



**Proposed Occupational Health and Safety
Regulations 2017 and Equipment (Public Safety)
Regulations 2017**

Victorian Farmers Federation Submission

September 2016

THE VFF represents 10,000 farmers operating 6000 rural businesses. We are the major contributors to Victoria's food & fibre sector – delivering \$12 billion in exports annually and employing 154,000 people on farms, in the agricultural supply chain and food processing sectors.

Victoria is home to 25 per cent of the nation's farms. They attract neither government export subsidies nor tariff support. Despite farming on only three per cent of Australia's available agricultural land, Victorians produce 30 per cent of the nation's agricultural produce. The VFF represents the interests of our state's dairy, livestock, grains, horticulture, flowers, chicken meat, pigs and egg producers.



David Jochinke

VFF President

Please note: Queries in regard to the VFF's submission should be directed to VFF Workplace Relations Executive Manager Patricia Murdock.

Background

The Victorian Occupational Health and Safety Regulations (OHS Regulations) and Equipment (Public Safety) Regulations 2007 (EPS Regulations) are due to expire in 2017. The Government via WorkSafe Victoria is required by legislation to review the regulations every ten years.

The Victorian Farmers Federation (VFF) appreciates the opportunity to comment on the review of the proposed Occupational Health and Safety Regulations 2017 and Equipment (Public Safety) Regulations 2017.

OHS Regulations

The OHS Regulations cover physical workplace hazards such as:

- Manual handling;
- Plant;
- Hazardous substances and materials (including carcinogens)
- Asbestos;
- Lead;
- Falls;
- Noise;
- Confined spaces

There are also a range of duties in the OHS Regulations which refer to high risk work practices and industries including:

- High risk work;
- Major hazard facilities;
- Mines;
- Construction

The VFF will not be providing comment on all of the above workplace hazards and duties but will comment on some issues relevant to agriculture.

General Comment

WorkSafe should appreciate that farmers in rural areas may have difficulties in complying with some requirements due to situations beyond their control eg the lack of communication facilities in the regional areas such as phone coverage and the lack of available technology to these areas may meant that it is not reasonable and practicable to expect farmers to comply with the requirement to know where their staff are at all times.

Manual Handling

The VFF agrees that the suggestion of re-introducing a mandatory risk assessment requirement should not be implemented. Employers should focus on the control of the risk as in many cases they have mentally determined the risk. As such employers should not need to do extra work by formally having written documents to prove that they have assessed the risk. Having more and more red tape is unnecessary.

Noise

The VFF agrees with the proposal to clarify that the trigger for an audiological examination is a reduction in hearing of 15db or more over a two year period regardless of how many tests have been conducted.

The proposal to remove the requirement for a written risk control plan where implementation of a higher order risk control measure is delayed for six months is a common sense recommendation.

Prevention of Falls

VFF prefers option A- Retain the current definition of “fall”, but make some minor changes to clarify the requirements under the OHS Act that apply to falls below two metres. This means that the existing regulations would continue in its current form.

The VFF agrees with the decision made as to the need for a specific regulation around people working alone at height where it was determined that further regulation around persons working alone was not necessary. This decision was based on the risks associated with working alone needing to be identified and addressed as part of the general safety duties on employers in the Act and a review of enforcement activity finding no relevant prosecutions in 2014-15 indicating compliance with the Act duties.

Confined Spaces

The VFF agrees with the proposal to amend OHS Regulations to require that an entry permit be retained until the work is completed and for two years in the event of a notifiable incident. This replaces the requirement for a permit to be held for 30 days. This amendment will reduce record keeping requirement without reducing safety.

The current approach should be retained allowing for emergency service employees flexibility to operate effectively in rescue situations and that emergency service employers can provide for the safety of their employees through specialised and comprehensive training.

Plant

We note the RIS states: “*Consideration was given to introducing a requirement for plant to be under control of an operator, while providing a definition of what ‘control’*

means. It was considered that this may serve Victoria well in the future where more and more vehicles will be driverless (e.g. tractors that operate when the driver is not in the vehicle). However, it was proposed not to proceed with this change as after further consideration, the OHS Regulations were deemed sufficient to cover both situations.”

Driverless machinery offers Australian agriculture the next great leap in efficiency gains for farmers, ensuring they remain globally competitive. US machinery manufacturers are already showcasing driverless tractors and the horticulture sector is trialling mobile robots. VFF appreciates that it is not necessary to make changes to the regulations to enable the use of driverless tractors and similar vehicles.

Mr Stephen Sheridan on (03) 9207-5534 is VFF’s expert on driverless tractors, if further information is required on these vehicles.

Hazardous substances, scheduled carcinogenic substances and lead

The Australian Pesticides and Veterinary Medicines Authority (APVMA), is well placed to effectively manage the registration and control of use of agricultural and veterinary (agvet) chemicals, under a risk based model. This model is clear and appropriate for the use of agvet chemicals and directions for use are provided subject to rigorous safety testing by the APVMA.

The proposal to mandate the inclusion of GHS hazard and precautionary statements on chemical labels is unnecessary and will apply un-necessary red tape to the industry. Further, management of agvet chemicals under the hazard and precaution model will lead to lack of clarity and conflicting statements for chemical users.

Should these requirements be implemented from the 1st January 2017, there is concern about the impacts on agvet chemical users on farms. At the farm level, some chemicals are used and stored over a number of years. This would mean that any drums of chemical purchased before 1st January 2017, would effectively have incompliant labels attached to them. It is an unfair burden to be placing on primary producers.

Conclusion

The VFF has made the above comments in relation to the proposed OH&S Regulations. The VFF welcomes any further discussion with WorkSafe or the Victorian Government on any of the highlighted issues.