

**Model Work Health and Safety Regulations and
Codes of Practice Public Comment Response Form**

Individual/Organisational name: Queensland Farmers Federation

Section A: Model Work Health and Safety Regulations Exposure Draft

General Comments (e.g. regulatory impact, level of prescription, notification, record-keeping requirements)

Preliminary comments:

- QFF notes supports the concept of national model laws as a way of cutting through the vast inconsistencies in the way in which the principles of work place health and safety are enshrined in law across the country. However QFF does fear that the philosophy of nationally consistent legal frameworks may deliver a significant deficiency in implementation and understanding as the model laws lose their industry specific clarity around what is required to ensure compliance. The rural sector has been criticised for its poor track record in providing for a safe working environment for workers and owner operators. It is QFFs contention that moving to model laws may make the pre-existing issues around a lack of comprehensive extension and implementation resources an even greater problem. This issue will need to be managed and QFF is prepared to take a leadership role in negotiating these requirements with our State and Federal Government agency officials.
- QFF provides the following detailed comments in response to the issues paper provided. It must be noted however, that a lot of the reforms proposed may have significant economic impact on the agricultural sector and detailed analysis of this aspect of national harmonisation we anticipate to be further investigated through the regulatory impact statement to be released later in the year.
- QFF is very concerned that the nature of national harmonisation and the formulation of model laws has meant that legislation has been drafted in such a way that compliance for small to medium enterprises (the vast majority of farm businesses) will be difficult without industry specific resources. QFF believes that successful implementation of the national model laws will require dramatic changes for many rural workplaces. To facilitate this QFF will be calling for appropriate transitional arrangements (phase in periods) for the most difficult changes which may include confined spaces, changes to chemical storage and management and documentation of safe work practices etc.
- QFF makes this submission as an adjunct to the submission provided by Farmsafe Qld and in doing so reiterate our support to the analysis provided by them.
- Finally, in making this submission, QFF would also welcome the opportunity to provide any additional information required to support any comments made within.

Chapter 1: Preliminary (e.g. definitions)
<p>Airborne contaminant – QFF has concerns with the definition of an airborne contaminant. It is not clear whether it would preclude what we would consider to be usual agricultural practices such as chemical droplets generated during a spraying operation, dust during mustering livestock or handling livestock in yards, travel on dirt roads and land preparation (usual agricultural practices) etc? – QFF contends that the definition should be revised such that it becomes<i>a contaminant in the form of a fume, mist, gas, vapour or dust and includes bacteria resulting in poor air quality at the workplace that may be harmful to health and safety</i> – That is to say this definition should not in anyway be used as a surrogate environmental obligation</p> <p>Certified safety management system - QFF will make additional comments in our RIS response with respect to the economic impact of this proposal</p>
Chapter 2: Representation and participation (e.g. power to request review of risk control measures in certain circumstances)
<p>QFF points out that many tasks in the rural workplace only occur for very very short periods of time, or on a seasonal basis and the design of the model laws does not take this into account.</p>
Chapter 3: General workplace management
Part 3.1 General working environment
<p>QFF believes that the model laws should allow for reasonable and practical facilities and / or access to facilities rather than a blanket requirement so as to reflect the nature of the work done in the rural sector, particularly in regional and remote locations.</p>
Part 3.2 Personal protective equipment
<p>The model laws or at least their implementation need to recognise that in some cases engineering controls are not feasible or are not within the direct capacity of the worker at the time. However these methods (higher in the hierarchy of control) have been deployed by other participants in the who have influence over the work practices and equipment used in the activity – chemical manufacturers, machinery manufactures etc – that is to say it is not like these options have been ignored. With that in mind what should be required is that the worker does what they can within their capacity at the workplace and often this is the affective use PPE.</p>
Part 3.3 First aid
<p>Without the first aid CoP being available for comment, QFF will have no additional comment on the philosophy but may we will make a comment at the RIS</p>

stage in relation to the cost and extent of training required.
Part 3.4 Emergency plans
QFF makes no additional comment
Part 3.5 Review of general workplace management measures
QFF makes no additional comment
Chapter 4: Hazardous work
Part 4.1 Noise
It is unclear to QFF as to what level an incident is notifiable and we require clarification that notification is only required if it is dangerous and uncontrolled and this should be the only case where notification is required.
Part 4.2 Hazardous manual tasks
QFF will note that this may be an issue for horticultural packing houses and we propose that there should be an incentive for an industry wide response that can be identified at the industry wide / task wide level rather than the individual enterprise. This type of collaborative implementation exercise would greatly assist rural workplaces become compliant to the model laws.
Part 4.3 Confined spaces
4.3.2 <i>Meaning of confined space.</i> QFF contends that communication between workers operating in confined spaces is very difficult when many farming businesses are sole operators. QFF believes an adequate transition period to safer work practices as part of emergency response planning as well as specific industry training.
Part 4.4 Falls
4.4.1 <i>Meaning of fall hazard -</i>

QFF reiterates that 2m is the height at which a fall needs to be reported and this certainty could be applied to this definition
4.4.6 Emergency procedures for falls -. – QFF points out that compliance to this provision will be very difficult and implementation timeframes will need to reflect adequate transitions.

Part 4.5 High risk work (e.g. Accreditation of Assessors)

Part 4.5 - *High Risk Work - including licenses and accreditation of assessors..* –
QFF points out that the farm sector will require a transition period and a practical framework for the provision of training based on the AQTf and something that suits the working requirements of the specific industries involved. Any training requirement that mandates on the job, on site supervision is not acceptable to rural work places but the completion of log books and normal requirements of the employer / or their representative insuring that the employee is operating in a safe manner is reasonable. Cost implications will be further investigated during the RIS submission

Part 4.8 Diving work

This part of the legislation will affect *Rural Industry* where diving is a required work practice. The main industries affected will be aquaculture and some irrigators and further industry specific advice is required.

Chapter 6 Construction (e.g. construction induction requirement)

While maintaining our blanket support, given the particular concerns about this issue, QFF specifically reiterates our strong support for the comments provided by Farmsafe and the fact that there is no definition in the regs of what is major construction work, and if this situation remains we may have a very ridiculous and potentially impractical situation in rural workplaces

Chapter 7: Hazardous chemicals

Part 7.1 Hazardous chemicals

QFF believes that the model laws should recognise the current requirements for rural industry in Qld as there appears no real need to designate farms as major hazard facilities. Rather it would make more sense to allow for a volume limit in conjunction for a “time in storage” threshold to designate what are a large number of minor storage category. Many rural workplaces store either very small volumes of agricultural chemicals or large quantities for very short periods of time, immediately prior to their use.

7.1.52 Notification of abandoned tank –

QFF believes that this notification provision is pointless for rural industries, and we propose that tanks should be placarded only on site

Part 10.3 Exemptions

Rural industry to determine policy

QFF will be looking for clarification on whether enforceable undertakings will remain a compliance option.

