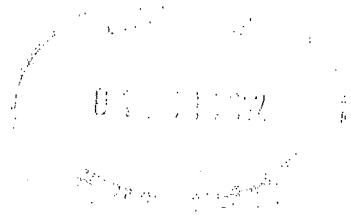




**safe work australia**

C. OLLE. (72)

Chief Executive Officer  
**Mr Rex Hoy**



**Ms Leah Johnson  
Coroner's Registrar  
Coroners Court of Victoria  
Level 11  
222 Exhibition Street  
MELBOURNE VIC 3000**

Dear Ms Johnson

**Court Ref: 5335/08 – [REDACTED]**

Thank you for your letter of 8 March 2012 requesting a response to the Coroner's recommendation relating to the death of Mr [REDACTED] in 2008. I would like to respond to recommendation 1 that Safe Work Australia expand the *National Standard for Licensing Persons Performing High Risk Work* (the National Standard) to require operators of a broader range of mobile elevating work platforms like scissor lifts to hold a high risk work licence.

This recommendation is unable to be implemented at this point in time.

As part of the Council of Australian Government's (COAG) agreement to harmonise work health and safety (WHS) legislation, the provisions of the National Standard have been incorporated into the model WHS Regulations under Part 4.5, Division 1, Licensing of High Risk Work. The model WHS legislation has recently been implemented in the majority of Australian jurisdictions and is in the process of being implemented in the others.

During the development of the model WHS Regulations Safe Work Australia made decisions on the type of high risk work that required licensing based on the following:

- licensing be restricted to those high risk activities where the risk of death or serious injury extends beyond the operator to other workers or members of the public and where the competency of the operator is critical to managing these risks, and
- COAG best practice regulation principles including a cost benefit analysis which determined that licensing operators of additional types of elevating work platform (EWP) was not an appropriate regulatory intervention.

Safe Work Australia agreed that only operators of certain boom-type EWPs require a high risk work license and risks associated with the operation of scissor-lifts can be controlled through operator training and design improvements without resorting to licensing.

The training of workers to be competent to operate plant safely is a general duty under WHS legislation. Further guidance for duty holders on the type of training to be provided is available in the model Code of Practice: Managing the Risks of Plant in the Workplace.

Designers and manufacturers of elevating work platforms are making some progress to minimise the risk of trapping the operator between the platform and an overhead structure. For example major European manufacturers have adopted technologies that detect the additional pressure applied by entrapment and within one second reverse the action and sound an alarm.

While these technologies may take time to reach the local market Commonwealth, state and territory work health and safety authorities are working with relevant stakeholders to ensure that similar safety features are incorporated into plant available in Australia.

At its meeting on 13 April 2012, COAG agreed to a review of the current WHS laws by the end of 2014. To inform the broader legislative review, a review of the effectiveness of licensing and the classes of high risk work is planned. The Coroner's recommendation will be considered as part of this review.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R.G. Hoy', written in a cursive style.

Rex Hoy  
Chief Executive Officer  
Safe Work Australia

28 May 2012