Mr Tom Dixon
Construction Training Fund
104 Belgravia Street
Belmont 6104

Dear Mr Dixon,

Statutory Review of the *Building and Construction Industry Training Fund and Levy Collection Act 1990*

I write to provide a personal submission to the statutory review and note the timeline for submissions was extended. For ease and to assist the review, I have utilised the template provided by the Director Strategic Projects and my substantive comments and considerations are at **Enclosure 1-Darren Kavanagh Submission**.

The building and construction industry is fundamental to the State's economy and of course integral to the West Australian community. Having worked in the industry for many years, the CTF and building and construction industry have continued to be of particular interest to me, including the health and safety aspects of the industry. I have invested time to provide a submission which I hope will assist the review, CTF and ultimately the industry.

Kind Regards,

Darren Kavanagh
Former WorkSafe Commissioner

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Enclosure 1

Former WorkSafe Commissioner Darren Kavanagh BCITF Submission

Statutory Review of the *Building and Construction Industry Training Fund and Levy Collection Act 1990* (WA)

1. Background and Context

I write to you for the purposes of providing a formal submission to the Building and Construction Industry Training Fund and Levy Collection Act 1991 (Act) Statutory Review. It is my intention to address as many of the Terms of Reference as possible however, there are some elements of the terms of reference which I do not have contemporary knowledge or experience and will therefore be brief or silent on those respective elements.

The comments and observations in this submission are based on my personal views and experience and not implied or intended to represent the views of the WorkSafe Commissioner (WC) or WC office. It is my intention to ensure that this submission does not imply or include statements or comments that purport or imply to be as the WC. To further assist the review and to better understand the background and context of my views, I have provided at **Attachment 1** a brief Bio.

With regards to the health and safety compliance or performance of the building and construction industry, I suggest a continued focus on health and safety is warranted noting the building and construction remains in the top three industries with the most work-related fatalities[1]. For a given hour worked, a person in the construction industry has 1.5 times the average risk across all industries of a work-related fatality.[2]

While the risks in building and construction are numerous and high, it is important to note there is a significant amount work completed daily by the building and construction industry and much of that work is completed safely. However, when it comes to Work Health and Safety (WHS), there is never room for complacency particularly because of the high risk nature of building and construction works and therefore continued improvement is required.

[1] WorkSafe State of the Work Environment page 12
https://www.commerce.wa.gov.au/sites/default/files/atoms/files/241310_rp_sowe_worksafe21-22.pdf
[2] WorkSafe - State of the Work Environment pager 35
https://www.commerce.wa.gov.au/sites/default/files/atoms/files/241310_rp_sowe_worksafe21-22.pdf

2. Term of Reference

(a) Effectiveness of the Board

I've been fortunate to have had numerous occasions to engage and interact with the Construction Training Fund (CTF) Chair, Chief Executive Officer (CEO), staff and members of the Board in various contexts for many years. Some of the most recent interactions with the CTF were recognised in the CTF 2022-2023 annual report[3].

The most recent interactions were principally for the purposes of meeting the objects of the Occupational Safety and Health Act 1984 (OSH Act) and Work Health and Safety Act 2020 (WHS Act). These engagements presented great opportunities to consider improving the safety and health compliance or performance of the industry and in particular in relation to High Risk Work Licence (HRWL) training.

Assessing or ascertaining the effectiveness of the board is a challenging exercise to conduct objectively as a stakeholder or external observer of the Board. Noting the Building and Construction Industry Training Fund Levy Collection Act 1990 (Act) requirements is to " *improve the quantity of skilled persons and quality of training*" the ability to measure the effectiveness of the ACT/Board maybe more difficult particularly in relation to the "quality" aspect of training.

The Board via the CTF produces a number of public relations advertisements and promotional material directed towards creating an awareness and interest within the Western Australian community about the virtues or benefits of the building and construction industry. This promotional work is in my view effective at creating awareness and interest within the community. The promotional material and advertisements while creating awareness could also be viewed as meeting the ACT requirements to "increase the number" of skilled workers in the building and construction industry.

CTF annual reports includes performance highlights and year in review statements[4] with metrics related to growth, numbers of apprentices and workers in the industry which are similarly recorded in the figures in the previous years report[5].

A graphic within the report depicts a high percentage of satisfaction from both employers and workers that are satisfied with training quality. However. it is difficult to understand in any meaningful way, what quality means from an employer or worker perspective and the report is not overt or expansive about this finding.

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[3] CTF Annual Report 2022 – 2023 https://api.ctf.wa.gov.au/wp-content/uploads/2023/10/CTF-Annual-Report-2022-23.pdf
[4] CTF Annual Report 2022 – 2023 https://api.ctf.wa.gov.au/wp-content/uploads/2023/10/CTF-Annual-Report-2022-23.pdf
[5] CTF Annual Report 2021 – 2022 page 33 https://api.ctf.wa.gov.au/wp-content/uploads/2022/10/CTF-Annual-Report-2021-2022.pdf

The financial management of levies collected from industry and allocated to support industry training requirements for many years has been subject of criticism by industry representatives. In particular some industry stakeholders have expressed views that the funds collected from their respective sector be returned (allocated) to their respective sector by way of support and subsidies relevant to their sector. While I understand the basis of this parochial view, there should be strong resistance to allocation of funds in this way.

