

## AIHS Submission: Rural Plant Code of Practice Review

WHS Queensland  
Office of Industrial Relations  
Queensland Government

(By email: [whspolicy@oir.qld.gov.au](mailto:whspolicy@oir.qld.gov.au) )

Dear Committee Secretary and Steering Group Committee Members

As a member of the Australian Institute of Health and Safety (AIHS) College of Fellows Policy Committee, I am pleased to make this submission on behalf of the Institute. I acknowledge the input of Institute members, including the Chair of our Queensland Branch, Brett Jones, and the Queensland AIHS Committee of Management. Some relevant background on the AIHS is appended for your information.

Representatives of the AIHS have reviewed the Issues Paper provided by WHS Qld (October 2021) and the existing Rural Plant Code of Practice (COP) 2004 in order to provide this submission, and appreciate the opportunity to provide comment on an important regulatory instrument developed specifically for the Rural industry.

AIHS acknowledges the risks associated with the procurement, operation, and maintenance of Rural Plant; and the compelling statistics around work and non-work-related injuries and incidents that have been reported in the Rural Industry. We also acknowledge the scope of the review, as per the Issues Paper page 2.

This submission has been prepared in accordance with the guidance provided in the Issues Paper and is respectfully presented for consideration. In summary, the AIHS supports the update of the Code, inclusive of the five key areas identified in the review issues paper (further detail outlined in the *Key Question Response* section attached).

AIHS also suggests some additional changes / updates to the Code (further detail summarised in the *Other Areas for Consideration* section attached).

The AIHS look forward to seeing the outcomes of the review and are willing and able to contribute to any further consultative processes and drafting / review processes conducted prior to the release of the new Rural Plant COP as the primary stakeholder representative of the health and safety profession. We strongly encourage WHS Queensland to further explore the feedback provided through this consultative process before finalising the Rural Plant COP.

Yours sincerely,  
Luke Konstanciak and Brett Jones  
AIHS (College of Fellows Policy Committee Member and Queensland Branch Chairperson)

29 November 2021



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## Key Question Responses:

1. *It is anticipated that the sections in the Code relating to ROPS and FOPS may require updates. What are the changes in industry practice that ROPS and FOPS guidance need to address in the Code?*

- AIHS acknowledges the role of ROPS and FOPS as industry-accepted controls for roll-over and falling object incident severity reduction. However, in accordance with the duties associated with the management of hazards and risks in the workplace, AIHS believes that more focus should be attributed to the management of roll-over risks (i.e. recognition and avoidance of roll-over hazards; safe operation of mobile plant; compliance with OEM manual specifications and working within safe lifting and slope tolerances) rather than simply focus on an industry-accepted control (to minimise harm once a roll has occurred).
- The COP 2004 does not refer to the use of seat belts where ROPS are fitted and used. This should be included and mandated.
- Changes to the COP could essentially be made to practically highlight roll-over and falling object hazard scenarios; focus on preventative controls; and also summarise various types of plant and the ROPS / FOPS that should be in place.
- The current Australian Standard AS1636 is applicable to tractors. It should be noted that earthmoving plant use is common on rural sites, and AS2294 should also be referenced.
- Relative to the high volume of plant that has been imported, ISO 3471 (and subsidiary standards around testing of ROPS) should also be referenced for assurance purposes.

2. *It is anticipated that the sections in the Code relating to quad bikes and SSVs may require significant updates. How can the Code be updated to improve the safe operation of quad bikes and SSVs, and what additional guidance do duty holders need? What does best practice for training quad bike operators look like and how can this be included in the Code?*

- AIHS acknowledges that quad bikes and side by side vehicles are commonly used in the rural sector and given the incidents and deaths involved with their use that content should be included in the COP. However, the COP ought not be consumed by this and there is potential to reference existing Worksafe Qld material in this area.
- It is suggested that information is included regarding all terrain vehicles and side by side vehicles (especially to highlight the preference of vehicles that incorporate seat belts and operator protective devices; to incorporate / reference the Consumer Goods (Quad Bikes) Safety Standard 2019 requirements as outlined in the issues paper; to clarify helmet type and use requirements; and to provide clear information relating to competency training for operators).
- Regarding operator competency for the use of quad bikes and side by sides, it is suggested that:
  - The framework provided by the Office of the Federal Safety Commissioner for Plant Verification of Competency is considered and adjusted to suit the needs of all Rural Mobile Plant <sup>1</sup>
  - Provision of additional training and competency information is included (e.g. an informative reference list of examples of nationally recognised units of competency relative to the types of plant used in rural settings could be added within the COP).

