

## **EXPLANATORY STATEMENT – MODEL WORK HEALTH AND SAFETY REGULATIONS (CRANE LICENCES) AMENDMENT 2024 – Model Provisions**

The *Model Work Health and Safety Regulations (Crane Licences) Amendment 2024* gives effect to the Safe Work Australia Members' decision on 6 September 2023 to remove the 'encompassment' of certain classes of high risk work from slewing mobile crane high risk work licences and to add a dogging qualification to most crane licence classes.

The amendments:

- specify that a slewing mobile crane licence does not permit the holder to operate a vehicle loading crane with a capacity of 10 metre tonnes or more, a non-slewing mobile crane with a capacity exceeding 3 tonnes, or a reach stacker.
- ensure that all high risk work crane licence holders (excluding bridge and gantry and vehicle loading crane licence holders) have completed the relevant dogging VET course.

### **Background**

In August 2022, Safe Work Australia commissioned a report entitled "Identification and Mapping of Competencies that a Person Needs to Safely Operate a Range of Cranes, or Perform Other Activities Associated with Cranes Such as Dogging and Rigging" ('the 2022 report'). This report considered which skills are transferrable across different cranes and which licences should be 'encompassed' within one another (such that the holder of a 'higher' level licence may also operate other cranes lower down the hierarchy).

The 2022 report noted the encompassment of some licences do not consider differences between operating differing classes of cranes and therefore create safety risks. Specifically, that the skills learned from the Vocation Education and Training (VET) course for slewing mobile cranes are not directly transferrable to non-slewing mobile cranes, vehicle loading cranes or reach stackers. The 2022 report recommended the encompassment of non-slewing mobile cranes, vehicle loading cranes and reach stackers should be removed from the slewing mobile crane licence.

The 2022 report found that dogging work is often required when operating cranes, and crane operators receive insufficient dogging training from their crane licence VET course which creates health and safety risks. As a result, the 2022 report recommended that dogging training be made a prerequisite for crane operators.

At the 23 March 2023 Safe Work Australia Members meeting, Members agreed to prioritise the removal of encompassment of non-slewing mobile cranes, vehicle loading cranes and reach stackers from the slewing-crane licence. Members also agreed to consider the 'introducing dogging experience' as a prerequisite for crane licences.

At the 6 September 2023 Safe Work Australia Members meeting, Members agreed to amend the model WHS Regulations to remove the following encompassments from slewing mobile crane licences:

- Vehicle loading cranes with a capacity of 10 metre tonnes or more

- Non-slewing mobile cranes with a capacity exceeding 3 tonnes, and
- Reach stackers.

At the same meeting, Members agreed to amend the model WHS Regulations to add the 'Licence to perform dogging' VET course as a prerequisite for the following crane licences:

- Tower cranes
- Self-erecting tower crane
- Derrick crane
- Portal boom crane
- Non-slewing mobile crane (greater than 3 tonnes capacity)
- Slewing mobile crane (up to 20 tonnes)
- slewing mobile crane (up to 60 tonnes)
- slewing mobile crane (up to 100 tonnes), and
- slewing mobile crane (over 100 tonnes).

#### **Clause 1 – Title**

This clause states that the instrument is titled the *Model Work Health and Safety Regulations (Crane Licences) Amendment 2024*.

#### **Clause 2 – Regulations amended**

This clause provides that the instrument amends the *Model Work Health and Safety Regulations*.

#### **Clause 3 – Part 11.6 inserted (Transitional and Saving Provisions for Model Work Health and Safety Regulations (Crane Licences) Amendment 2024)**

This clause inserts a new Part 11.6 to make transitional arrangements and includes a note to refer to the jurisdictional notes in the Appendix.

#### **Clause 4 – Schedule 3 amended (High risk work licences and classes of high risk work)**

This clause removes the encompassment of vehicle loading cranes with a capacity of 10 metre tonnes or more, non-slewing mobile crane with a capacity exceeding 3 tonnes and the use of a reach stacker relating to all slewing mobile crane licences in Schedule 3, Table 3.1, items 15 to 18.

The encompassment between slewing mobile cranes is maintained in these regulations. A person who holds a higher capacity slewing mobile crane licence remains permitted to operate any lower capacity slewing mobile cranes. For example, an individual who holds a slewing mobile crane with a capacity over 100 tonnes is permitted to operate all other lesser slewing mobile crane classes.

**Clause 5 – Schedule 4 amended (High risk work licences—competency requirements)**

This clause amends Schedule 4, Table 4.1 to introduce the completion of the ‘licence to perform dogging’ VET course as a prerequisite qualification for operating the following licence classes:

- item 8 – Tower crane
- Item 9 – Self-erecting tower crane
- Item 10 – Derrick crane
- Item 11 – Portal boom crane
- Item 14 – Non-slewing mobile crane
- Item 15 – Slewing mobile crane – with a capacity up to 20 tonnes
- Item 16 – Slewing mobile crane - with a capacity up to 60 tonnes
- Item 17 – Slewing mobile crane – with a capacity up to 100 tonnes
- Item 18 – Slewing mobile crane – with a capacity over 100 tonnes.

It is not a requirement for crane operators to hold a dogging high risk work licence, only that the ‘licence to perform dogging’ VET course is completed.

The requirement to complete the ‘licence to perform dogging’ VET course does not displace the requirement to hold the relevant high risk work crane licence for each crane type.

**Clause 6 – Appendix amended (Jurisdictional notes)**

This clause inserts a jurisdictional note at the end of the appendix, for the Part 11.6 transitional arrangements:

Part 11.6	Appropriate local provisions to be inserted.
-----------	--