The levy is for the building and construction industry as a whole and funds should be distributed in a manner that best serves the advancement of the building and construction industry and not simply returned to the industry from which it was collected. There should be acknowledgement that construction workers do migrate across industries sectors and the support provided by the CTF ought be of benefit to all sectors of the building and construction industry.

The 2023 -2024 annual report states "*The revenue generated from the levy is returned to the industry's workforce through a range of grants and subsidies, which are designed to reduce costs associated with skills training required by a modern and progressive building and construction industry*"[6]. This statement appears to be an appropriate and effective approach for the allocation of funds.

The Board prepares an operational plan and appropriately engages with stakeholders and develops and assesses the performance of the operational plan. There are increasing difficulties attracting the number of skilled workers to the industry to meet government targets, community and industry demand. In terms of the effectiveness of the board and role of the CTF, my view is the Board should be considered as performing effectively.

There is perhaps one exception and that is in relation to the "quality" element of the Act and obligations on the Board and CTF. The quality of training element requires elaboration, which I have detailed in the TOR (b) 1) below.

(a)

1) Relationship with industry and effectiveness of communication.

It is difficult to form a view or express an opinion about whether the relationship with the whole of industry is positive or otherwise however based on my experience and interactions with the Board members, CTF, staff and discussions with other industry stakeholders, it is my view that all of those interactions have been positive and productive. I have found the CEO to be enthusiastic, energetic and driven to ensure that the performance of the CTF meets the Board and industries expectations.

CTF and Board interactions with industry including communications via mainstream media and websites in my view have been effective in communicating to the community and industry about the benefits and opportunities of the building and construction industry.

[6] CTF Annual Report 2223-2024 https://api.ctf.wa.gov.au/wp-content/uploads/2023/10/CTF-Annual-Report-2022-23.pdf page 9

The Board and CTF should be complimented in terms of the relationship with industry and effectiveness of communication with industry.

2) Structure of the Board and its effectiveness in meeting the needs of different sectors of the industry.

The tripartite composition of the board as prescribed in the Act maybe viewed as a contemporary means by which significant stakeholders of the industry are able to contribute to the appropriate collection and expenditure of funds to support the industry and training needs.

With representatives from various sectors of the building and construction industry, including worker representation, it is reasonable to assume the input and contributions from those representatives assist meeting the objects of the Act and needs of the sectors.

3) Operation of the Board in strategic management of the Construction Training Fund.

Strategic management may encompass vision and systems to support new technologies, building techniques, use of autonomous plant operation and artificial intelligence (AI). These changes present interesting opportunities and challenges for the building and construction industry and the Board. The Board support for use of new mediums for training will continue to require well considered strategies to continue to support and assist industry.

As an example the delivery of training and assessments using virtual simulation is a great enhancement to the practical training and assessment. There is substantial benefit for employers and workers in developing skills in a safe virtual environment before being exposed to risks with operation of high risk plant such as cranes or other earth moving equipment.

New building and construction methods are often captured in training packages particularly with new plant or for example with things like high rise edge protection screens[7]. Therefore, the training needs of the buildings and construction industry requires the Boards strategic vision and insight to adopt and implements appropriate training support. This strategic insight and management could aways be improved with a continuous improvement approach.

4) Efficiency of the Board in collection of levy and administration of programs.

It is worth noting from the outset the Office of Auditor General (OAG) findings from a forensic audit[8] of the CTF resulting in recommendations and areas for improvement. These were acknowledged by the Chair and CEO and underway prior to the audit and a detailed response provided in January 2023. Completion of all actions and recommendations from the forensic audit would provide a valuable indication of effectiveness and efficiencies of the collections and allocation of levies.

In terms of administration, the CTF annual report states there is a “Levy Integrity Strategy”[9] however no further information appears available about this strategy on the CTF website. I

[7] Example of Screens- https://www.acrow.com.au/natform-screens-types-of-screens/
[8] OAG Forensic Audit https://audit.wa.gov.au/reports-and-publications/reports/forensic-audit-construction-training-fund/
[9] CTF Annual Report 2023-2024https://api.ctf.wa.gov.au/wp-content/uploads/2023/10/CTF-Annual-Report-2022-23.pdf page 23

suggest there is merit and benefit in the CTF considering a regulatory statement for stakeholders and industry in relation to collection and regulation of the levy.

A statement of regulatory intent is used by regulators around the country to explain the regulatory approach to relevant stakeholders[10]. The CTF could develop a statement to the effect that the CTF seeks to promote and encourage compliance, using a range of regulatory methods including promotion of self regulation and the use of sanctions for non-compliance.