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<sup>1</sup> <https://www.fsc.gov.au/useful-documents-downloads?s=fact+sheet#>

3. *It is anticipated that the Code may require updates due to technological advancements in the agricultural sector and rural workplaces. What safety issues should the Code address in relation to technological advances and what additional guidance do duty holders need in the Code that relate to existing regulations on the use of new technologies i.e., drones, robotics?*

- AIHS acknowledges that technological advancements in both rural plant and controls for rural plant should be considered as part of the review of the code. The availability of higher order engineering controls that previously may not have been readily available in 2004 are now more easily accessible. The accessibility, affordability and practicality of controls should be strongly considered for inclusion in the COP, especially to highlight these options from a hierarchy of control preference perspective.
- Regarding new technology, it is important that new Rural Plant is treated like all Plant and that a risk management approach is taken.
- The use of new technology such as drones and robotics in the Rural Industry provides new hazards and new areas of regulatory compliance for rural workers and employers. It is recommended that existing material developed by Queensland Government and CASA<sup>2</sup> is included or referenced.

4. *It is anticipated that the sections in the Code relating to electrical safety may require updates. What changes should be made to the Code that would better articulate electrical safety obligations relating to rural plant? How much guidance from the existing electrical safety codes of practice should be included in the Code?*

- AIHS suggests a range of inclusions or clarifications be made in relation to the electrical and broader energy source area. These include:
  - Clarification of energy sources to be isolated or managed (not limited to electrical hazards) when working on and around equipment (e.g. provide details about mechanical energy; pressure energy; elevated plant implements that require control; chemical and electrical energies)
  - Specific requirements for isolation switches to be installed on fixed plant that has a risk of crushing, entanglement etc.
- Work around overhead and underground services should be more explicitly included. Practical diagrams for use of plant near overhead services and to show safe working distances should be specifically included rather than lengthy details / tables / explanations.
- Similar to the above, practical / summarised requirements for electrical installations relating to plant should also be included (conformance requirements; RCD protection; inspection and testing requirements).
- AIHS acknowledges the existing information included in the Electrical Safety Code of Practice: Working near overhead and underground electric lines and a range of other information in the Electrical Safety Regulation and Codes. Various specific requirements should be referenced to by a revised COP rather than repeated.

5. *What changes should be made to the Code to address risks in relation to isolation and fatigue when operating rural plant?*

- The AIHS acknowledges the importance of identifying, assessing, controlling and monitoring remote and isolated workers; and fatigue. While rural plant operation risks include these aspects, the guidance on this should be more directed at overall working in the Rural Industry guidance.
- It is suggested that additional information be provided in relation to emergency planning and communication (potentially having this as a specific stand-alone section of the Code and to outline various guidance regarding the management of lone and isolated work; and communication and monitoring control options).

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<sup>2</sup> <https://www.casa.gov.au/knowyourdrone/drone-rules>

- Furthermore, practical control information is suggested for inclusion, ideally in a preferred hierarchy approach. This guidance needs to consider a large range of capacity for controls within the industry – from complex remote worker electronic monitoring solutions for larger organisations, through to simplified and basic notification and expected duration communications within smaller workplaces.
- AIHS acknowledges that regulating fatigue management is a complex problem in all industries. The COP needs to include some basic information of what fatigue is and guidance on how it can be effectively managed. The Worksafe Qld guidance on fatigue may also be referenced rather than repeating existing information in this area.

## Other Areas for Consideration

The AIHS also suggests the following items for consideration as part of the COP review:

- Provide summary requirements on suppliers and manufacturers of rural plant, including (but not limited to) plant design standards (including Safe Design duties), guarding, import controls (Australian Standards conformance), provision of information (operating manuals, plant risk assessments, re-sale requirements).
- Clarify the duties relating to modifications of plant and include requirements for meeting Australian Standards and assurance processes, such as RPEQ design approval and evidence.
- Provide additional guidance relating to plant and people interaction controls (e.g. rural plant blind spot information; separation and exclusion of people from plant operating areas, especially family and children).
- AIHS acknowledges the content that the current COP has in relation to “front end loader attachments”. While this content is generally seen as a positive, the scope of the section ought to be broadened to include guidance relating to all mobile plant attachments (tractor, earthmoving plant, forklift, etc) rather than limiting it to front end loader items in a tractor context.
- Provision of templates for typical health and safety practices to support rural industry participants to conduct their undertakings (e.g. plant risk assessment layout, pre-start inspections, safe operating procedure templates, similar, potentially as appendices within the Code).
- Consideration of removal of the emotive language in the text. This doesn’t exist in other codes, and while it may have been added to try and influence an emotional response to compliance, it doesn’t add to the effectiveness of the uptake of the information.
- Additional attention to the wording of the COP relative to the previously informative nature of codes of practice, and the current regime of it essentially being a Compliance Code. The wording and guidance should reflect this regulatory change in the application of the instrument – with removal of may/might/could, and wording more reflective of mandatory requirements. With this in mind, additional guidance material is seen as beneficial to provide the Rural Industry with some non-regulatory guidance for managing the risks associated with Plant.
- The COP 2004 includes detailed excerpts of other COPs (e.g. Confined Spaces, Risk Management, etc). Consideration should be given to only providing the high-level information in these codes (i.e. the confined space assessment diagram; the risk management process diagram etc.) to reduce text and potential confusion. The provision of linkages with other key COPs and Guidance Material (e.g. Young workers and other items already suggested in this paper) should also be carefully undertaken.
- The avoidance of language that is inconsistent with other COPs. The assertion that people reading the Rural Plant COP are different to those reading other COPs is not appropriate as a regulated instrument. Also, the use of the term ‘you’ or other personalised aspects should be avoided for consistency.
- The overall presentation of the COP requires updating and renewal. Suggestions for modernising the Code, while providing valuable compliance guidance could include:
  - Presenting the existing Section 8 (Management of Specific Plant Risks), along with new and other risks (understood and emerging) in a risk register-style manner that articulates the risk, associated hazards, and potential controls to be used (in accordance with the hierarchy of control) to manage the risk.
  - The Managing electrical risks in the workplace Code of Practice 2021 format and combination of diagrammatical, written and tabular advice provides a reasonable format for communicating the information in a balanced manner.
  - Use of additional diagrams to remove long passages of text, and less use of acronyms.

## APPENDIX: About the AIHS

The Australian Institute of Health and Safety (AIHS) is the national association for people who work in generalist health and safety (practitioner and professional) roles, and for leaders in health and safety more generally<sup>3</sup>. We have many members in the resources industry, including in Queensland. On 1 July 2019 our name changed from the Safety Institute of Australia to emphasise the importance of occupational health as well as safety. For more than 70 years we have worked towards our vision of safe and healthy people in productive workplaces and communities. The AIHS is constituted as a not-for-profit company under Corporations Law. Our Patron is the Governor-General of Australia.

The AIHS is mainly funded by member contributions and has a Chief Executive and small paid secretariat based in Melbourne. Most of its work is undertaken by volunteers who Chair and contribute to State Branch Committees or operate nationally through the AIHS Board and committees. About 5 per cent of the membership are Fellows and comprise a College of Fellows as thought leaders for the Institute who seek to ensure policies are based on evidence and world class professional standards are met.

The AIHS strongly supports collaboration, including with our long-standing strategic partners. We share a common commitment with tripartite stakeholders to provide the best possible health and safety policy and practice advice for the benefit of the wider community. However, our own voice as a profession and association of health and safety experts is often distinct from union, employer, or even government views. Our focus is on the science and practice of health and safety based on best available evidence to create safer and healthier workplaces. As a result, it is not uncommon for the Institute to present a view on an issue which unions, employer groups, or even regulators, may not agree with.

### Legislative and WHS policy framework

As a commonwealth, we are faced with the challenge of differential legislation, and more significantly, differential *application* of that legislation amongst different state and territory jurisdictions. This presents a range of particular challenges especially for businesses and workers that operate on a national scale across jurisdictional boundaries, as is common in resources industries. Scarce internal funding and focus can be diverted to managing varying compliance regimes rather than controlling critical hazards and managing risk.

The Australian Work Health and Safety Strategy 2012-2022 as amended in 2018<sup>4</sup> has strong support by the AIHS and other stakeholders across the nation. The Strategy is managed by Safe Work Australia (SWA) through its CEO and Board utilising a tripartite committee framework comprising jurisdictions (governments/regulators), employers and unions. SWA's website provides background on the model WHS Act and Regulations and model Codes and guidance material<sup>5</sup>. SWA operates with regard to a July 2008 Intergovernmental Agreement (IGA) signed by all jurisdictions<sup>6</sup> that undertook to harmonise OHS legislation.

