



Australian Government

**National Occupational
Health and Safety Commission**

Certification Standard for Users and Operators of Industrial Equipment

[NOHSC: 1006 (2001)]

Annual Situation Report

2004

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EXECUTIVE SUMMARY

BACKGROUND

1. NOHSC declared the *National Occupational Health and Safety Certification Standard for Users and Operators of Industrial Equipment* [NOHSC:1006(2001)] (the Standard) in 1992. A second edition was declared in January 1995 and a third edition in 2001. All OHS jurisdictions have adopted the Standard into their regulations.
2. The objective of the Standard is to achieve nationally uniform arrangements for issuing OHS certificates of competency for users and operators of industrial equipment. The Standard covers work involving, or tasks associated with, the use and operation of:
 - scaffolding and rigging;
 - crane and hoist operation; and
 - pressure equipment operation.
3. The Standard is supported by the *National Guidelines for OHS Competency Standards for the Operation of Loadshifting Equipment and Other Types of Specified Equipment* [NOHSC: 7019 (1992)] (the Guidelines). These Guidelines cover competency standards for the operation of specified industrial equipment, for which, at the time of development, continuation of certification was either under review or not required.

ISSUES

4. The key issue identified in this ASR is the Standard's inability to deal adequately with new and developing technology and contemporary work practices. This, combined with issues of differing interpretations, puts at risk the Standard's objective of a consistent national approach to the training and assessment of users and operators of industrial equipment.
5. Other issues identified relate to:
 - the effectiveness of Australia's system of using an all-encompassing standard compared to international models;
 - the transfer of the training and assessment of operators and users of industrial equipment to the vocational education and training (VET) sector;
 - the robustness and confidence in the operation and administration of the Standard and Guidelines; and
 - limitations in suitable data to measure the performance of the Standard.
6. An assessment of the impact of the Standard over the period 1992 to 2001 has been conducted and suggests that there has been a reduction in incidence rates for those classes of the Standard that were able to be analysed.
7. NOHSC considered the operation of the Standard and Guidelines on 19 March 2004 and agreed to recommend its review to the Workplace Relations Ministers' Council. NOHSC also agreed proposed terms of reference for the review.

RECOMMENDATIONS AND NEXT STEPS

8. The recommendation of this ASR is that the Standard and Guidelines be reviewed under the terms of reference at [Attachment E](#).
9. Following endorsement of the review by NOHSC members at their March 2004 meeting, it is expected that the following actions will be initiated:

Certification – 2004 Annual Situation Report

- March 2004 - Finalise the draft 2004 Certification ASR and seek stakeholder comments;
- April 2004 - Develop the methodology and project plan for the review of the Standard and Guidelines for endorsement at the May 2004 meeting of the NOHSC Prevention Committee;
- May 2004 - Seek Workplace Relations Ministers' Council (WRMC) agreement for the review; and
- July 2004 - Seek NOHSC endorsement of the Review methodology and timetable.

1. INTRODUCTION

13. The *National Occupational Health and Safety Certification Standard for Users and Operators of Industrial Equipment* [NOHSC:1006 (2001)] (the Standard) applies to arrangements for issuing OHS certificates of competency for users and operators of industrial equipment on a nationally uniform basis.

14. The Standard covers work involving, or tasks associated with, the use and operation of the following industrial equipment:

- Scaffolding and Rigging;
- Crane and Hoist Operation; and
- Pressure Equipment Operation.

15. A full extract of the Standard's objectives and principles is at [Attachment A](#).

16. NOHSC declared the Standard in 1992. A second edition was declared in 1995 and a third edition in 2001. The first edition was developed by a tripartite steering group, technical working groups and through public comment. The second edition contained some minor changes, including the addition of the Commonwealth regulatory authority, Comcare; changes to definitions of slewing and non-slewing mobile cranes; and the deletion of coverage for piling and crane use for demolition. The third edition contains further minor changes involving technical and administrative improvements.

17. The Standard is supported by the *National Guidelines for OHS Competency Standards for the Operation of Loadshifting Equipment and Other Types of Specified Equipment* [NOHSC: 7019 (1992)] (the Guidelines). These Guidelines cover competency standards for the operation of specified industrial equipment, for which, at the time of development, continuation of certification was either under review or not required.

18. Under the *National Standards: A Continuous Improvement Program* Annual Situation Reports are required to be prepared for each of the seven priority standards, including Certification.

19. A number of issues were identified in the 2002 Annual Situation Report (ASR) requiring further investigation and reporting in the 2004 ASR. The issues included:

- monitoring of developments regarding new and developing technology;
- assessment of variations between the competency requirements in the Standard and assessment instruments; and
- alternative data measures for assessing the effectiveness and efficiency of the Standard.

20. A review of variations between the competency requirements in the Standard and assessment instruments has been undertaken and a project to update the instruments and associated guidance material will be completed by June 2004.

21. In December 2003, NOHSC members were asked to provide comment on the operation of the Standard to assist in the development of this ASR. Those comments, together with issues outstanding from the 2002 ASR, have been used in the development of this ASR.

2. ISSUES IDENTIFIED IN THE CERTIFICATION ASR 2004

22. This section discusses the operation of the Standard and key issues that may detract from its effectiveness and efficiency.

NATIONAL CONSISTENCY & MUTUAL RECOGNITION

23. The Standard's objective is to achieve "*nationally uniform competency-based OHS certification standards for work involving, or tasks associated with, the use and operation of industrial equipment*". This has been achieved, with all States and Territories adopting the Standard in their own regulations.

24. The Standard is also currently operating in accordance with its principle that "*certificates issued in accordance with the Standard will be recognized in all states and territories*".