The Board and CTF could consider an appropriate regulatory enforcement model for publication, engagement with industry in relation to the enforcement strategies and ensure that enforcement options are based on areas of risks and most benefit to achieving compliance. An enforcement strategy communicated to industry could also assist with efficient utilisation of CTF resources, while ensuring funds are collected appropriately and in compliance with the Act requirements.

(b) Attainment of the objectives of the Building and Construction Industry Training Fund and Levy Collection Act 1990 including:

1) To improve the quality of training.

The multiple regulatory agencies with responsibilities for regulating the Vocational Education and Training (VET) training sector and HRWL training, include agencies such as TAC and ASQA. These agencies have strong regulatory tools to ensure RTO systems deliver appropriate training and assessment, including with HRWL. The absence of similar tools for CTF and the Board should not mean an absence of the ability to influence and improve the quality of training. The challenges for the Board and CTF to identify tools or motivators to improve the quality of training, in my view presents an opportunity.

HRWL Concerns

Recognising there are varying levels of performance and compliance, there is persisting levels of concern across industry about the quality of VET training and specifically in relation to HRWL training. The basis for some of this concern is evidenced with a recent matter involving a HRWL Assessor.

HRWL Assessors are licenced by WorkSafe with specific conditions that assessors must agree to meet. In this example an assessor licenced to assess 18 classes of high risk work, had his licence cancelled by WorkSafe after an investigation of that assessor. This HRWL assessor classes were cancelled for not properly assessing license applicants[11]. While this maybe argued as an isolated case and not representative of the industry, there is also anecdotal evidence to warrant concern about the quality of training.

Currently, an applicant or learner can obtain a Forklift Truck (LF) from more than 200 Registered Training Organisations (RTO) registered to deliver this course in WA. RTOs allow from one (1) to eight (8) participants in a LF course which can be delivered over one (1) or

[10] Statement of Regulatory Intent - https://www.acic.gov.au/sites/default/files/2023-04/regulator_statement_of_intent_2023.pdf
[11] WorkSafe announcement https://www.commerce.wa.gov.au/announcements/warning-after-assessors-registration-hrwl-classes-cancelled

four (4) days, with the course costs advertised between $200pp up to $800pp. These details are publicly accessible, indicative and susceptible to change for a variety of reasons. Similarly, more than 150 RTOs can deliver Elevated Work Platform >11mt (EWP) course, with up to 10 learners per course. Rates for this course can vary from $69 up to $800.

These HRWL courses are offered to prospective learners with some RTOs offering packaged courses with training times and course cost substantially reduced[12]. There is significant variability with both of these examples of HRWL training, which is repeated with the other HRWL classes. Again, these details are susceptible to change for a variety of reasons.

The training and assessment requirements for EWP and FL, as sourced from www.training.gov.au, show a set of comprehensive standards for RTO's and HRWL assessors to achieve for both EWP and FL training and assessment. For ease of reference the requirements for these licences are detailed in **Attachment 2**.

The concerns that arise with these two examples are that training and assessment ought be delivered to the specified VET requirements however, when RTO's have high numbers of learners in a course, delivered over reduced timeframes and costs results in experiences where those requirements not being met.

RTOs and industry stakeholders consistently raise concerns about other Assessors and RTO's quality of training. Concerns about HRW licences being obtained without completing the appropriate training or assessment, including completing practical training and assessments add weight to a view there are significant issues with the quality of training delivered at some WA training organisations.To paraphrase others, this creates a perception that HRWL training is a race to the bottom.

It is noted that while setting course costs are a commercial business decision, the concerns about quality of training caused by reduced course costs, coupled with multiple HRWLs packaged together, delivered in reduced timeframes, in addition to training rooms filled with numbers of participants adds weight to these concerns. In these environments it is difficult to see how RTOs and assessors can consistently deliver training and assessments to expected standards.

The training and assessments requirements for course such as Rigging, Dogging and Crane licences are substantially greater and therefore should require longer duration of training. As with the EWP and FL licence examples, significant variability in course costs, numbers of course participants, packaging of HRWL's and reduced timeframes are the same concerns repeated and exacerbated with these other HRWL's.

[12] https://www.licences4workperth.com.au/elevating-work-platform

Opportunity

There is an opportunity for the Board to influence and improve the quality of training. This opportunity may be possible by providing funding support and subsidies based of RTOs and assessors meeting a set of minimum standards for delivery of HRWL training and assessments.

The minimum standards could be developed as an accreditation or approval system for RTO's or assessors and developed in conjunction with regulators and industry. Once approved and or accredited, CTF funding and subsidies for HRWL training could be allocated based on whether RTO's and assessors meet the minimum standards.

The New South Wales regulator has developed a set of conditions for RTOs to conduct HRWL assessments [13]. While this model is developed and implemented by the NSW Safety Regulator a WA model would not necessarily have to rely on or be implemented by a regulator. Rather the CTF could use its funding role to shape and influence the quality of training and the industry.

As CTF is not a training regulator it would be essential to work with the other regulators i.e. WorkSafe, Training Accreditation Council (TAC) and Australian Skills Quality authority (ASQA) to identify key criteria for developing the minimum standards for an approval or accreditation system.

