Improving the safety of earthmoving machinery used for lifting operations

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Safe Work

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1 Terms and conditions

I have read and understand the terms and condition for making this submission.

2 Are you completing this survey as an individual or on behalf of an organisation?

Organisation

3 Organisation name

Minerals Council of Australia

4 First name

Simon

5 Last name

Neiger

6 Email

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7 Phone

0447731729

8 Which of the following best describes you?

Other: "Industry Peak Body"

9 How many employees work for your organisation?

Not applicable

10 Where does your organisation operate? Choose more than one if applicable.

Nationally

11 What sector best describes you or your organisation? Choose more than one if applicable.

Mining

12 Would you like to complete the online questionnaire or upload a submission?

Online questionnaire

13 Upload your submission here.

Not answered

14 Supporting information

Not answered

15 Would you like to complete a response to this option?

Yes

16 Please explain your reasoning.

Not answered

17 Do you support Option 1 - retaining current arrangements with the development of supporting national guidance?

Yes

18 Please explain and provide evidence to support your views where possible.

Lifting activities are a risk PCBUs must already manage. Regulators already can exercise their powers to verify information such as training material, delivery and competency verification processes.
Lifting risks are already well managed within the mining industry through established training, systems, processes and controls; the mining industry has developed and implemented extensive guidance materials including training based on control of the associated risks.
The selection of any options must drive positive outcomes and ensure the selected intervention is genuinely targeting the correct controls that underpin WHS improvements. Whilst the industry may be open to supporting one of the other options presented, the discussion paper and previous consultation do not provide sufficient justification or analysis to make an informed decision at this stage. Particularly as options 2, 3 and 4 will introduce additional regulatory burden on mine operators through changes in minimum equipment standards and training and competency requirements.
There are already requirements for lifting certification, plant registration and compliance. In addition, there are design and operational obligations that apply. Australian Standards exist, along with two information sheets, and there are established dogging and rigging licence requirements.
Care must be taken to ensure that the Harmonised Work Health and Safety laws do not become unnecessarily complex or administratively burdensome.
In reviewing the discussion paper, it is unclear whether this is a matter of regulatory framework deficiency or regulator effectiveness, as it appears there has not been an analysis of current failings of regulation, regulators, and implementation and where this process could simplify or streamline current processes.

19 Do you consider guidance material alone to be sufficient to address the WHS risks associated with using earthmoving machinery for lifting operations?

Yes

20 Please explain and provide evidence to support your views where possible.

Yes, guidance material, combined with a systematic approach and sustainable practices (ongoing training/awareness, checks, audits etc) to maintain effectiveness.
This is an example of where SWA could leverage the expertise and best practices in a high-risk industry, such as mining, to help inform the development of national guidance.

21 If the current arrangements were maintained with supporting national guidance, what impact would it have for you and your organisation? For example, would it improve WHS? Would it create costs for your business? Could there be unintended secondary risks? Please provide as much detail as possible.

As an industry that is managing the risk well, maintaining current arrangements, supported by a national guidance document is expected to have the least impact.
Some change management including risk assessment may be required with intent to integrate into existing SHMS and Governance system if the guidance material highlights new considerations.

22 What type of guidance material would be most useful to support safe practices in this area? For example, would a more comprehensive national guide (which provides detailed, practical advice) or shorter information sheet(s) (which provide a high-level overview of risks and recommended controls) be most effective?

These matters are already addressed through existing requirements and design factors. For example, load charts are required for plant registration; all lifting attachments must be certified in accordance with legislative requirements; earthmoving competencies already address ground conditions and stabilisation; and dogging and rigging licences are required for load attachment and lifting operations across equipment types.
To be of benefit, a more comprehensive national guide would need clear, with practical advice, all hazards and controls, and industry-specific examples (construction, mining etc.) so industry can apply it accordingly.
For the development of more detailed guidance, an expanded list of standards should be considered:

- AS 1418 series for lifting systems – in particular, AS 1418.1 and AS 1418.8
- Associated Australian Lifting Standards for slings and lifting components (AS 1353 Flat synthetic webbing, AS 1666 Wire rope slings, AS 3775 Chain slings and AS 4497 Roundslings synthetic fibre)
- AS 4991: Lifting Devices (many plant attachments are subject to these requirements)
- AS 2317.1: Lifting points, Part 1: Collared eyebolts and collared eyenuts – Grade 4
- AS 3990: Mechanical equipment steelwork, which applies to Mining equipment and other steelwork, e.g. to support 'cranage'.
- AS 4772: Earth-moving machinery – Quickhitches for excavators and backhoe loaders
- ISO 10567: Earth-moving machinery – Hydraulic excavators — Lift capacity
- AS ISO 8643: Earth-moving machinery – Hydraulic excavator and backhoe loader

lowering control device – Requirements and tests

23 Do you consider that recommending training in national guidance would provide sufficient competency for operators using earthmoving machinery to lift freely suspended loads?

Yes

24 If so, what type of training should be considered?

Yes, as long as the recommended training:

- Is industry specific where possible – e.g. current RII training packages for Mining or Lifting
- Captures or references existing training that the industry is currently using and/or delivering
- Not mandated.

25 Please explain and provide evidence to support your views where possible.

Not answered

26 If there are other non-regulatory alternatives, what are these and how would they improve safety outcomes of these operations?

- Industry information shares through existing bulleting processes of bodies like the Mines Inspectorate/Regulator
- Educational roadshows highlighting best practice
- Industry specific briefings from SWA, presenting the national guidance and providing opportunities for Q&A.

27 Would you like to complete a response to this option?

No

28 Please explain your reasoning.

There is a large diversity of plant manufacturers and models. The time required for controls to be adopted across existing fleets combined with inherent equipment design characteristics make this option impractical at this time. Consideration of retrofitting would require a significant transition period to complete identification, design, and

implementation.
Whilst replacement of equipment may be an option, operations have equipment life, so it is not feasible to swap out equipment immediately. This would be a gradual approach as new equipment is purchased after current end of life.
Other considerations for this include:
• It takes many years to identify, design the engineering controls and incorporate these into the OEM equipment for purchase
• There are many National, European and International Standards in place in regard to the current earthmoving design equipment requirements which would also require review, updating and implementation (standardised approach) as OEMs don't change design based on the requirements of one country.
At this stage, applying engineering controls is not considered practicable, as it does not sufficiently account for the scale and complexity of implementation across the existing plant, which may not be able to be retrofitted at all. It may be feasible in the longer term; however, this would require:
• Mapping of the feasibility and cost of the various avenues to achieve this (e.g. retrofitting, the life of equipment for replacement timelines, alignment to National, European and International standards etc. and workforce training on retrofitted/new equipment)
• Significant transitional periods to take into consideration the above challenges.

29 Do you support Option 2 – the introduction of mandatory engineering controls for earthmoving machinery used for lifting operations?

Not answered

30 Please explain and provide evidence to support your views where possible.

Not answered

31 If Option 2 were introduced, what impact would this have for you and your organisation? For example - Would it improve WHS? Would it create costs for your business? Please provide as much detail as possible.

Not answered

32 What challenges might employers face in retrofitting existing

machinery with the proposed engineering controls?

Not answered

33 What transitional arrangements or timeframes would be required to support industry compliance?

Not answered

34 Would operators require additional training to use or interpret the proposed engineering controls effectively?

Not answered

35 Please explain and provide evidence to support your views where possible.

Not answered

36 How should training programs incorporate the use of load moment indicators, or stability systems?

Not answered

37 Would you like to complete a response to this option?

No

38 Please explain your reasoning.

With the right evidence-base, industry could be supportive of mandated training.
Any new mandatory training proposed should:
• Leverage existing expertise, training materials and collateral that the mining industry has developed and is successfully applying
• Be integrated as a component of existing RII training courses versus creating additional courses
• Be industry-specific and existing training that industry is currently using/delivering, should be reviewed and endorsed before development of any new training.
If option 3 is selected as the preferred response, it is recommended that a full RIS is conducted, with transitional and implementation focus to ensure the changes are meaningfully achievable and implementable.
A potential benefit of Option 3 is that it aligns with the intent of the high risk work

licensing framework - whereby persons undertaking high risk lifting activities are required to demonstrate competency through completion of relevant accredited training – without the need for an additional licensing regime.