25. Ongoing achievement of the objective and principles is at risk however. This is because the Standard does not cater for new and developing technology and contemporary work practices. Pieces of industrial equipment like self-erecting tower cranes for example, are not adequately covered by the Standard, nor can they be included in a timely and efficient manner.

26. Following reports to the NOHSC Prevention Committee on 18 February and 26 August 2003 concerning developing technologies, the Committee agreed that, pending a final agreement on the transition of certification to the Vocational Education and Training (VET) sector, new and developing technology issues would be addressed in the short term through the development of practical guidance. The NOHSC Skills Development Subcommittee, through the Information Committee would coordinate the development of this material.

27. As a result of delays in the development of national practical guidance, OHS jurisdictions have commenced to develop their own responses to new and developing technology. For example, WorkCover NSW and Workplace Health and Safety Queensland are working collaboratively with the Department of Education and Training, Queensland to develop a course for self-erecting tower cranes, which will be accredited by the Department of Education and Training, Queensland for delivery by Registered Training Organisations. In the interim, NSW has identified procedures to allow persons to operate self-erecting tower cranes under a formal training scheme. Additionally, in the absence of a national certificate, Worksafe Western Australia is progressing the requirement for a state-issued certificate of competency for self-erecting tower crane operators.

28. An example of a contemporary work practice the Standard does not adequately cater for is where single-person crane operation is likely. Operators of certain types of vehicle loading cranes do not need to be certificated whereas operators doing the dogging work in conjunction with this class of equipment do. Therefore, it is not unusual that the vehicle loading crane operator is not a certificated crane operator, yet they must be certificated to sling the load onto the crane that they operate.

29. Stakeholders have identified many instances where there is difficulty in interpreting the Standard's definitions and where there are inconsistencies. Examples include issues concerning dogging and slinging techniques and boiler and supervised training definitions.

30. In addition, the Standard does not provide guidance for situations where equipment or an occupation falls within the scope of a certificate class but the actual range of operations and complexity is a level that would not warrant a certificate. OHS jurisdictions are required to exercise judgement and consider applications for exemptions but those exemptions are not currently achieved through a nationally consistent process that is transferable across OHS

jurisdictions. Differing interpretations amongst OHS jurisdictions put at risk a consistent national approach to training and assessment of users and operators of industrial equipment.

31. In summary, the Standard is unable to deal adequately with new and developing technology and contemporary work practices. This, combined with issues of differing interpretations, puts at risk the Standard's objective of a consistent national approach to the training and assessment of users and operators of industrial equipment and its principle of mutual recognition of user and operator competency between OHS jurisdictions.

CURRENT NATIONAL CERTIFICATION ARRANGEMENTS

32. Australia's system of using an all-encompassing Certification Standard differs to other countries. Certification is addressed by some countries through the use of terms such as "competent person" in individual codes of practice and as part of an employers general responsibility to ensure operators and users of industrial equipment are adequately trained and competent. The effectiveness of Australia's system compared to international models is unclear at this time. Further discussion on the international approaches is at [Attachment B](#).

33. One of the principles of the Standard is that it *"relies on the responsibilities of employers and employees specified in duty of care provisions in OHS legislation that prevail in all Australian jurisdictions. In particular, the Standard relies on the employer's responsibility to ensure that a person at work is properly informed and trained about OHS policy and procedures"*.

34. OHS jurisdictions are increasingly developing guidance material that is based on broad duty of care responsibilities rather than specific certification requirements. This is similar to the international approach. There is therefore an increasing risk that the Standard will lose its relevance as it fails to be the vehicle for national consistency of certification for operators and users of industrial equipment.

TRANSITION TO THE VET SECTOR

35. The NOHSC/Australian National Training Authority (ANTA) 7019 Transition Working Group is comprised of representatives from OHS regulatory authorities, State Training Authorities, Industry Skills Councils, and employer and employee associations. It was established in December 2002 to evaluate options for transition of the certification process under the Guidelines to the VET sector. The Group released a report, *Road to Transition - Improved Pathways for Operator Certification*, for stakeholder comment in October 2003.

36. The Report proposed a broad model and identified key steps to be taken by the OHS jurisdictions and the VET sector to effect transfer of the competency assessment. There is general in-principle support by most stakeholders for the transfer of OHS certification competency training and assessments into the VET sector.

37. There is, however, a range of issues and concerns raised by stakeholders that need to be addressed before a final model can be developed and accepted by all stakeholders. The NOHSC office is working with all members including members of the Transition Working Group, to resolve issues of concern.

38. In October 2003, NOHSC agreed that the Transition Working Group include consideration of licensing issues under both the Standard and Guidelines in its final report. It is proposed that the final report of the Transition Working Group will be provided to the Prevention Committee out-of-session before their next meeting in May 2004.

39. Any preferred model will need to ensure the compatibility of the Standard with the Australian Qualifications Training Framework (AQTF). This will also include

directions being undertaken to integrate certification into the VET sector, while ensuring the OHS outcomes for users and operators of industrial equipment are maintained and enhanced.

CLASSES OF EQUIPMENT IN THE STANDARD

40. Stakeholders have raised concerns regarding classes within the Standard and that it does not adequately cater for a number of types of industrial equipment including elevating work platforms; cranes on ships; tower and self-erecting tower cranes; 'city' cranes; mast climbers; vehicle loading cranes; operation of bridge and gantry cranes by use of a pendant; truck-mounted self-loading cranes; dingo; multi-tool carrier and hydraulic boom forklifts.

41. Stakeholders have also commented that the dogging, rigging and scaffolding classes in the Standard heavily relate to the construction industry and that for the non-construction industries, such as the entertainment, painting, sign writing and lift industries, there has been no allowance for 'partial' certificates where only some of the competencies are required.