Another example of a register and approval system currently exists in Queensland with the Skills Assure Supplier (SAS) Framework[14]

The SAS system is based on a performance framework for the assessment, selection and monitoring of RTOs linked to national standards and department-specific requirements in quality management. It aims to provide "*training participants training participants with a level of assurance that their chosen RTO is able to deliver high-quality, industry-standard training that best meets their skilling and learning needs and supports employment opportunities*".

There is opportunity for CTF to work with regulators to develop a criteria and framework similar to QLD or NSW .This may assist ensuring that training delivered by WA RTOs and assessed by HRWL Assessors meet prescribed requirements before funding subsidies could be allocated.

This opportunity to improve the quality of training should not require a significant amount of resources to be expended by the CTF. Collaboration and coordination with the regulators could minimise the resource impost to the CTF and ensure higher quality standards of training.

While I have focussed on HRWL training and assessment in this submission, if the review identifies similar or other issues with training and assessment with for example in

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[13] SafeWork - https://www.safework.nsw.gov.au/__data/assets/pdf_file/0013/50116/conditions-to-the-agreement-for-RTOs-to-conduct-high-risk-work-licence-asessments-oct-2022.pdf

[14] Queensland Department of Small Business - https://desbt.qld.gov.au/training/providers/sas/framework

apprenticeships training, this opportunity for CTF to influence improved quality outcomes could be expanded further.

2) To increase the number of skilled persons in the building and construction industry.

No comment provided.

(c) The need for this Act to continue in operation.

As previously stated, the building and construction industry is important to the WA community and economy and having a representative body with direct input and management oversight for the receiving levies to fund training for the industry is essential. The absence of such a fund would be deleterious for the industry but most importantly detrimental to the workers of the industry way decreased opportunity for personal advance via training and by poorer safety and health outcomes.

(d) Review the operation of the Act with respect to the resources sector, including four recommendations referred from the 2019 statutory review to this review.

No comment provided.

(e) Test six recommendations from the 2019 statutory review noted and for further consideration (Stage 2 legislative change), including three recommendations arising from the 2014 statutory review.

No comment provided.

(f) Consider the benefits of a more diverse construction workforce and assess whether First Nations people participation and gender imbalances in training are being adequately addressed under the Act.

The is a substantial amount of information available about issues with gender diversity and gendered violence across all industries including the Kate Jenkins Report Respect @ Work[15] and recent State government Enough is Enough inquiry and report[16].

The building and construction industry must continue to take all available steps to educate industry and improve the gender balance of the industry, including participation of first nations people. While there is lots of work being undertaken by numerous stakeholders within the industry efforts to address this challenge cannot dissipate.

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Signed:
Darren Kavanagh

[15] Respect @work- https://www.respectatwork.gov.au/
[16] Sexual Harassment against women in the FIFO mining industry https://www.parliament.wa.gov.au/Parliament/commit.nsf/(EvidenceOnly)/E5F7ABD1C551FEEC4825870A0027A60E#Report

Former WorkSafe Commissioner
PCB Chairman Director

Attachment 1 – Darren Kavanagh Bio

Darren Kavanagh

Former WorkSafe Commissioner 2018 – 2023

Current Role - PCB Group Chairman/Director

PCB Group Chairman, Darren Kavanagh has more than 20 years of experience in senior roles in the Commonwealth and State, including in the Departments of Defence and Energy, Mines, Industry Regulation and Safety.

Darren was most recently appointed as the independent WorkSafe Western Australia Commissioner for five years from 2018 to 2023, leading WorkSafe and Western Australian industries through the introduction of the harmonised State work health and safety laws. He was the first WHS Regulator of new uniform laws, bringing together all general workplaces, mining workplaces and petroleum sites under a single Work Health and Safety Act.

This significant role is responsible for the protection of the safety and health of workers throughout WA. During this time, he also spent five years as a Board member at Safe Work Australia, Heads of Workplace Safety Authority and Work Cover and was appointed to numerous committees, including Work Health and Safety Commission, Building and Construction Consultative Committee, and Mines and Petroleum Advisory Committee.

Darren's experience incorporates ten years at the Department of Defence, including as Acting Director for the Central and West Region of WA, SA and NT. His high-level Defence roles also included responsibilities for estate management and planning, risk and compliance, and work health and safety management.

He has extensive experience in the building and construction industry and a comprehensive understanding of safety and health in all its facets. His experience includes being nominated as a Board member of the Building and Construction Industry Training Fund, and a member of the Commission for Occupational Safety and Health, and subcommittees in the early 2000's.

In 2022 and 2023, Darren was listed in the public sector section of Business News' Power 500 catalogue of WA's most influential business leaders across the state's major industries.

In his role as Chairman, Darren brings strong values-driven leadership based on core values of honesty, integrity and trust in all his dealings. As the Director of the Group's strategy and governance, he is committed to ensuring future growth is achieved while adhering to those values and ensuring safe and compliant delivery of services.

