

22<sup>nd</sup> October 2018

Analena Gilholme  
Economic Regulatory Authority  
Level 4/469 Wellington Street  
PERTH WA 6000

**RE: 2017 Inquiry into Reform of Business Licensing in WA**

Dear Ms Gilholme

This Submission relates specifically to matters connected with OSH ACT 1984, OSH REGs 1996 and the associated Code of Practice for Prevention of Falls in the Workplace 2004.

Broadly speaking these pick up practices around working with Hazards (heights, holes, trips etc), preventative measures and use & operation of machinery and apparatus associated with working at heights and other work place environments.

More specifically, this submission focus's on matters relating to Edge protection and Fall prevention / working in restraint.

This is a highly specialised area of a workplace and is associated with the highest concentration of workers being exposed to risk of fall (as a result of a change in levels or the obvious challenges presented in a construction environment), however, there is currently no requirements around licensing as it relates to operators and installers and this presents real concerns in what is a significant growth area in the construction industry. House elevations are adopting features that are making them higher above ground, being built in higher density on smaller blocks and generating much higher levels of risk of injury from a fall.

Unlike provision of a Scaffold system there is no requirement under any ACT, Regulation of Code of Practice for a person involved in the installation of a Temporary Edge Protection system or a fall arrest system (anchor point, static line or similar) to be trained to a specific minimum standard and/or hold a specific accreditation for this skill or practice.

This lack of accreditation, training and qualification extends to skills and experience around fitting of and ongoing certification of fall arrest systems such as anchor points, static lines and other equipment and systems designed to be the "thing" that means a worker will not fall to their death or suffer a critical injury.

With regard to Edge Protection there is a significant difference between one that is in place as a permanent installation, and usually installed at the end of a construction phase and intended as a means of allowing personnel safe passage and access to provide ongoing maintenance and upkeep of a building and its equipment, as opposed to one that is required to facilitate a buildings construction and provide workers involved in the construction phase with a safe working environment. In this latter example there is usually no roof cover in place so the workplace incorporates a significantly higher number of fall risks and greater number of personnel / workers coming into direct contact with the edge protection system.

Currently our industry is “policed” by Worksafe, who reference the 1996 OSH Regulations in their ‘management” of working at heights. The regulations give rise to the Code Of Practice For Prevention Of Falls In The Workplace, 2004, which is effectively the industries reference / manual for operations.

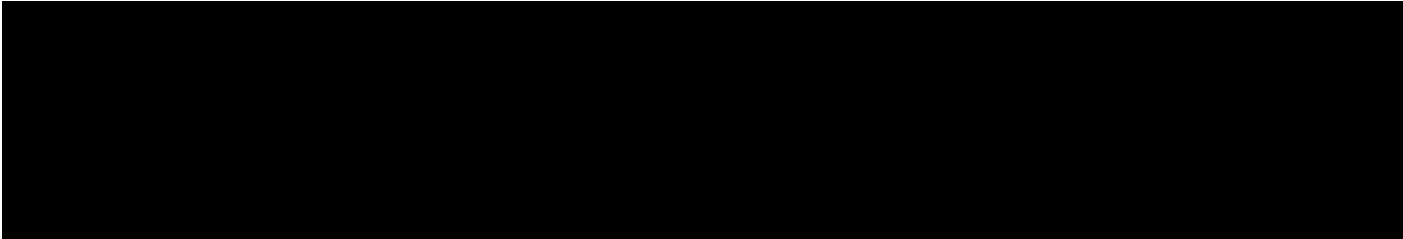
Edge protection is not scaffolding and therefore not subject to the same requirements and standards, however in the Code of Practice, under the heading Edge Protection there is reference to a requirement to comply with Australian Standard AS 1657 and AS/NZS 4576.

While this point isn’t particularly relevant to the Terms of Reference of this inquiry it does relate to the lack of any licensing requirements around this area, but returning to the point, there is a specific Australian Standard for Temporary Edge Protection, AS 4994, which is not adopted or referenced in any REG or Code, while AS 1657 and AS 4576 do not deal with temporary handrail in any way or form, so there is a situation in the industry where operators are functioning in compliance with Australian Standard 4994 “Temporary Edge Protection”, a higher and more relevant standard than 1657 (which has no reference to handrail other than when its associated with a walkway system or is a permanent fixture on a completed roof) and higher also than AS 4576, which deals specifically with a scaffold (be it a much closer standard than 1657).

I note in the West Australian newspaper article, interviewing / quoting Nicky Cusworth, Monday 22<sup>nd</sup> October, there is reference to the Varanus Island Gas Pipeline Explosion as an example of the reason such an inquiry is necessary and how it came about (the gas explosion) as a result of a lack of appropriate licensing and rules and regulations around Gas Pipelines. What I believe we have in practice here (working at heights) with this part of the construction industry is very similar and is leaving a gaping hole that is putting peoples / workers lives at risk every day

The industry requires at a minimum:

- Licensing / accreditation for business’s associated with:
  - provision / design / installation of Temporary Edge Protection system
  - individuals within business’s / companies to be qualified in the installation of and inspection of fall arrest systems (currently it is a process where



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manufacturers “accredit” persons in their specific products but individuals with absolutely no knowledge or understanding of another manufacturers product are issuing compliance certificates that allow workers to connect up to a restraint and RISK LIFE & LIMB

- The Temporary Edge Protection sector to have a specific licensing and accreditation regime to Permanent Edge protection System.... This is pretty clearly covered off already within Australian Standards with AS 4994.3.2010 providing a very detailed and comprehensive definition and ‘compliance’ process for Temporary handrail that identifies its specific requirements and distinction from a permanent system (which is dealt with in AS 1657.
- Safeguards to prevent unauthorised persons from fitting, amending, adjusting or tampering with temporary edge protection (happens with monotonous regularity) and other fall arrest systems

Workers lives are being put at risk as a result of inconsistency and confusion around who can and cant handle these systems and how they are to be installed, recertified etc while the Governments own agency, Worksafe, is being required to administer a set of Regulations that actually reference the wrong standards. For the industry to comply with the current form of the regulations means workers who rely on these systems are in real danger. Fortunately most businesses are working in compliance of the correct standard but in doing so are putting them at odds with the Worksafe inspectors who must administer the 1996 OSH Regulations referencing AS 1657 instead of AS 4994.3.2010

Yours Sincerely