42. In addition, Stakeholders have commented that the Standard does not provide guidance, including the factors considered and criteria applied, on how activities or equipment classes are assessed for inclusion in the Standard.

ADMINISTRATIVE AND OPERATIONAL ISSUES

43. One of the Standard's principles is that the Standard is "*designed to facilitate efficient administration of certification arrangements by state and territory authorities*".

44. Stakeholders have raised a number of issues surrounding the efficient administration of the Standard including:

- at present users and operators are certificated for life. Stakeholders have queried the issue of lifetime certificates. With changes to technology it may no longer be appropriate to certify operators and users of industrial equipment for life. A term of five years before reassessment is required has been suggested. NSW WorkCover has recently gazetted regulations which include the provision for five-year renewable certificates;
- certificates are currently issued without photograph identification, perhaps contributing to the risk of fraudulent use of certificates. NSW WorkCover is already responding to this issue and is progressing the placement of photograph identification on certificates. It is expected that other OHS jurisdictions will have similar systems in place within twelve to eighteen months;
- the Standard prescribes when a certificate may be suspended or cancelled by the certifying authority, i.e. the OHS jurisdiction, with the requirement for a hearing. There is no definition in the Standard of what form a hearing should take and it precludes the OHS jurisdiction from issuing a "show cause suspension/cancellation" or the issuing of notice against the certified operator. A less prescriptive and more responsive regime for suspension and cancellation of certificates within the Standard would enable the OHS jurisdictions to implement procedures to suspend and cancel certificates within a nationally consistent framework;
- the age restriction (eighteen and over) and the provision regarding the use of English need to be examined to determine whether the restrictions should continue in their current form or if there is scope to achieve the intended outcome through a less restrictive approach;
- it is implicit in the Standard that some form of formal training will occur prior to an assessment but this is not an explicit requirement. It should be noted that Western Australia is currently amending its Regulations to clarify the

requirement that training be conducted by a registered training organisation (RTO). The merits of formal training, on the job experience, recognition of prior learning and maintaining the currency of training needs to be researched and considered.

45. All of the above issues impact to varying degrees on the efficient administration of the Standard and impact on the ongoing validity of a national system that delivers portability to certificate holders.

ASSESSING THE PERFORMANCE OF THE STANDARD

46. The National Data Set for Compensation-based statistics (NDS) currently remains the only method of assessing the impact of the Standard on workplace injuries and fatalities. The NOHSC Office has extracted and analysed the NDS data relating to some classes covered by the Standard¹. A 'significance level' was developed by comparing the change in the annual incidence rate for the Standard classes compared to the incidence rate for all other claims. The time period from which data was extracted (1992 to 2001) was divided into three distinct periods, so as to smooth the data to remove annual volatility created by some jurisdictions' small claim numbers, as follows:

- 1992-1995: covers the introduction of the Standard across jurisdictions
- 1995-1998: covers the introduction stage to the fully operational stage
- 1998-2001: covers the period in which the Standard is fully operational in all jurisdictions.

47. The analysis indicates that there has been a significant reduction in the incidence rate for *cranes and hoists* (34.4%) and *scaffolding* (36.4%) between 1992-93 and 2000-01. Comparing the change in incidence rates for *cranes and hoists* and *scaffolding* with the change in incidence rate for all other claims (6.2% from 1992-93 to 2000-01) shows that the reduction in incidence rates for *cranes and hoists* and *scaffolding* since 1992-93 is significantly greater than the reduction in incidence rate for other claims. Based on the significance level, a proportion of the large reduction in incidence rates for *cranes and hoists* and *scaffolding* can be attributed to the Standard. However, as the Standard is not the only different variable in the time period quantifiable conclusions cannot easily be drawn.

48. The data suggests that the introduction of the Standard has had a impact in reducing the incidence rate of commonly occurring incidents resulting from crane, hoist and scaffolding use, however there is no means of knowing the extent to which this downward trend in incidence rates is attributable to the introduction of the Standard and certification of users and operators of industrial equipment. Other factors that could influence the reduction in incidence rates include improved equipment design; awareness and education campaigns; more targeted compliance programs by OHS jurisdictions and incentives such as premium discount schemes.

49. An analysis of NDS data relating to the Standard is at [Attachment C](#).

50. Whilst NDS data provides some limited guidance on the effectiveness of the Standard, performance measurement improvements should be considered as part of the review of the Standard.

¹ Classes covered are cranes and hoists and scaffolding. Data for rigging and pressure vessel operation is unavailable.

AUDITING OF TRAINERS AND ASSESSORS

51. Stakeholders have identified the auditing of assessors as an issue including how often audits should be conducted and any exemptions to the process, such as assessors who conduct a minimum amount of assessments.

52. Worksafe Western Australia has implemented an improved assessor auditing system covering full documentation and practical audit of registered assessors.

53. The Certification Transition Working Group has also identified the auditing of trainers and assessors as a key issue concerning transfer to the VET sector.

STATUS OF ALL REFERENCED DOCUMENTS

54. The reporting on the status of documents referenced within the Standard is at Attachment D.

55. In summary, the Standard contains many referenced documents that are superseded or no longer considered relevant which need to be removed or updated.

OTHER DEVELOPMENTS

NSW GOVERNMENT INVESTIGATION INTO THE CONDUCT OF ACCREDITED ASSESSORS

56. Stakeholder comment on the *Road to Transition - Improved Pathways for Operator Certification* report (discussed above at paragraph 35) highlighted an area of particular concern relating to control of the quality of assessments, and to the accreditation/registration arrangements for individual assessors. In fact, some OHS jurisdictions have either suspended or restricted registration of new assessors pending transition to the VET sector. It is considered important therefore, that any future certification arrangements consider the recommendations of the report of the *NSW Independent Commission Against Corruption (ICAC) investigation into the conduct of WorkCover Accredited Assessors* when released.