Attachment 2: TLILIC0005 Licence to operate a boom-type elevating work platform (boom length 11 metres or more)

Application

This unit specifies the skills and knowledge required to safely operate a boom-type Elevating Work Platform (EWP) where the length of the boom is 11 metres or more in accordance with all relevant legislative requirements. Competence in this unit, does not in itself result in a Risk Work Licence (HRWL) to operate this plant.

Boom-type elevating work platform means a telescoping device, hinged device, or articulated device, or any combination of these, used to support a platform on which personnel, equipment and materials may be elevated.

A person performing this work is required to hold a boom-type elevating work platform HRWL. This unit requires a person operating an EWP to:

- plan for the work/task
- prepare for the work/task
- perform work/task
- pack up.

Licensing/Regulatory Information

Legislative and regulatory requirements are applicable to this unit of competency.
This unit is based on the licensing requirements of Part 4.5 of the Model Work Health and Safety (WHS) Regulations and meets Commonwealth, State and Territory HRWL requirements.
The National Assessment Instrument (NAI) is the mandated assessment for the HRWL to operate the relevant licencing class as detailed in this unit.

Elements and Performance Criteria

1	**Plan work/task**	**1.1** Task requirements are identified from work orders or equivalent and confirmed with relevant people and a site inspection is completed in accordance with workplace procedures
		1.2 Work area ground/operating surface is assessed to determine suitability for operational use of EWP in accordance with manufacturer requirements and workplace procedures
		1.3 EWP capabilities are established for the load/s and work/task requirements in accordance with manufacturer requirements and workplace procedures
		1.4 Appropriate paths for operating the EWP and moving in work area are assessed and determined in accordance with workplace procedures
		1.5 Relevant hazard and risk control measures are applied and advised to relevant person/s in accordance with workplace procedures

		1.6	Traffic management plan implementation is confirmed in accordance with workplace procedures
		1.7	Appropriate communication procedures are identified, with relevant people in accordance with workplace procedures
		1.8	All work is confirmed to ensure coverage of work/task requirements for the relevant work area in accordance with workplace procedures
2	**Prepare for work/task**	**2.1**	Consultation with workplace person/s is maintained to ensure workplan is clear and consistent with site requirements in accordance with workplace procedures
		2.2	Risk control measures for hazards identified are checked for implementation in accordance with workplace procedures
		2.3	Safety equipment including Personal Protective Equipment (PPE) are inspected, fitted correctly and used in accordance with manufacturer requirements and safe work procedures
		2.4	EWP is accessed in a safe manner in accordance with manufacturer requirements and safe work procedures
		2.5	Pre-start EWP checks are carried out in accordance with manufacturers requirements and safe work procedures
		2.6	EWP is started and is checked for any abnormal noises in accordance safe work procedures
		2.7	EWP is positioned correctly as per work plan in work area in accordance with relevant manufacturer requirements and safe work procedures
		2.8	EWP is stabilised appropriately in accordance with the workplan, relevant manufacturer requirements and safe work procedures
		2.9	Operational checks from base controls are carried out in accordance with relevant manufacturer requirements and safe work procedures

		2.10	All platform controls are located, identified and tested in accordance with manufacturer requirements and safe work procedures
		2.11	All damage and defects are reported and appropriate action is taken to rectify in accordance with manufacturer requirements and safe work procedures
		2.12	EWP logbook is inspected and is correct for the EWP, is completed and signed in accordance with manufacturer requirements and safe work procedures
		2.13	Weather and work environmental conditions are assessed to determine any impact on EWP operation and positioning as per workplan in accordance with manufacturer requirements and safe work procedures
3	**Perform work/task**	**3.1**	Relevant hazard prevention/control measures identified are checked for implementation in accordance with safe work procedures
		3.2	EWP is safely located at point of work in work area in accordance with safe work procedures
		3.3	EWP platform is positioned for work tasks and stability and all operations are monitored constantly in accordance with safe work procedures
		3.4	Work gear and tools are stowed and secured in accordance with safe work procedures
		3.5	EWP is operated using all movements in accordance with safe work procedures and manufacturer requirements
		3.6	Unplanned and unsafe situations are responded to in accordance with safe work procedures
		3.7	All communication signals are correctly interpreted and followed whilst EWP is operated in accordance with safe work procedures
		3.8	EWP platform is accessed and egressed in accordance with safe work procedures and manufacturer requirements

		3.9	EWP is parked, switched off and isolated appropriately in accordance with manufacturer requirements and safe work procedures
4	**Pack up**	**4.1**	Post-operational EWP checks are carried out in accordance with manufacturer requirements and safe work procedures
		4.2	EWP boom is retracted, lowered, stowed and secured in accordance with manufacturer requirements and safe work procedures
		4.3	Safety equipment and PPE is disconnected from platform in accordance with safe work procedures
		4.4	Relevant motion locks and brakes are applied as required in accordance with manufacturer requirements and safe work procedures
		4.5	Outriggers and/or stabilisers, plates or packing if fitted are stowed and secured in accordance and with manufacturer requirements and safe work procedures
		4.6	EWP is shut down in accordance with manufacturer requirements and safe work procedures