39 Do you support Option 3 – the introduction of mandatory training for earthmoving machinery used for lifting operations?

Not answered

40 Please explain and provide evidence to support your views where possible.

Not answered

41 If Option 3 were introduced, what impact would this have for you and your organisation? For example - Would it improve WHS? Would it create costs for your business? Please provide as much detail as possible.

Not answered

42 How should regulators verify that workers have completed the required training?

Not answered

43 What transitional arrangements would be needed for existing workers who already perform lifting tasks with earthmoving machinery?

Not answered

44 What specific competencies should be included in the training course for using earthmoving machinery for lifting operations?

Not answered

45 Should the training be standalone or integrated into existing plant operator training units?

Not answered

46 Are there existing Australian Standards or guidance materials that could inform the development of the training course?

Not answered

47 Would you like to complete a response to this option?

No

48 Please explain your reasoning.

With the right evidence-base, industry could be supportive of a licence that is appropriate and specific to earthmoving equipment. However, care must be taken to ensure that the Harmonised Work Health and Safety laws do not become unnecessarily complex or administratively burdensome.

Option 4 should only be considered if tangible WHS benefits of licensing can be quantified to justify the associated administrative and cost burdens. It is important to note that a license does not automatically equate to improved WHS outcomes.

If option 4 is selected as the preferred response, it is recommended that a full RIS is conducted, including:

- Analysis of how a HRW licence aligns with the data and risk profile presented and improves WHS outcomes
- Workshopping the specific types of plant or models that should be in scope for the HRW license, as well as the required skills/competencies with SMEs who have experience with cranes/lifting/dogging and the practical use of earthmoving equipment
- A transitional and implementation focus to ensure the changes are meaningfully achievable and implementable – previous licence changes were implemented over an extended period (five years or more). A similar transition period would be expected for any new licence to ensure effective implementation
- Consideration of the administrative burden and costs.

49 Do you support Option 4 – to introduce a new HRW licence for the use of earthmoving machinery used for lifting operations?

Not answered

50 Please explain and provide evidence to support your views where possible.

Not answered

51 If Option 4 were introduced, what impact would this have for you and your organisation? For example, would it improve WHS? Would it create costs for your business? Please provide as much detail as possible.

Not answered

52 What factors would impact the success of a new HRW licence?

Not answered

53 Are there specific types of plant or models that should or shouldn't be included in the scope of a new HRW licence?

Not answered

54 Should a dogging qualification prerequisite apply to the proposed licence?

Not answered

55 Please explain your reasoning.

Not answered

56 Should the proposed licence apply only to the lifting of freely suspended loads, or to all suspended loads?

Not answered

57 Please explain your reasoning.

Not answered

58 Would limiting the scope of the licence to freely suspended loads provide sufficient clarity and safety coverage for lifting operations using earthmoving machinery?

Not answered

59 Please explain your reasoning.

Not answered

60 Would limiting the proposed licence to only freely suspended loads create more uncertainty about which lifting operations are covered, compared to applying it to all suspended loads?

Not answered

61 Please explain your reasoning.

Not answered

62 Should the proposed licence apply to the item of plant itself (i.e., a licence to operate earthmoving machinery) or only to the lifting operation being performed (i.e. a licence to operate earthmoving machinery used for lifting operations)?

Not answered

63 What specific skills/competencies should be included in the training course?

Not answered

64 Are there any existing training programs or units of competency that could serve as a useful basis for this course?

Not answered

65 If so, please specify.

Not answered

66 Please indicate how and if you want your response published.

Public

67 Published name

Minerals Council of Australia

68 How did you hear about this consultation?

Email from Safe Work Australia

69 How would you rate your experience?

8 out of 10

70 Please share any comments you have about the consultation process.

The mining industry remains committed to improvements in WHS outcomes. The safety, health and wellbeing of workers is the highest priority.
The discussion paper has limited key data and evidence, and the level of input from the earthmoving and heavy mobile equipment sectors on the Crane Licence Working Group is unclear.
Nominating an option becomes problematic and challenging due to the lack of clarity.