 to 8</p> | <p><i>Flow of information could be improved</i></p> <p>As outlined earlier, there seems to be an unnatural grouping of hazards as either “traffic hazards involving vehicles and mobile plant” and “traffic hazards involving pedestrians”. It may be more appropriate to rework this section to bring them together. The two sets of dotpoints relating to types of hazards that might be found could then be grouped together and reordered. Alternatively other groupings might be more appropriate – e.g. hazards associated with trucks moving around site to deliver or pick up goods; hazards associated with mobile plant moving around outside the workplace; hazards associated with mobile plant working within work areas to pick goods from racking or take product in and out of production areas</p> <p>Additionally, there does not appear to be any reference to the specific hazard of uncontrolled movement due to terrain (basically vehicles rolling away when left parked on sloping ground). Reference to this hazard could also be included in section 3.4 – Parking.</p> <p><i>Methods to help identify hazards</i></p> <p>The information provided in the last part of 2.1 is very helpful, giving duty holders some clear guidance on how to identify all the possible hazards associated with traffic movement in the workplace. We believe this information would be more appropriately located at the start of this section, creating a focus for identifying the most relevant hazards, rather than commencing with a list of possible hazards.</p> |
| <p>2.1 Identifying traffic hazards</p> <p>Pages 7 to 8</p> | <p><i>Are the risks listed all related to traffic?</i></p> <p>A review should be undertaken to ensure that all of the hazards listed are actually traffic hazards. It may be that more words are needed to make it clearer why some of this issues listed are <i>traffic related</i> hazards, rather than some other hazards, e.g:</p> <ul style="list-style-type: none"> <li>• Securing of loads appears to be a risk of falls from heights</li> <li>• Locked emergency doors do not seem to have a direct connection to traffic risks</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>2.2 Assessing the risks</p> <p>Pages 8 to 9</p>         | <p><i>Is the risk assessment section diverting people from control?</i></p> <p>It is acknowledged that the risk assessment section does identify that there may not be a need to undertake a risk assessment if “you already know the risk and how to control it effectively”.</p> <p>However, in the case of the risks associated traffic management it is clear that where there is any interaction between vehicular traffic and pedestrians, there is a possibility that there may be a fatality or serious injury. Given this, it appears to be appropriate, to have a statement early in the risk assessment section which says something like “if you identify that you have situations where vehicular traffic and pedestrian traffic are using the same areas (joint roadways, pedestrians in truck loading areas, forklifts in manufacturing arease etc.) you should immediately consider whether you can eliminate or minimise the risk through the separation of vehicular traffic and pedestrian traffic.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| 2.2 Assessing the risks<br><br>Page 9          | <i>Terminology</i><br><br>The words “loadshifting” may not be clear to the average reader. A more appropriate alternative might be “powered mobile plant”                                                                                                                                                                                                                                                                                                                     |
| 2.3 Controlling the risks<br><br>Pages 9 to 10 | <i>Referring readers to the specific controls on later pages</i><br><br>This section provides a good <i>introduction</i> to examples of how the hierarchy can be applied to traffic. However, it would be useful to also flag that specific solutions are provided in section 3 of this Code.<br><br>The clarifying words after the table on page 10 should also have reference to the importance of information, instruction, training and supervision to ensure compliance. |
| 2.4 Reviewing control measures<br><br>Page 10  | The list is a generic one used in other codes, so there is consistency of format which is good.<br><br>An additional method for reviewing control measures associated with traffic management is to utilise a similar process used for hazard identification, of observing traffic and pedestrian flows to see if they are working as expected.                                                                                                                               |

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| <p>3 Traffic Control Measures</p> | <p><i>Two specific types of risk – requiring different controls</i></p> <p>It is our view that there is largely three types of traffic risk in a workplace – introducing traffic into areas specifically designed for people to work in (forklifts in manufacturing areas); having pedestrians enter areas that are predominantly designed for vehicles to work in truck loading/unloading areas, warehouses with mobile plant used to undertake the picking work; intersections of these two activities (joint or adjacent roadways / walkways). It may be helpful to separate the Code into these three areas of focus, as the controls are very different.</p> <p><i>Inappropriate illustration, if it is to be the only illustration</i></p> <p>This illustration is one of only 2 illustrations in the Code. It shows a very limited solution for separation – it includes only bollards (which appear to be cemented in place). A higher level of control would be a completely separated approach to traffic with fixed barriers etc. and should be illustrated in the code.</p> <p><i>Elimination</i></p> <p>It would be helpful to have some examples of how to eliminate traffic hazards – e.g. fully automated and computer controlled picking systems in a warehouse, use of appropriately designed conveyors to deliver raw materials and pick up completed product in a manufacturing workplace etc.</p> <p><i>3.1 Pedestrian routes</i></p> <p>An additional control that should be included is considering the location of doors, timeclocks, noticeboards etc. to minimise the need to pedestrians to walk across or share roadways / vehicle routes.</p> <p><i>Gates</i></p> <p>Interlocked gates provide a very different level of control than chicaned or hinged gates – we would suggest listing them in separate dot points. Further, interlocked gates imply an integrated approach to traffic management that would include sensors of some type on the mobile plant. It may be appropriate to outline, separately, about how these total systems might work.</p> <p><i>Railings or bollards</i></p> <p>Railings and bollards are also different levels of protection – a bollard tends to “warn” a pedestrian without creating full separation (as shown in the illustration), whilst rails create separation.</p> <p><i>3.3 Safe crossings</i></p> <p>These dotpoints should be reordered to match the hierarchy – interlocked gates are a higher level of control than inward opening gates. An additional control, at the lowest level is marked pedestrian walkways</p> <p><i>3.4 Safe parking</i></p> <p>It may be more appropriate to refer to private vehicles as <i>passenger vehicles</i>, or <i>passenger and light commercial vehicles (couriers)</i>.</p> |