Assessment Requirements for TLILIC0005 Licence to operate a boom-type elevating work platform (boom length 11 metres or more)

Performance Evidence

Evidence required to demonstrate competence in this unit must be relevant to and satisfy all the requirements of the elements and performance criteria on at least one occasion and include:

- advising relevant person/s on site in relation to any hazards and risk elimination/control strategies
- applying safe operating procedures for an Elevating Work Platform (EWP) including all functions within the safe working rated capacity including:
  - boom/s as low as possible and fully retracted whilst travelling (self-propelled EWP only)
  - boom/s in line with EWP where practical whilst travelling (self-propelled EWP only)
  - EWP stability
  - gently accelerating and braking to minimise boom/s swing (self-propelled EWP only)
  - maintaining safe operating speed in relation to the work condition
  - travelling with work platform raised to an appropriate height for the terrain and visibility in relation to direction of travel (self-propelled EWP only and in accordance with manufacturers specifications)
- applying emergency procedures
- applying traffic management plan procedures relevant to their role in the work area
- carrying out operational checks on EWP including:

    - testing of all EWP safety devices
    - all controls are located, identified and tested for functionality from the base controls and platform controls
    - hazard warning systems including travel beepers and lights are functional
    - start-up is in accordance with manufacturer requirements
    - steering, transmission and brake functions comply with operating requirements (self-propelled EWP only)
    - there are no unusual noises
- carrying out pre-start checks, including visual inspection which must include:
    - battery fluid level as required by manufacturer requirements
    - checking compliance plate is relevant to the load/s being used on the EWP
    - engine / mechanical fluid level checks as required by manufacturer requirements
    - ensuring availability of correct logbook and updating records as required
    - ensuring EWP platform and attachment/s fitted in platform are secured
    - evidence of damage
    - fluid leaks
    - lights are working effectively (where fitted)
    - safety equipment checks
    - signage and labels to ensure they are visible and legible
    - structural weaknesses including paint separation or stressed welds
    - wheels and tyres for damage/correct inflation if applicable
- checking compliance plate and load chart for reach requirements and load suitability
- clarifying workplan and checking understanding
- complying with Commonwealth, State and/or Territory work health and safety (WHS)/occupational health and safety (OHS)/occupational safety and health (OSH) legislation and regulations
- controlling and operating a boom type elevating work platform ensuring movements and control functions are safe, smooth and comply with operating requirements including:
    - any combination of the movement of the extending boom used to support a platform on which personnel, equipment and materials are elevated to perform the work task/s
    - avoidance of ground depressions
    - correctly using observer guidance of work platform, main chassis and extending boom
    - demonstrating the safe operation of an EWP in forward and reverse, while maintaining visibility (where applicable)
    - driving (where applicable) applicable to conditions and moving platform and load/s safely
    - ensuring warning devices are functioning correctly
    - interpreting directional arrows correctly on platform controls during forward, reverse, left and right
    - lowering boom to its resting position
    - monitoring platform, main chassis and extending boom movement constantly ensuring safe work procedures are followed
    - raising platform and slewing within manufacturer requirements
    - raising platform to its full extent or 75% of the maximum height capacity (whichever is greater)
    - stability of the EWP and the work platform
    - manoeuvring and positioning the platform to perform work task/s safely whilst at its full extent or a minimum height of 75% of the maximum capacity (whichever is greater)
- conducting and applying hazard identification and risk elimination or minimisation strategies including:

    - barricades and controls to prevent the risk of collision with people, moving vehicles and fixed structures
    - environmental conditions including:
        - wind
        - lightning
        - water impacted ground
        - rain
        - extreme heat
        - Ultra Violet (UV) exposure
    - ground conditions (surface and slopes) and assessing work area operating surface suitability based on machine and task requirements
    - overhead hazards including electric lines and service pipes
    - personal protective equipment (PPE)
    - restricted areas and crush points from work platform and external surroundings
    - safety related tags on electrical switches/isolators that have an impact on point of work of EWP operator
    - sufficient lighting
    - suitable area for set-up, positioning and safely operating EWP
    - suitable firm and stable operating surface
    - use of safety observer
- entering work platform correctly including:
    - lowering platform safely and stably to appropriate height to access safely
    - clipping on of fall restraint/arrest device
    - accessing platform safely
- exiting work platform correctly including:
    - lowering platform safely and stably to appropriate height to egress safely
    - unclipping of fall restraint/arrest device
    - exiting platform safely
- identifying, isolating and tagging out defective equipment and reporting to authorised person/s
- inspecting and using relevant safety equipment, including:
    - anchor point/s
    - emergency retrieval system from base controls and platform controls where fitted
    - energy absorber/s
    - lanyard/s
    - safety harness/es
- interpreting and confirming relevant documentation, workplace instructions, safety information and emergency procedures for the work task and relevant area
- interpreting workplace procedures in relation to various work environmental conditions
- maintaining communication with other workplace personnel using appropriate workplace procedures including procedures to ensure all movements are conveyed clearly and succinctly including:
    - 2-way radio
    - audible and visual warning devices
    - making and interpreting hand signals
    - questioning to confirm understanding
    - signage
    - written instructions
- recording and maintaining accurate information relating to EWP operations
- reporting to relevant person/s on site risk control measures that are not in place or deficient

