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Crane licences for excavator operators is not the answer, industry says

Industry groups have united to call on the Western Australian Government to urgently revise a new regulation that is forcing thousands of excavator operators to undergo costly and inappropriate crane operator training.

The Civil Contractors Federation WA, Construction Contractors Association of WA, Hire and Rental Industry Association, Master Plumbers & Gasfitters Association of WA, National Electrical Contractors Association WA Branch, and Urban Development Institute of Australia WA Division are calling for the immediate deferral – pending further industry consultation – of the regulation, which says earthmoving machinery used as a crane is taken to be a crane for the purposes of high risk work licensing.

From March 31, when WA's new Work Health and Safety laws took effect, the operator of an excavator being used to lift a suspended load of any size must possess a slewing mobile crane operator licence.

There was no consultation with industry or advice given prior to implementation of the new licensing requirement, and no transition period granted for this major regulatory change. This means that thousands of excavator operators who routinely lift pipe and other materials, and their employers, are now in technical breach of the regulations – although WorkSafe WA has acknowledged the issue and agreed to take an educative and informative approach to compliance in the short-term.

Master Plumbers & Gasfitters Association of WA CEO Murray Thomas said with the regulation now in place for over a month, concern in the industry was growing every day.

“Many contractors initially weren't aware of the change, as there was no warning given, but the huge effects in cost and lost productivity are now becoming apparent,” Mr Thomas said.

“Every extra day this pointless regulation is in place will mean more lost time and money for Western Australian businesses already struggling with escalating costs.”

Civil Contractors Federation WA CEO Andy Graham said the new regulation would affect more than 3000 workers who operated an excavator for routine lifting operations on construction sites.

“Hundreds of excavators are used every day around WA for safe, straightforward lifting tasks, such as placing pipe into a trench,” Mr Graham said. “Mobile crane licencing for the operators of those machines is inappropriate and will not improve safety.

“The crane operator licence training mandated by Worksafe is not even suitable for operators of earthmoving equipment – this is clearly stated in the training materials.

“Industry is not opposed to improving safety on sites – far from it. If industry had been consulted on this change, we could have worked with Government to help them understand the issues and collaborate on an appropriate training requirement.

“Of course, it’s not too late for that to happen – but the first step must be deferring this ill-considered regulation.”

Hire and Rental Industry Association CEO James Oxenham said the equipment hire industry backed the construction industry’s request for implementation of the new regulatory requirement to be delayed pending further consultation.

“Companies hiring equipment to operators prioritise health and safety and appropriate training, planning, familiarisation, and supervision are all essential when operating equipment,” Mr Oxenham said.

“However the imposition of a slewing mobile crane licence is not appropriate for people who are operating earthmoving excavators, as it does not address the lift and carry capabilities of excavators, instead focussing on mobile cranes with a boom or jib that can be slewed.”

MORE INFORMATION

Effective March 31, 2022, Schedule 3 of WA’s new Work Health and Safety Regulations requires that earthmoving machinery used as a crane is to be regarded as a crane for the purposes of high risk work licensing.

This means that excavators are now regarded as slewing mobile cranes for operator licensing purposes. When any excavator or is used to lift and shift a suspended load of any size, the excavator operator must have the relevant slewing mobile crane licence.

The State Government consulted extensively with industry prior to the implementation of the new WHS Act and Regulations, however there was no consultation on this particular regulation. It is also out of step with the harmonised WHS legislation adopted in other states.

There is no transition period for this new regulation, despite transition periods being granted for other changes to high risk work licencing.

The slewing mobile crane training course, which is a prerequisite for licensing, specifies that it is not intended to train operators of “a front-end loader, a backhoe, an excavator, or any other earthmoving equipment when configured for crane operation”. This is because the training is aligned with the national harmonised WHS framework, which does not require earthmoving equipment operators to do crane operator training.