### *The OHS Body of Knowledge*

The *Australian OHS Body of Knowledge*<sup>7</sup> (BoK) represents the best repository of its kind in the world on the practice, science and psychology of workplace health and safety and possibly Australia's greatest single health and safety asset, based as it is in the world's best evidence and research into health and safety practice. The BoK is used as an underpinning knowledge base used by universities providing OHS studies, and accredited courses. The BoK is used internationally. The *Steward* of the BoK (protector of the IP) is the AIHS, *which maintains the BoK as a public good* and provides the BoK open-source and free of charge.

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<sup>3</sup> See <https://www.aihs.org.au/about>

<sup>4</sup> <https://www.safeworkaustralia.gov.au/about-us/australian-work-health-and-safety-strategy-2012-2022>

<sup>5</sup> See <https://www.safeworkaustralia.gov.au/law-and-regulation/model-whs-laws>

<sup>6</sup> See <http://www.coag.gov.au/content/intergovernmental-agreement-regulatory-and-operational-reform-occupational-health-and-safety>

<sup>7</sup> [The OHS Body of Knowledge](#)

The profession and its capability to provide high quality advice to prevent deaths and injuries

While oil and gas, mining, explosives and other high-risk work like electricity have their own important qualification and competency criteria and assessment, two distinct levels of education form the key entry points to work in the generalist health and safety profession who work alongside such specialists:

- **Practitioner level work:** is at the operations level implementing health and safety systems, and requires VET training. Commonly, people at these levels hold a minimum of Cert IV or Diploma in Workplace Health and Safety. At the practitioner/operational level, training standards have dropped significantly since the de-regulation of the VET system and are a serious concern. Employers can no longer trust the level of knowledge of recent Cert IV and Diploma graduates. The implications of this are very serious, especially in high risk industries, where health and safety advisors' actions can directly affect the lives and wellbeing of the workforce. The Institute sees this is a critically important issue, and recently successfully advocated for a priority review of VET health and safety course content. Unfortunately, this view was not shared by either union or employer groups involved in the review, who argued that they did not wish to make the courses harder for their members and users of the training to undertake.
- **Professional level work:** is more applicable to management (and board) levels in designing health and safety systems within the broader organisational context. Commonly, people in these roles have bachelor's degrees or post graduate qualifications in health and safety. At the professional level, the process for continuous improvements in the quality of education is well structured and strongly underway. *The Australian OHS Body of Knowledge* underpins the work of the Australian OHS education accreditation board (AOHSEAB)<sup>8</sup>, constituted under the AIHS, which now accredits all but one of Australia's higher education courses in OHS, in a program which is focused around continuous improvement and development based on current knowledge and emerging research.

#### *Providing greater clarity and confidence in the quality of health and safety advice*

As we move toward stronger regulation and enforcement in many areas, and the outcomes of inquiries such as into Dreamworld and franchising, and the Royal Commissions into Banking and Finance and into Aged Care, business accountability is being (as it should be) brought into sharper focus. As this occurs, both business and regulatory authorities are seeking greater clarity and confidence in the advice that business gets from health and safety consultants, as well as health and safety practitioners and professionals within their businesses.

Certification of the profession is a process which delivers on key aspects of this need. After 35 years of the USA, Canada and the UK certifying their health and safety professions, the SIA (now AIHS) commenced an international standard certification program<sup>9</sup> in 2016, based around the OHS professional Global Capability Framework<sup>10</sup>, adopted in more than 30 countries. Two thousand early adopters have been certified at practitioner, professional, and chartered professional levels, but there is ongoing work to be done to socialise the program within Australian business and other organisations, promote the value of using certified practitioners and professionals, and ensure competency is maintained through continuing professional development. Australia was a major contributor to the OHS Global Capability Framework and a senior member of the AIHS College of Fellows is the current Chair of the International Network of Safety and Health Practitioner Organisations (INSHPO). The Institute considers that encouragement or even legislative reference to the preferred use of certified OHS professionals would improve the quality of safety outcomes.

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<sup>8</sup> [Australian OHS Education Accreditation Board](#)

<sup>9</sup> [Health and Safety profession certification program overview](#)

<sup>10</sup> [INSHPO OHS Professional Global Capability Framework](#)