



CMEIG Monthly Report - Editorial

Safety authorities need to rethink the consultation process

For many years Australian safety authorities, such as WorkCover NSW, have formed consultation groups in conjunction with Unions and user groups. The production of regulations and codes of practice are done in consultation with union representatives and user groups, and usually without any input from equipment manufacturers.

CMEAA and CMEIG can only wonder why these government departments are so keen to avoid consultation with the equipment manufacturers. The Association has prodded regulators for some time with no response. And yet the Department of Minerals in NSW, the regulator for safety and other issues for mines and quarries in NSW have a total different approach to consultation today. They wish to participate with CMEIG.

While there is a national approach to consultation by NOHSC and WorkCover authorities in the States using user groups, the adoption of a united approach of regulatory authorities towards product use and design in Australia is long overdue. There is also a presumption in various regulations on bookshelves that relevant Australian and ISO standards are the benchmark for OHS regulatory bodies. However, there are instances where such standards, while being respectfully acknowledged are ignored or disregarded for a variety of reasons.

Australia should adopt ISO standards more frequently and Australian Standards as a minimum requirement for plant design and operation. Australia should avoid developing Standards that conflict with ISO standards unless engineers in Australia can prove they are inadequate.

Best practice product design, which includes safety, occurs at the design planning stage. Considerations regarding the products' initial purpose including range of operating conditions, material selection, longevity of useful life are relevant design criteria. As ownership transfers from supplier/manufacturer to customer, responsibility to maintain control of designed operational parameters changes to the user. The onus of the designer to foresee any practicable and possible use for the product is currently served using risk management techniques. This methodology is not fool proof and the responsibility for the use of a product outside its intended use, should not fall with the designer but apportioned to the owner and/or operator of the product. It is also given that documented and complete training is provided in the use and designed range of functional operation of the product.

There is little to no construction and mining equipment designed and manufactured in Australia and therefore, importers and distributors have had to accept equipment designs based on issues facing the Japanese, European and North American markets, where safety of operators is a major factor in those countries. The size of those markets are so large that it makes the Australian market as low as 1 to 4% of the world market.

There needs to be a greater participation of regulatory bodies and their experts to visit other major countries to understand that construction practices differ and safety standards vary according to the needs of the community. Whilst death or injury is unacceptable there will always be a risk of these events happening. Greater and uniform policing resources of regulatory bodies by all levels of government in Australia is needed today and aimed at the equipment users.

Also, what makes the operation of mobile plant in various regions of Australia so different that we need six regulations? Is there some kind of jealousy that one State jurisdiction is better than the other?

WorkCover Authorities appear to be adopting a reactive approach rather than a proactive approach to the application of new developments in equipment safety. These authorities are given the responsibility of policing industry and they are reluctant to give direction or assistance to the industry when it is requested. They are keen to fine and take legal action against OEMs rather than engage the equipment manufacturers and suppliers in dialogue.

If the authorities could be consulted for assistance or direction it would be of great benefit to the industry. Is it not about time that safety regulators review their past mistakes in the production of regulations and codes, and allow equipment manufacturers to join working groups in their development?

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