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|                                                                                                                                                                                             | <p><i>3.5 Safe loading and unloading</i></p> <p>This section should include information about ensuring truck drivers either remain in their truck or in a driver safety area. They should not be in the vicinity of the truck during loading.</p> <p><i>3.9 Forklifts and other powered mobile plant</i></p> <p>Many of the control measures listed here are the same as what would apply in relation to other vehicular traffic. Our suggestion above to rearrange the information may aid in removing duplication. This section could then focus on the specific risks associate with forklifts and other powered mobile plant, such as speed and stopping distances. It may also be appropriate to provide some information about the stability (or otherwise) of forklifts as risks to drivers and pedestrians associated with a forklift tipping over should also be considered.</p> |
| Safe parking                                                                                                                                                                                | Reference should be made to the hazard of uncontrolled movement due to terrain (vehicles rolling away when left parked on sloping ground) and include an example of an appropriate control to minimise the risk of this occurring.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| General                                                                                                                                                                                     | The Code would benefit from some more illustrations of good traffic management approaches – especially separation options.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Impacts:</b> 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? |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <b>4. Scaffolding Work</b>                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Section/page no.</b>                                                                                                                                                                     | <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Scope                                                                                                                                                                                       | Consultation with representatives from the scaffolding industry has informed our comments on this code. A perception exists in the industry that this code has greater relevance to the commercial scaffolding sector rather than the industrial scaffolding sector.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2.3 Controlling the risks<br>Page 9                                                                                                                                                         | <p><i>PPE</i></p> <p>“Hearing protectors” is not a good example to use when describing suitable PPE to minimise any remaining risks from hazards associated with scaffolding work. Hearing protectors seem particularly incongruous as a control when the examples of scaffolding work hazards listed in 2.1 include; scaffolding collapse, falls from heights, falling objects.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 3.2 Safe work method statements<br><br>Page 11                                                                                                                                              | <p><i>Contradictory information?</i></p> <p>The opening paragraph states that “in some situations, scaffolding work may involve activities that are defined as ‘high risk construction work’. High risk construction work includes work that “involves a risk of a person falling more than 2 metres” This information appears to contradict the information given on Page 7 – High Risk Work Licences whereby a person is not required to hold a scaffolding licence (high risk work licence) if a “person or thing may fall 4 metres or less from the scaffold.”</p>                                                                                                                                                                                                                                                                                                                    |

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| <p>4.1 Safe erection of scaffold</p> <p>Page 20</p>                                                                                                                                                | <p><i>Inappropriate illustrations Figures 4, 5 and 6</i></p> <p>Each of these illustrations shows a ladder. Figure 4 shows the ladder as a means of access from the ground to the first scaffolding platform. The following two illustrations show the ladder being used on the higher scaffolding platforms.</p> <p>A ladder is mentioned only once in the accompanying text, as a bullet point describing a “means of access...” There is no information about the danger involved with the use of ladders, nor any explanation/cross-referencing to the <i>Code –How to Prevent Falls At Workplaces</i> which has extensive information on the safe use of ladders including the advice that “ladders are not used without additional appropriate precautions on scaffolding...to get extra height.”</p> |
| <p>Fall-arrest systems</p> <p>Page 24</p>                                                                                                                                                          | <p><i>Requirements for different industry sectors</i></p> <p>Feedback suggests that although the information as presented in this section is technically correct, it is not what happens in the industrial scaffolding sector where all scaffolders are required to wear a safety harness when working on industrial scaffolding because of the unique nature of most installations.</p> <p>From this point it seems that the information in this code does not adequately capture requirements and processes which may differ across sectors of the scaffolding industry from commercial to industrial.</p>                                                                                                                                                                                                |
| <p>Types of scaffold and risk controls</p> <p>Page 27</p>                                                                                                                                          | <p><i>Inadequate information</i></p> <p>During consultation, comment was received about the content of this section. In particular the sentence that states “scaffolds should be erected in accordance with the designer’s instructions and the scaffolding plan”.</p> <p>The opinion is that this information is inadequate for high risk work because there is no detail on how to build the scaffolding i.e.no standard procedure and so instead, is dangerously left to interpretation by an individual.</p>                                                                                                                                                                                                                                                                                            |
| <p><b>Impacts:</b> 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?</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p><b>5. Formwork and Falsework</b></p>                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>Section/page no.</b></p>                                                                                                                                                                     | <p><b>Comment</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <p><b>Impacts:</b> 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?</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p><b>Other comments</b></p>                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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