HOWSA GOVERNANCE GROUP

57. A recent initiative through the Heads of Workplace Safety Authorities (HoWSA) is to establish a "governance group" to look at cross-jurisdictional issues arising out of the implementation of the national certification system and the need to ensure its ongoing viability. The group will take account of developments through NOHSC and recent events in NSW in addressing and seeking mutually consistent and complimentary approaches to the administration of the system.

3. CONCLUSIONS, RECOMMENDATIONS AND NEXT STEPS

CONCLUSION

58. The Standard fails to adequately deal with new and developing technology and contemporary work practices. It lacks clarity in its definitions and has inconsistencies between classes of its certificates, leading to variations in interpretations. These issues risk the Standard's objective of a consistent national approach to the training and assessment of users and operators of industrial equipment. Also at risk is the principle of mutual recognition of user and operator competency amongst OHS jurisdictions.

59. There is a wide-range of operational and administrative issues which impact, to varying degrees, on the efficient and effective operation of the Standard and the ability to achieve national consistency of the competency of users and operators of industrial equipment.

60. There is a uniform view that the Standard and Guidelines need reviewing. The review should address whether the present model for a certification standard is the most appropriate way to protect the operators and users of industrial equipment, their workmates and others. It should also address if the Standard is the most appropriate way to achieve national consistency in the certification of operators and users of industrial equipment.

61. A review of the Standard would also be timely given the development of a model for the possible transfer training and assessment of the users and operators of industrial equipment to the VET sector and the imminent release of the NSW ICAC report.

62. An assessment of the impact of the Standard over the period 1992 to 2001 has been conducted and suggests that there has been a reduction in incidence rates for those classes of the Standard that were able to be analysed.

RECOMMENDATION

63. The recommendation of this ASR is that the Standard and Guidelines be reviewed. NOHSC has agreed to recommend a review to WRMC at its May 2004 meeting

64. Agreed Terms of Reference for the review of the Standard and Guidelines is at [Attachment E](#). It proposes the issues to be addressed by the review having regard to the objectives of the Standard and Guidelines and issues identified in this ASR.

NEXT STEPS

65. Following endorsement of the review by NOHSC members at their March 2004 meeting, it is expected that the following actions will be initiated:

- March 2004 - Finalise the draft 2004 Certification ASR and seek stakeholder comments;
- April 2004 - Develop the methodology and project plan for the review of the Standard and Guidelines for endorsement at the May 2004 meeting of the NOHSC Prevention Committee;
- May 2004 - Seek Workplace Relations Ministers' Council (WRMC) agreement for the review;
- July 2004 - With consultant, undertake review in line with approved plan and update the NOHSC Prevention Committee and NOHSC as required.

ATTACHMENT A - THE STANDARD'S OBJECTIVE AND PRINCIPLES

3. OBJECTIVE AND PRINCIPLES

3.1 The objective of this Standard is to achieve nationally uniform competency-based OHS certification standards for work involving, or tasks associated with, the use and operation of industrial equipment.

3.2 The implementation of a national OHS certification standard will provide basic requirements for safe equipment use and operation in all relevant industries and will assist in reducing associated accidents and injuries.

3.3 Certificates issued in accordance with this national standard will be recognized in all Australian States and Territories.

3.4 Competence in OHS as defined in this national standard encompasses the exercise of responsibilities under appropriate OHS legislation, the identification and assessment of hazards and the application of appropriate control measures. It also encompasses the preparation and completion of user and operator tasks in accordance with OHS standards and procedures.

3.5 The national standard relies on the responsibilities of employers and employees specified in duty of care provisions in OHS legislation that prevail in all Australian jurisdictions. In particular, the national standard relies on the employer's responsibility to ensure that a person at work is properly informed and trained about OHS policy and procedures. For users and operators of industrial equipment, this responsibility applies to those procedures pertaining to the safe use and operation of the equipment in the particular workplace, consistent with this national standard.

3.6 The OHS competencies specified are the minimum core competencies for the safe use and operation of the types of equipment in all relevant industries and enterprises. These core OHS competency standards provide the basis for development of enterprise level, OHS competency standards for the use and operation of industrial equipment taking into account specific industry and enterprise hazards and conditions.

3.7 As the competency standards for the safe use and operation of industrial equipment represent only part of the competency standards for particular industries and enterprises, the certificate classes have not been referenced to the Australian National Training Authority's Australian Standards framework*.

3.8 This national standard is consistent with initiatives to enhance industry productivity and flexibility, including award restructuring reforms.

3.9 This national standard is also consistent with equal employment opportunity principles.

3.10 Where possible, equipment definitions in this national standard are consistent with those contained in Australian Standards.

3.11 This national standard is designed to facilitate efficient administration of certification arrangements by State and Territory authorities.

* National Training Board, *National Competency Standards: Policy and Guidelines*, National Training Board Ltd, Canberra, 1991.

ATTACHMENT B - COMPARABILITY AGAINST OVERSEAS EQUIVALENTS

NEW ZEALAND

1. New Zealand does not have an inclusive certification standard for users and operators of industrial equipment. Its framework for competency is included in individual codes of practice through the following statement:

“Employers shall ensure employees are either sufficiently experienced to do their work safely or are supervised by an experienced person. In addition, employees shall be adequately trained in the safe use of all plant, objects, substances and protective clothing and equipment that the employee may be required to use or handle”.