- stabilising procedures for an EWP including:
  - checking levels
  - removing obstacles and obstructions
  - deploying and retracting outriggers (if fitted)
  - establishing correct size plates for packing (if required)
- shutting down a boom type EWP in accordance with manufacturer requirements and workplace procedures

- using and interpreting EWP manufacturer requirements and data, including compliance plate and load chart, to enable correct EWP selection for task including:
  - boom
  - platform
  - weight including outrigger load or wheel load.

Knowledge Evidence

Evidence required to demonstrate competence in this unit must be relevant to and satisfy all of the requirements of the elements and performance criteria and include knowledge of:

- Australian and industry standards, codes of practice and guidelines to safely operate an EWP (boom length 11 metres or more) including:
  - nominal reach, measured horizontally from centre point of rotation to outer edge of platform in its most extended position
  - vertical distance from floor of platform to surface supporting elevating work platform with platform at its maximum height
- appropriate mathematical calculations to estimate loads ensuring EWP is not overloaded
- appropriate workplace communication procedures including:
  - 2-way radio
  - audible and visual warning devices
  - questioning techniques
  - signage
  - hand signals
  - traffic warning systems
  - written instructions
- compliance with permit condition requirements including:
  - from electrical supply authority
  - if operating on roads or footpaths
- EWP characteristics and capabilities, manufacturer requirements and instructions
- hazards including:
  - all ground and /or operating surface hazards
  - traffic including pedestrians, vehicles, other mobile plant and building structures
  - overhead hazards including electric lines, service pipes, doorways, roof beams, and lights
  - obstacles or obstructions
  - insufficient lighting
  - other relevant hazards
- identification and avoidance of person/s potential crush or entrapment points
- identification and avoidance of potential contact with overhead electrical conductor’s
- identification and avoidance of potential contact with structures near work platform/boom or chassis
- impact of the following on the operation of the EWP including:
  - failure/loss of control including brakes and steering

    - failure of equipment including hydraulic system
    - EWP and platform instability due to:
        - deterioration of ground/operating surface condition
        - gradient of operating surface
        - overloading
        - poor load placement
        - irregular loads
    - emergency procedures and safety equipment, including the use of:
        - safety harness/es
        - energy absorbers
        - lanyard/s
        - anchor point/s
        - emergency retrieval systems
- lock out and tag out procedures
- problems, and appropriate response procedures to unplanned and/or unsafe environmental conditions
- procedures for recording, reporting and maintaining workplace records and information
- relevant manufacturer requirements and instructions
- relevant procedures for refuelling/recharging EWP using appropriate PPE
- risk assessment process including hierarchy of control:
    - elimination
    - substitution
    - isolation
    - engineering controls
    - administrative controls
    - personal protective equipment (PPE)
- problems and equipment faults, and implementing appropriate response procedures to unplanned and/or unsafe situations
- procedures for shutting down a boom type EWP in accordance with manufacturer requirements
- relevant documentation requirements
- suitability and lifting capability of the EWP to be used
- traffic management plan procedures and requirements
- typical routine problems encountered operating a EWP and adjustments required for correction
- wind speed factors that affect stability of EWP as per manufacturer requirements
- work area operating surface suitability including issues with:
    - backfilled ground
    - bitumen (damaged, cracked)
    - concrete (damaged, cracked)
    - hard compacted soil
    - potholes
    - railway tracks
    - rough uneven or difficult terrain including sloping surfaces, uneven surfaces, steel decks and grates
    - soft soils
    - trench covers
- work health and safety (WHS)/occupational health and safety (OHS)/occupational safety and health (OSH) and codes of practice requirements for boom type elevating work platforms
- work plan which may be verbal, documented/written, or electronically generated

Assessment Conditions

Assessment processes and techniques must be appropriate to the language, literacy and numeracy requirements of the work being performed and the needs of the candidate.
Assessment must occur in workplace operational situations. Where this is not appropriate, assessment must occur in simulated workplace operational situations that reflect workplace conditions.

- Simulators must not be used in the assessment of this unit of competency.

Resources for assessment must include access to:

- appropriate boom-type elevating work platform (boom length 11 metres or more) in a safe/serviceable condition in accordance with manufacturer requirements
- relevant and appropriate materials, tools, equipment and personal protective equipment currently used in industry
- applicable documentation including:
  - approved codes of practice and relevant guidance material
  - relevant Australian technical standards
  - manufacturer guidelines (instructions, requirements or checklists), relevant industry standards and operating procedures (where applicable).

