



VICTORIAN
DIVISION

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Victorian OHS Regulations Reform

The Minerals Council of Australia Victorian Division (MCA) is pleased to provide comment on the proposed Victorian Occupational Health and Safety Regulations 2017 (proposed regulations).

In Victoria, the MCA represents the interests of member companies exploring, operating and providing services to the earth resources industry within the state. Our industry's first commitment is to the safety and health of our workforce and the communities in which we operate.

These comments also follow the MCA's participation in the Stakeholder Reference Group established by WorkSafe as part of the reform process.

Overall the MCA supports the proposed regulations, which include a number of common-sense improvements that improve practicality without compromising safety. Specific comments on proposed changes relevant to industry are included in the table overleaf.

A key challenge for industry is to ensure that all parties, not just operators or duty-holders, are aware of their occupational health and safety obligations. The minerals industry looks forward to providing input into future campaigns by WorkSafe through the Earth Resources Tripartite Safety Forum and broader Stakeholder Reference Group.

The MCA does not make specific comment on findings in the associated Regulatory Impact Statement (RIS). However the decision not to consider adoption of the Model Occupational Health and Safety regime in the Options Analysis is a missed opportunity.

Findings would have informed future discussion as to a pathway for Victoria's adoption of the regime.

Regards

A handwritten signature in black ink, appearing to read "Gavin Lind".

GAVIN LIND
ACTING EXECUTIVE DIRECTOR VICTORIAN DIVISION

Proposal

MCA comment

Part 3.1: Hazardous manual handling		
1.1.15	Definition of 'hazardous manual handling'	Support
3.1.1(1)	Remove term 'task' in regulation regarding handling. Instead, employers will be required to identify any 'hazardous manual handling'.	Support
3.1.1(2)	Remove reference to tasks in class as this information is considered more appropriate for guidance material.	Support
3.1.3(1)	Amend to refer more broadly to alteration to object or plant, process or system of work, for consistency with other parts of the Regulations. This ensures that employers are required to review a risk control measure before any change.	No comment
Part 3.2 noise		
3.2.4	Remove regulations 3.2.4(2) and 3.2.4(3) detailing matters an employer must consider when providing hearing protectors. Considered more appropriate as guidance.	Support. <i>Recommend further promotion about the importance of utilising provided personal protective equipment (PPE).</i>
3.2.5	Remove requirement for a written risk control plan when implementation of a higher order risk control measure is delayed for six months. Does not reduce safety as overarching requirement to control exposure is maintained.	Support
3.3.12	Clarify trigger for an audiological exam is a reduction in hearing level of 15bd or greater over a two year period, regardless of how many tests are undertaken over that two year period.	No comment
Part 3.3 – Prevention of falls		
3.3.1	Include clarification that legislative obligations still apply to the risk of falls below two metres.	No comment
Part 3.4 – Confined spaces		
3.4.4	Remove requirement that suppliers eliminate the need to enter a confined space, as far as practicable, in a piece of plant if the designer or manufacturer has not. However the requirement of supplier's to ensure, so far as reasonably practicable, that the plant has been designed in accordance with r 3.4.2 and 3.4.3 is maintained.	No comment
3.4.15	Replace the requirement for an employer to retain a 'confined space entry permit' for 30 days to a requirement to retain until the work is completed or for two years in the event of a notifiable incident.	Support
Schedule 3 – Part 2- License classes for crane, hoist and fork lift truck operation		
Draft item 19	Introduction of a new license class for each stackers, allowing operators to train and receive a license for operating reach stacker without having to cover all competencies.	Support
Item 9	Exclude definition of 'low-lift pallet trucks from definition of forklift truck'.	No comment
Item 14	Broaden scope of work allowed under a bridge and gantry train operation license by amending scope of work to include the application of load estimation and slinging techniques. Consistent with Model WHS Regulations.	No comment
Item 15	Amend scope of work for vehicle loading crane operation licence to include application of load estimation and slinging techniques. Consistent with Model WHS Regulations.	No comment
Item 27	Narrow types of order-picking forklift trucks requiring an operator with a high risk licence. As a result, only operators of order-picking forklift trucks with lifting attachments capable of being raised 900 mm or more above the ground would be required to hold an order-picking forklift truck operation license.	No comment
Part 4.1 – Hazardous substances		
	Recast regulations to the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) terminology.	Support
Part 4.2 – Scheduled carcinogenic substances		
4.2.3	Clarify that exemption at 4.2.3(4) is limited to suppliers who store these substances for short terms before passing on to customer.	No comment
Part 4.3 – Asbestos		

4.3.19 4.3.34	Apply Division 5 and Division 6 regardless of whether there asbestos is present in a workplace (installed, fixed or dust).	There is no reference to naturally occurring asbestos. <i>The MCA refers to the Model WHS Regulations which excludes 'naturally occurring asbestos' from these requirements.</i>
4.3.19 4.3.34	Allow a person to assume asbestos is not present in a build, structure, plant or ship built or made after 31 December 2003 and asbestos has not been identified.	Support
4.3.49 4.3.90	Introduce a requirement for licensed removal work that employers who have been informed of asbestos removal to inform employees in immediate and adjacent areas.	Support
4.3.59 4.3.80 4.3.11	Remove requirement to notify WorkSafe of name and contact details of registered medical practitioners engaged to undertake medical examinations.	Support
Division 7	Incorporate content of current Dangerous Goods Order 2007 (DG) order into regulations.	No comment
Part 5.3 - Mines		
5.3.2	Consolidate list of mining hazards to align with WHS terminology for principal mining hazards and to retain remaining mining-hazard types.	Support
5.3.11	Introduce flexibility for young workers.	Support
5.3.18	Amend current duty that all mining operators must ensure, so far as is reasonably practicable, available means for 'constant communication' to 'effective' means of communications.	Support. <i>Note: While supporting the change, MCA considers the cost benefit noted in the RIS to be higher than likely actual benefit</i>
5.3.30	Amend requirement that mining operators ensure air is maintained at safe level 'throughout the mine' to only 'areas in the mine in which persons work or travel.'	Support
5.3.34	Require operators of prescribed mines to provide relevant parts of emergency plans to councils.	Support. <i>Note: MCA seeks WorkSafe's support to raise awareness among local councils and emergency services about the need to participate in emergency response planning.</i>
Part 6.1 – Licences and part 6.2 – Registration		
6.1.1	Close transition period for conversion of old certifications to high risk work licences.	No comment
6.1.9	Amend regulation to require an application for high risk work licence to notice of assessment (satisfactory) and remove references to statement of attainment. Only a notice of assessment will be recognised as evidence.	No comment
Transitional arrangements		
	WorkSafe confirmed that transitional provisions in proposed regulations establish that threshold changes will not take effect until six months after the commencement of the regulations (17 January 2016).	<i>Support should be provided to operators to assist with transition to new arrangements</i>