2. New Zealand has individual codes of practice covering the scope of the National Certification Standard. These support the *Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulation 1999* and include:

- (a) Approved Code of Practice For Cranes- Includes the Design, Manufacture, Supply, Safe Operation, Maintenance and Inspection, March 2001;
- (b) Approved Code of Practice For The Safe Erection and Use Of Scaffolding, Revised 1995;
- (c) Approved Code of Practice for the Design, Safe Operation, Maintenance and Servicing of Boilers, 1996; and
- (d) Approved Code of Practice for Pressure Equipment (Excluding Boilers).

3. The New Zealand 'Approved Codes of Practice' are provided for in section 20 of the *Health and Safety in Employment Act 1992*. The codes are statements of preferred work practice or arrangements. Compliance with codes of practice is not mandatory. However, they may be used as evidence of 'good practice' in court. The *Health and Safety in Employment Amendment Act 2002*, which came into effect on 5 May 2002, did not include any amendments that altered this arrangement.

UNITED STATES

4. The US does not have a certification standard and leaves the employer to determine that an operator is suitably qualified. It references 'competent person' in its health and safety standards. The United States Occupational Safety and Health Administration (OHSa) identify a competent person as "... an individual who, by way of training and/or experience, is knowledgeable of applicable standards, is capable of identifying workplace hazards relating to the specific operation, is designated by the employer, and has authority to take appropriate actions ...".

5. As a general rule, OHSa Standards identify that it is the employer's responsibility to determine the level of OHS competency and training required by an employee. There has been no further development of this process during the 2002-2003 report period.

6. The US addresses the issue of competencies using a similar model to the NOHSC Loadshifting Guidelines², that is, the use of the VET sector to develop competencies, which are then ratified by the regulators.

² *National Guidelines for Occupational Health and Safety Competency Standards for the Operation of Loadshifting Equipment and other types of Specified Equipment [NOHSC: 7019 (1992)].*

7. To address national consistency for the certification of crane and hoist operators and riggers the OSHA, in conjunction with the National Commission for Certification of Crane Operators (NCCCO), a non-profit industry body of crane experts, established a national competency model.

8. The national model is a cooperative agreement between industry and regulators where industry develops the competencies in consultation with OSHA. OSHA then agrees to accept the certificate of competency issued by NCCCO. The process recognises that certifiers and educators must be separate organizations and to ensure consistency an independent group of subject matter experts develop the testing measures.

UNITED KINGDOM

9. There has been no change to certification in the United Kingdom since the 2002 ASR. The UK uses a combination of US and NZ models in that OHS competency is incorporated into individual legislation using requirements such as "...examination by a competent person..." and by the use of accredited third party competency training providers.

10. The United Kingdom has two major regulations referring to industrial equipment in which they identify general duty of care requirements for employers to ensure operators are competent. They are the:

- (a) *Provision and Use of Work Equipment Regulations 1998 (Statutory Instrument 1998 No. 2306)*; and
- (b) *Lifting Operations and Lifting Equipment Regulations 1998 (Statutory Instrument 1998 No. 2307)*.

11. These regulations were recently reviewed and although amended through the *Health and Safety (Miscellaneous Amendments) Regulations 2002* they still do not specify competency requirements apart from noting "... employees who use, supervise or manage the use of, work equipment have received adequate training for the purposes of health and safety ...".

12. The Health and Safety Executive has accredited third party providers who are used by the employer to run health and safety competency certification for various construction activities and tasks including scaffolding, hoists, etc. These third party providers³ have developed schemes to train and test plant and machinery operators. Once trained and assessed under these schemes plant operators are usually issued with a plant operator's license, which is typically valid for five years. Renewal is by reassessment.

13. Other health and safety courses, such as the detailed registration scheme for "streetworks" operatives and supervisors or the more general "safety awareness training" are frequently completed with the issue of a training certificate and a credit card size identity card. Employers and the self-employed have come to rely on these as evidence of competence in particular categories of plant.

EUROPEAN UNION

14. The European Union does not have a widespread certification standard applicable across all industries like the Australian model. There are specific groups or organisations which run certification activities across multiple member states, such as the European Welding Engineers certification scheme (EN 719); and each State within the Union has various levels and approaches to formal competency based training. The European Training Foundation notes the lack of standard

³ Third party providers include the *Association of Industrial Truck Trainers (AITT)*; *Independent Training Standards Scheme & Register (ITSSAR)*; *Construction Industry Training Board (CITB)* and *Lantra and City & Guilds*.

approaches to competency based certification or training as based on “the substantial differences within and between each region”.

15. European Directive 89/391/EEC, states the general requirement for the provision of training and the use of competent persons, as well as ensuring that skills of the worker with respect to health and safety in a given task. The specifics of such arrangements are left to the implementation of the individual member States (in common with all EU Directives).” standard.

IMPLICATIONS FOR AUSTRALIA

16. The approaches adopted by the US and UK enables emerging technology competencies to be developed quickly and easily through the use of external providers. Legislation is general in nature, and through ‘duty of care’, places responsibility on the employer to ensure employees are appropriately qualified. External organisations are used to provide the appropriate training and assessment.

17. New Zealand’s approach is not significantly different to the operation of the NOHSC Certification Standard where amendments to individual codes require a declaration process. The Australian approach is similar to that of the United Kingdom, in that OHS jurisdictions accredit third party providers.

18. Jurisdictions are increasingly developing guidance material that is based on broad duty of care responsibilities rather than specific certification requirements. This is similar to the international approach where regulation is with less specificity through the use of codes of practice instead of an all-encompassing certification standard.

19. The 2000 review of the National Standard identified the acceptance by OHS jurisdictions and continuing need and support for the Australian model. However, issues surrounding new and developing technology and national consistency have resulted in questioning whether an all encompassing certification National Standard is the most appropriate way to protect the operators and users of industrial equipment, their workmates and others.

