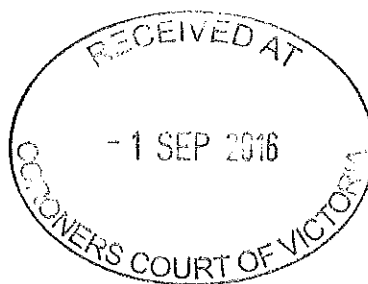


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Coroner Jamieson
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

26 August 2016

Dear Coroner Jamieson

Name of Deceased: Thomas KELLY
Coroners' Court Reference: COR 2009 004900
WorkSafe Incident Number: 167599

I refer to your findings and recommendation published in relation to the death of Thomas Kelly, and sent to WorkSafe Victoria on 24 June 2016.

I note you ultimately recommended that:

- WorkSafe issue safety alerts on a regular and periodic basis, and not only in response to a fatality; on the dangers of operating concrete pumping trucks, including recommendations that a spotter always be available.

I am pleased to update you on that topic and advise that an alternative to Your Honour's recommendation will be implemented.

Safety Alerts

Your Honour has recommended the issue of regular and periodic Safety Alerts however a Safety Alert is usually developed in response to a particular incident and circulated as close to the time of the incident occurring as possible. The purpose of a Safety Alert is to warn of an unsafe work practice after an incident has occurred. It is then available on the WorkSafe website for a period of approximately 12 months.

An alternative to Your Honour's recommendation

WorkSafe will produce a letter to be circulated to industry associations to reinforce safe industry practice in relation to concrete pumping processes. The letter would appropriately target the construction industry and is currently being developed. A copy will be provided to Your Honour as soon as it becomes available.

The letter to the industry associations and relevant stakeholders will highlight the following:

- Your Honour's findings and recommendations in relation to the incident;
- Specific sections of the Industry Standard that articulate the hazards and risks and recommended risk control measures relevant to Your Honour's findings and recommendations;
- The requirement for licensed operators; and
- A request to communicate/ disseminate the letter extensively via stakeholder networks.

The letter will target the owners and suppliers of plant and builders in the industry who employ concrete pump operators.

The letter will also draw particular attention to the following sections of WorkSafe's Industry Standard:

- 4.5 packing of the outriggers;
- 3 and 4.3 planning and preparation and stability of the outriggers; and
- 3.2, 3.3, 4.2, 4.3, 4.4 and 4.5 ground conditions – planning and preparation, arrival on site, pump set up, boom system set up and outriggers.

In 1998, WorkSafe established the Foundations for Safety Victoria (**FSV**) as a means to consult with stakeholder organisations on occupational health and safety (**OHS**) matters within the construction industry. The FSV has established itself as Victoria's primary forum for construction safety and is comprised of senior employer, union and Regulator representatives.

Among the objectives of the FSV, there is a focus to:

- act as the peak consultative body for OHS issues for the construction industry;
- identify and explain the underlying physical, environmental and psycho-social causes of death, injury, disease and ill-health associated with the construction industry;
- join with similar interstate and international bodies in progressing and promoting OHS issues of common concern to the construction industry; and
- join with similar bodies in other industries in progressing and promoting health and safety issues of common concern to the construction industry and other industries to implement appropriate joint initiatives with such bodies.

The letter will be circulated to:

- FSV Members including:
 - Master Builders Association of Victoria Safety Committee which communicates regularly to Victoria's licensed builders operating in the commercial construction sector;
 - Housing Industry Association of Australia which communicates regularly to Victoria's licensed builders operating in the residential construction sector;
 - Civil Contractors Federation which communicates regularly to Victoria's contractors operating in the civil construction sector; and
 - The Construction Forestry Mining & Energy Union which interacts with the bulk of the commercial sector via an extensive network of site based employee health and safety representatives.
- Cement Concrete & Aggregates Australia – the peak body for the heavy construction materials industry in Australia.

As Your Honour is aware, WorkSafe is also undertaking a strategic review to consider the current guidance material available with a view to streamlining the way WorkSafe communicates with the public, including employers.

WorkSafe's Industry Standard will be reviewed as part of the strategic review. This review will be conducted along with the review of all of WorkSafe's guidance material, in line with the implementation of the new Occupational Health and Safety Regulations in 2017.

The use of a spotter

WorkSafe has previously highlighted the use of the term 'spotter' in response to Your Honour's findings into the death of Gregory Andrews (COR 2008 004550). A spotter is a defined role within the industry which applies specifically when working in close proximity to power lines and is not permitted to perform any other function whilst engaged as a spotter.

Licencing

As stated in WorkSafe's Industry Standard on Concrete Pumping issued in 2004 (**WorkSafe Industry Standard**), page 28 states that the concrete pumping operator shall have a certificate of competency (class PB) for concrete placing boom operation.

Part of the licensed operator's training¹ includes setting up the boom in preparation for operation. The assessment criteria requires the licensed operator to inspect and check the location and ground conditions against advice received from reports and drawings. The outriggers are required to be extended and adjusted to ensure stability according to manufacturer specifications and workplace procedures.

The training also includes identification of potential hazards such as:

- Ground stability including –
 - Compaction, especially recently filled trenches;
 - Condition and structure including the presence of underground spaces; and
 - Slopes.
- Hazardous materials;
- Inadequate extension of outriggers;
- Insufficient lighting;
- Overhead or underground electrical line hazards and risks; and
- Relevant limits of approach.

WorkSafe Interventions

WorkSafe Inspectors maintain oversight in relation to concrete pump safety whilst undertaking general inspection activities on sites. Over the past 12 months, Inspectors have:

- Recorded discussions / interventions regarding concrete pumps during approximately 182 site visits; and
- Issued approximately 36 improvement notices and one non-disturbance notice relating to concrete pumps.

WorkSafe will continue to be proactive in communicating its safety messages and targeting specific risks and hazards as necessary, including risks associated with operating concrete pumping trucks.

If you require any further information, please do not hesitate to contact Mai Pham, Coronial Lawyer, on 9940 4828.

Yours faithfully,



Clare Amies
Chief Executive
WorkSafe Victoria

¹

Industry Skills Council training unit CPCCLBM3001 Licence to operate a concrete placing boom.