

7 September 2016

Director  
Legislation Policy and Information Services  
WorkSafe  
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Sent via email to: [ohsregsreform@worksafe.vic.gov.au](mailto:ohsregsreform@worksafe.vic.gov.au)

Dear Sir/Madam,

Master Electricians Australia (MEA) appreciates the opportunity to respond to the Regulatory Impact Statement for the proposed *Occupational Health and Safety Regulations 2017* and *Equipment (Public Safety) Regulations 2017*.

Master Electricians Australia (MEA) is a national employer association representing the interests of electrical contractors and the broader electrotechnology industry. As one of the longest running organisations of its kind, MEA has established itself as the leading voice of the electrotechnology sector. MEA is recognised by industry, government and the community as the electrical industry's foremost business partner, knowledge source and advocate. The organisation's website is: [www.masterelectricians.com.au](http://www.masterelectricians.com.au).

MEA has established itself as a market leader in occupational health and safety, introducing the industry's leading on-site safety management system, SafetyConnect in 2007. In 2015, Safety Connect evolved into the new technologically advanced, cloud based safety management system, ME Safety. Developed by industry experts, the ME Safety integrated management application manages safety, environment, and quality systems for electrical contractors.

In this response, MEA will restrict our comments on the RIS to the proposed *Occupational Health and Safety Regulations 2017*.

Overall, MEA is confident that the proposed OHS Regulations will help to create safer working environments for all industry participants. In relation to some of the specific provisions, we wish to make the following comments:

### **Part 3.3 – Prevention of Falls**

#### **3.3.1 Application of Part [draft regulation 41]**

*It is proposed to include a note to clarify that legislative obligations still apply to the risk of falls below two metres.*

**Comment:** This is a welcome change to identify that the risk of injury and subsequent control measures are applied whenever the use of ladders or platforms is undertaken at heights less than two metres. The provision is particularly well targeted, given the majority of falls occur at heights under two metres.

### **Part 3.6 – High Risk Work**

#### **Regulation 3.6.10 – Person may work while application is being processed [draft regulation 138]**

*It is proposed to provide that a licence holder who applies for a licence renewal before the licence expires, can continue to perform work until a renewal is granted or until 14 days after being given written notice that the application has been refused. This proposal provides for a similar provision as currently afforded under regulation 3.6.10 to a person who applies for a high risk work licence in the first instance.*

**Comment:** This clarification for an existing worker to be granted the ability to work while his/her renewal is being processed will ensure an employer will not be disadvantaged by standing down an employee until he/she receives a renewed licence.

### **Part 4.3 - Asbestos**

#### **Regulation 4.3.19 – Application of Division and Regulation and 4.3.34 – Application of Division [draft regulation 225 and 240]**

*The duty to identify asbestos and prepare an asbestos register applies to all workplaces in Victoria regardless of the age of the building. Legislative prohibitions on the mining, manufacture, import and use of asbestos have progressively been introduced by States and Territories since the late 1980s, concluding with a national prohibition on the use of all asbestos since 31 December 2003. It is proposed to allow a person to assume asbestos is not present if the building, structure, ship or plant was built or made on or after 31 December 2003 and no asbestos has been identified and asbestos is not likely to be present.*

**Comment:** The creation of a fixed date will provide electrical contractors with the ability to accurately assess a workplace for the likelihood of asbestos being present.

### **Part 5.1 - Construction**

#### **Regulation 5.1.6 – Self-employed person to have the same duties as an employer**

*It is proposed to remove the provision which specifies that self-employed persons have the same duties as an employer.*

*Self-employed person will now be specifically referenced in any regulation where a self-employed person has a duty and where such a duty is required to be compliant with the OHS Act.*

**Comment:** Given the prevalence of self-employed persons in the construction industry, this specific reference to self-employed persons will assist a significant sector of the industry to meet their OHS requirements.

**General comment*****Model Work Health and Safety Framework***

MEA congratulates Worksafe Victoria on its continued commitment to the safety of the construction industry in its review of OHS laws. However, we would urge the Victorian government to take the next step to align with the majority of Australian jurisdictions and move towards the adoption of the Model Work Health and Safety legislation framework. Having nationally consistent standards and requirements would ease the red tape burden on tradespeople conducting business across state lines. Removing this barrier to the interstate operation of construction businesses throughout Australia would have benefits for industry and provide a valuable boost to the Victorian economy.

***Continuing Professional Development***

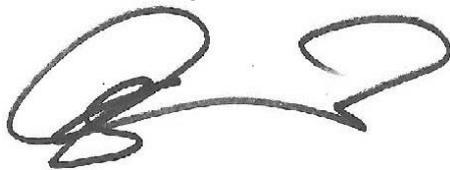
The review of Victoria's OHS regulations provides an opportunity for Victoria to further its commitment to safety by introducing a Continuing Professional Development (CPD) program for the electrical industry.

The continued skilling and upskilling of those operating in the electrical industry is essential in order to maintain the highest of electrical safety standards. Industry at large is supportive of CPD being part of the licence renewal process and we view this as the future pathway for the electrical industry.

A high quality CPD program would ensure all electrical workers and contractors have the most up to date knowledge and skills to meet their OHS obligations. MEA recommends that CPD become a part of the eligibility requirements for any Victorian electrical licence renewal.

Finally, MEA would welcome the opportunity to further discuss any of the issues raised above as the OHS consultation progresses.

Yours sincerely,



**Simon Tengende**  
State Manager – Victoria/Tasmania