ATTACHMENT C - PERFORMANCE OF THE STANDARD

ASSESSING THE CERTIFICATION STANDARD (1992-93 TO 2000-01)

THE CERTIFICATION NATIONAL STANDARD

1. This report considers the impact that the Certification Standard has had on the number of workers' compensation claims between 1992-93 and 2000-01.

CLAIMS COVERED BY THE CERTIFICATION NATIONAL STANDARD

2. NDS-based data were examined for trends in injuries involving claims related to agencies thought to best represent each of the certificate classes and competency standards covered under the Certification Standard.
3. The extraction process used for this report aims to select all workers' compensation claims in which *cranes and hoists* and *scaffolding* are identified as the breakdown agency. Whether an incident can be directly related to the Certification Standard cannot be determined from NDS data.
4. It was not possible to extract data on *turbines and boilers* as defined under the Certification Standard because the TOOCS coding system is not specific to these objects. For example, *turbines* under TOOCS agency code 161 include electric motors; while *boilers* under the TOOCS code agency 134 includes, tar boilers and hot water cylinders. The data presented in this report relate to claims involving *cranes and hoists* (TOOCS Agency Codes 155 and 157) and *scaffolding* (Agency Code 463).
5. The majority of claims involving *cranes and hoists* occur in the manufacturing (35% of claims involving cranes and hoists between 1992-93 and 2000-01) and construction (13% of all claims involving cranes and hoists) industries. Similarly the majority of claims involving *scaffolding* occur in the construction industry (59% of all claims involving scaffolding between 1992-93 and 2000-01).

METHODOLOGY

6. In order to analyse the impact of the introduction of the Certification Standard, a significance level is developed by comparing the change in the annual incidence rate for *cranes and hoists* and *scaffolding* with the incidence rate for claims not involving these agencies.
7. The time period of interest (1992-93 to 2000-01) is divided into 3 distinct periods: 1992-93 to 1994-95, which covers the introduction of the Certification Standard across jurisdictions; 1995-96 to 1997-98, which covers the introduction stage to the fully operational stage; and 1998-98 to 2000-01, which covers the period in which the Certification Standard is expected to be fully operational in all jurisdictions.
8. Interpreting data in three 3-year time periods assists by smoothing the data to remove some of the annual volatility that is created by the small numbers of claims associated with the agencies included under the Certification Standard.
9. If there is a large difference between the changes in incidence rates from 1992-93 to 2000-01 between claims associated with the Certification Standard and claims not associated with the Standard, some of the difference can be

attributed to the introduction of the Certification Standard⁴. Applying relative standard errors for ABS estimates of the number of employees, to create confidence bands for incidence rates, further refines the level of significance for this analysis.

FINDINGS

10. Table 1 illustrates incidence rates and the associated percentage change since the introduction of the Certification Standard for claims involving cranes and hoists, by jurisdiction, for the period between 1993/94/95 and 1999/2000/2001.

Table 1: Incidence rate (claims per 10,000 employees) for injury claims involving cranes and hoists and scaffolding, 1992-93 to 2000-01

Jurisdiction	Cranes and hoists				Scaffolding				Other claims			
	93-95	96-98	99-01	%Ch	93-95	96-98	99-01	%Ch	93-95	96-98	99-01	%Ch
Commonwealth	1.7	1.8	0.8	-54.2%	1.7	1.2	1.1	-35.9%	78.1	80.2	56.8	-27.3%
New South Wales	7.4	6.6	5.3	-29.0%	11.7	9.7	7.7	-34.0%	146.6	164.7	141.1	-3.8%
Northern Territory	8.9	8.7	6.8	-23.5%	4.7	6.6	3.2	-32.5%	123.1	112.4	96.1	-21.9%
Queensland	10.0	5.9	4.7	-52.6%	14.6	9.9	5.9	-59.3%	173.8	129.8	106.1	-39.0%
South Australia	7.6	7.9	7.2	-4.6%	8.0	6.0	4.6	-41.9%	170.8	166.0	151.9	-11.1%
Tasmania	7.0	9.3	5.4	-22.3%	10.0	7.4	7.2	-28.6%	176.1	125.7	110.8	-37.1%
Victoria	4.9	5.5	3.5	-29.8%	5.7	6.0	4.4	-22.4%	91.3	89.5	142.4	56.0%
Western Australia	15.4	12.5	8.3	-46.5%	17.8	16.0	12.5	-29.6%	181.9	170.4	123.4	-32.2%
Australia	7.7	6.8	5.0	-34.4%	10.3	8.7	6.5	-36.4%	139.2	135.5	130.6	-6.2%

11. The analysis in Table 1 indicates that there has been a significant reduction in the incidence rate for *cranes and hoists* (34.4%) and *scaffolding* (36.4%) between 1992-93 and 2000-01. Comparing the change in incidence rates for *cranes and hoists* and *scaffolding* with the change in incidence rate for all other claims (6.2% from 1992-93 to 2000-01) shows that the reduction in incidence rates for *cranes and hoists* and *scaffolding* since 1992-93 is significantly greater than the reduction in incidence rate for other claims. Based on the significance level discussed in the previous section, a proportion of the large reduction in incidence rates for *cranes and hoists* and *scaffolding* may be attributed to the Certification National Standard. As the Standard is not the only different variable in the time period however, quantifiable conclusions cannot easily be drawn.
12. The decrease in the incidence rate for injuries involving *cranes and hoists* is driven by the decrease in the incidence rate in the Manufacturing Industry (30% decrease over the period). The most common *types of occurrence* as a result of using *cranes and hoists* are *being hit by objects, falls* and *body stressing* commonly resulting in *sprains and strains* and *fractures*. The decrease in the number of claims involving *falls, being hit by objects* and *fractures* has also an impact on the reduction in incidence rate for *cranes and hoists*.
13. The decrease in the incidence rate for injuries involving *scaffolding* is driven by the decrease in the incidence rate in the Construction Industry (31% decrease over the period). The most common *types of occurrence* resulting from the

⁴ Because there is a demonstrable link between the Certification Standard and its outcome (the certification of operators), the link between the impact of the Certification Standard and the number of associated claims can be made more easily than is the case for other standards where the outcome of the introduction of the standard can be more difficult to define.

use of *scaffolding* are *falls* most commonly resulting in *sprains and strains* and *fractures*. Each of these types of occurrence has shown a large decrease in incidence rate over the period.

14. These observations reinforce the conclusion that the introduction of the Certification Standard has had a positive impact by reducing the incidence rate of commonly occurring incidents resulting from using *cranes and hoists* and *scaffolding*.
15. Figures 1 and 2 below illustrate the data in Table 1, showing the change in incidence rate by jurisdiction between 1992-1995 and 1998-2001 for claims involving *cranes and hoists* (Figure 1) and *scaffolding* (Figure 2).

Figure 1: Three-year average incidence rates for injuries involving *cranes and hoists*, 1992-95 to 1998-2001, by jurisdiction

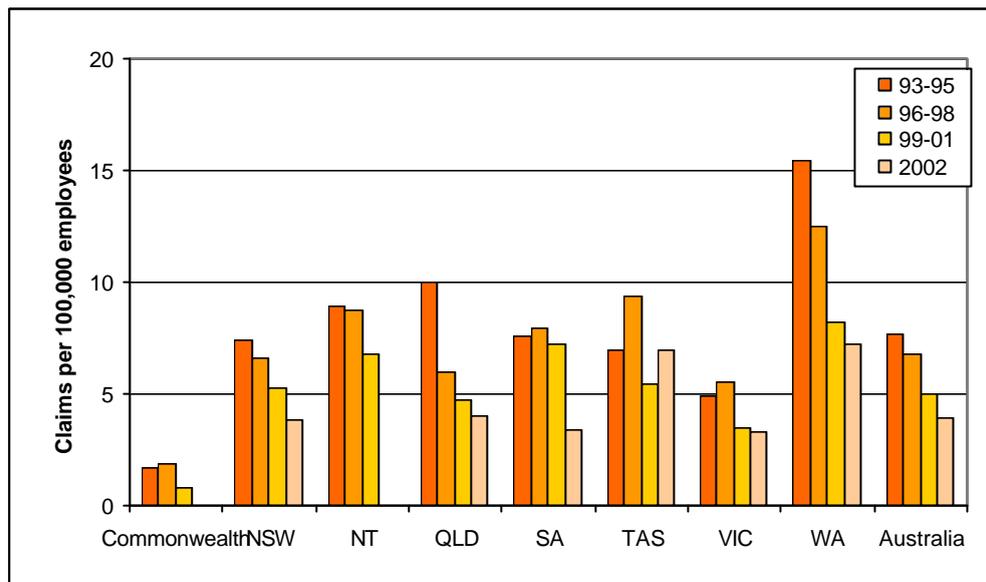
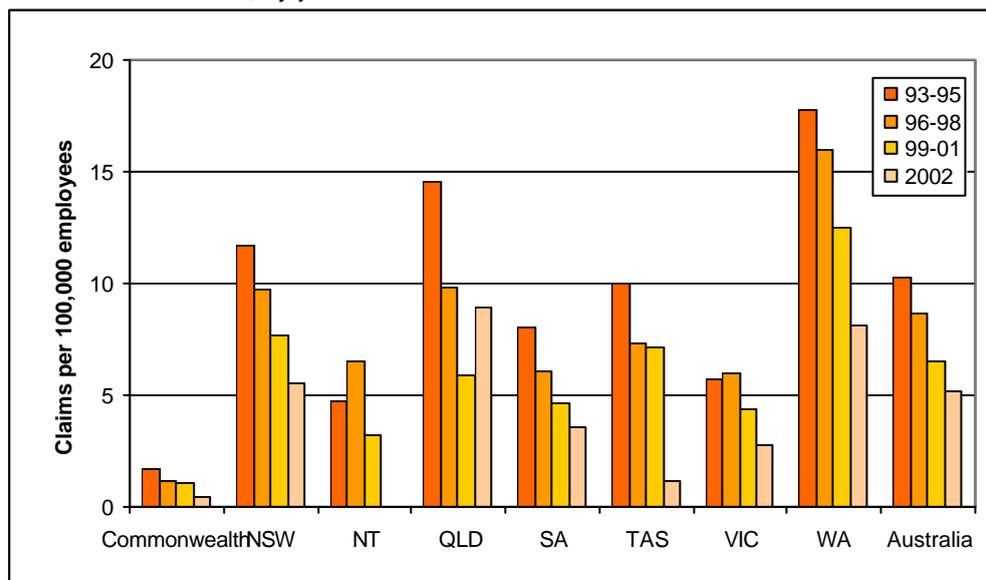


Figure 2: Three-year average incidence rates for injuries involving *scaffolding*, 1992-95 to 1998-2001, by jurisdiction.



CLOSING REMARKS

16. The results of this analysis suggest that the Certification Standard has had an impact on the incidence rates for *cranes and hoists* and *scaffolding* since the introduction of the National Standard in 1993.
17. While making this conclusion, it should also be noted that a number of aspects of the data used for the analysis should be borne in mind when considering this outcome.
18. NDS data gives a good indication of the number of workers' compensation claims in which *cranes and hoists* and *scaffolding* are identified as the breakdown agency. However, the information recorded with the claims gives no measure of degree of certification or whether any presence or lack of training or certification was the cause of the incident.
19. In addition, NDS workers' compensation data gives no indication of the number of near misses or unreported or non-compensated incidents that occur as a result of the operation of *cranes and hoists* and the use of *scaffolding*. NDS and ABS data give no indication of the degree of exposure or risk associated with tasks undertaken on various types of machines or equipment.
20. Data from additional sources, such as industry bodies (construction and manufacturing), union bodies and Certification boards could be used to supplement the information sourced from workers' compensation data. The aim of sourcing additional data would be to further substantiate the conclusion that the Certification National Standard is significantly reducing relevant incidence rates.

ATTACHMENT D - STATUS OF ALL REFERENCED DOCUMENTS

AUSTRALIAN STANDARDS

1. NOHSC has adopted the Workplace Relations Ministers' Councils' (WRMC) decision (LMC 60, 27 November 1998) to progressively remove referencing of Australian Standards from national standards where appropriate. At each major review of a national standard, the continuing need to reference individual Australian Standards is assessed and decisions made as to retention, removal or alternative referencing in an associated code of practice.
2. The National Standard contains one Standards Australia reference:
 - *AS 2593, Boilers – Unattended or limited attendance*
This document was assessed for its ongoing validity. Its removal should be considered in conjunction with any future review of the National Standard.
3. It should be noted that this document is not listed under the 'Referenced Documents' section on page 16 of the National Standard.

OTHER REFERENCES

4. The National Standard contains references the following documents:
 - *Guide to Assist Reciprocity in the Certification of Operators Involved in the Safe Use of Industrial Equipment, NOHSC, 1991:*
This document was issued in 1991 as an interim measure pending the development of the National Standard and is referenced in historical commentary in Preface of the National Standard. It was superseded by the adoption of the Standard by all OHS jurisdictions. Any future review of the National Standard should consider its removal with an update of the National Standard's Preface.
 - *National Competency Standards: Policy and Guidelines, National Training Board, 1991:*
This document was issued in 1991 is no longer considered relevant as it was superseded by the *Training Package Development Handbook* which was released in 2001. Any future review of the Standard should consider the update of this reference.
 - *National Framework for the Recognition of Training, Agreement of the Commonwealth, State and Territory Ministers responsible for vocational education and training, with effect from 1 August 1992:*
This document was issued in 1992 and is no longer considered relevant, as the *Australian Quality Training Framework (AQTF)* has since superseded it. Any future review of the Standard should consider the update of this reference.
 - *National Guidelines for Occupational Health and Safety Competency Standards for the Operation of Loadshifting Equipment and other types of Specified Equipment [NOHSC: 7019 (1992)]*
This document was issued in 1992 as a companion document to the National Standard and its reference is still current and relevant. It should be noted that this document is not listed under the 'Referenced Documents' section on page 16 of the National Standard.

IMPLICATIONS AND NEXT STEPS

5. With the exception of the Guidelines, all referenced documents have been superseded and are no longer considered relevant. Any future review of the

Standard should examine all referenced documents and those documents that have either been superseded or are no longer considered relevant should be removed from the Standard.

6. The review should also examine if there are any documents that are not currently referenced in the National Standard that should be.

ATTACHMENT E - TERMS OF REFERENCE FOR REVIEW

Review of the National Certification Standard, NOHSC: 1006 (2001) and Guidelines, NOHSC: 7019 (1992)

The Standard and guidelines are to be reviewed with the view to declaration/issuing of new editions for each of them. While not limiting the scope of the review, the following matters are to be addressed.

1. Examine the effectiveness of the Standard and guidelines in achieving national consistency in the certification of users and operators of industrial equipment.
2. Consider whether any changes are needed to facilitate mutual recognition of the qualifications of users and operators of such equipment.
3. Consider whether present arrangements for national certification remain the most effective and appropriate in ensuring the competence of users and operators of industrial equipment covered under the Standard and guidelines.
4. Consider recommendations emerging from the joint NOHSC/ANTA project to assess models for the transition of training and assessment to the VET sector.
5. Analyse and consider improvements to the Standard and guidelines to ensure that:
 - their relevance, practicability and flexibility including responsiveness to new technology and work practices;
 - positive OHS outcomes for users and operators are maintained and enhanced;
 - all relevant persons understand their obligations;
 - industry productivity and flexibility are considered, particularly for small business;
 - there is compatibility between the Standard and guidelines and the Australian Quality Training Framework
 - definitions, including for equipment types, training and work practices, are clear; and
 - there is consistency between classes of certificates.
6. Review the operation, administration and application of the Standard and guidelines, including:
 - whether certificates should be subject to renewal and if renewal requirements are appropriate approaches to skills maintenance and updating;
 - consistency with workplace diversity principles;
 - the merits of photographic identification as part of certification; and
 - the role and nexus of structured training courses and on the job training.
7. Review the integrity of processes surrounding the certification of operators under the Standard and guidelines, including with regard to fraud and the robustness of training and assessment.
8. Review the use of Standards Australia material in the Standard and Guidelines to ensure that the decisions of the Workplace Relations Ministerial Council about the referencing of such material are observed.
9. Consider international best practice in certification of operators covered by the Standard and guidelines including assessment of associated standards, codes of practice, guidance materials, performance indicators and their ability to be adapted/adopted in Australia.
10. Examine whether any improvements to the incidence of injuries and fatalities can be attributed to the operation of the Standard and Guidelines.

In undertaking the review, regard is to be had to the findings of the NOHSC's Annual Situation Report on this standard and to relevant findings and recommendations of any reviews or inquiries conducted since 2000 at the initiative of Commonwealth or a State or Territory Government.