Appendix 2: TLILIC0003 Licence to operate a forklift truck

Application

This unit specifies the skills and knowledge required to operate a forklift truck safely in accordance with all relevant legislative requirements. Competence in this unit does not in itself result in a HRWL licence to operate this plant.

Forklift truck means a powered industrial truck equipped with lifting media made up of a mast and an elevating load carriage to which is attached a pair of fork arms or other attachments that can be raised 900 mm or more above the ground, but does not include a pedestrian-operated truck or a pallet truck.

A person performing this work is required to hold a forklift truck High Risk Work Licence (HRWL).

This unit requires a person operating a forklift truck to:

- plan for the work/task
- prepare for the work/task
- perform work/task
- pack up.

Licensing/Regulatory Information

Legislative and regulatory requirements are applicable to this unit of competency.
This unit is based on the licensing requirements of Part 4.5 of the Model Work Health and Safety (WHS) Regulations and meets Commonwealth, State and Territory HRWL requirements.
The National Assessment Instrument (NAI) is the mandated assessment for the HRWL to operate the relevant licencing class as detailed in this unit.

Elements and Performance Criteria

1	**Plan work/task**	**1.1** Task requirements are identified from work orders or equivalent and confirmed with relevant people and site inspection is conducted in accordance with workplace procedures
		1.2 Work area operating surface is assessed to determine suitability for operational use of forklift truck in accordance with workplace procedures
		1.3 Suitability of forklift truck and attachment working load limit (WLL) is determined for the load/s and work/task requirements in accordance with manufacturer requirements and workplace procedures
		1.4 Working area is inspected and appropriate paths for operating the forklift truck and moving and placing load/s in work area are assessed and managed in accordance with workplace procedures

		1.5	Hazard and risk control measures are identified and reported to relevant person/s in accordance with workplace procedures
		1.6	Traffic management plan implementation is confirmed in accordance with workplace procedures
		1.7	Appropriate communication procedures are identified with relevant people in accordance with workplace procedures
		1.8	All work is confirmed to ensure coverage of work/task requirements for the relevant work area is in accordance with workplace procedures
2	**Prepare for work/task**	**2.1**	Consultation with workplace person/s is maintained to ensure workplan is clear and consistent with site requirements in accordance with safe work procedures
		2.2	Weather and work environmental conditions are assessed to determine any impact on forklift truck operations in accordance with manufacturer requirements and safe work procedures
		2.3	Risk control measures for hazards identified are checked for implementation in accordance with safe work procedures
		2.4	Forklift truck is accessed in a safe manner in accordance with manufacturer requirements and workplace procedures
		2.5	Forklift truck logbook is checked in accordance with manufacturer, regulatory requirements and safe work procedures
		2.6	Pre-start checks are carried out and any damage and defects are reported, recorded and appropriate action is taken in accordance with safe work procedures and manufacturer requirements
		2.7	Forklift truck is set up correctly with any relevant attachments as per work plan in accordance with relevant manufacturer requirements including data plate and safe work procedures

		2.8	Operational checks are carried out and any damage and defects are reported, recorded and appropriate action is taken in accordance with manufacturer requirements and safe work procedures
		2.9	Hazard and risk control measures are checked for implementation and communicated to people in the work area in accordance with safe work procedures
3	**Perform work/task**	**3.1**	Weight and positioning of load is assessed to ensure compliance with forklift truck data plate requirements and in accordance with safe work procedures
		3.2	Forklift truck is operated safely in accordance with manufacturer requirements and safe work procedures
		3.3	Loads are monitored constantly when lifting, moving, lowering and placing to ensure stability of load and avoidance of hazards in accordance with safe work procedures
		3.4	Unplanned and unsafe situations are responded to in accordance with safe work procedures
		3.5	Loads are picked up, transported and placed using all forklift truck movements in accordance with safe work procedures
		3.6	Forklift truck is parked, switched off and isolated appropriately in accordance with manufacturer requirements and safe work procedures
4	**Pack Up**	**4.1**	Forklift truck shutdown procedures are carried out in accordance with manufacturer requirements and safe work procedures
		4.2	Forklift truck is secured to prevent unauthorised access/use in accordance with safe work procedures

Assessment Requirements for TLILIC0003 Licence to operate a forklift truck

Performance Evidence

Evidence required to demonstrate competence in this unit must be relevant to and satisfy all the requirements of the elements and performance criteria on at least one occasion and include:

- applying safe operating procedures for a forklift truck including:
  - maintaining safe operating speed
  - travelling with load lowered to an appropriate height for the terrain, operating surface and visibility in relation to direction of travel
- applying relevant forklift truck manufacturer requirements and data plate information and approved modifications to attachments fitted are in accordance with manufacturer requirements
- carrying out pre-start checks, including visual inspection which must include:
  - battery charge as required by manufacturer requirements
  - checking and interpreting data plate/s are relevant to the attachment and the forklift truck
  - checking for signs of paint separation and stressed welds indicating potential structural weakness
  - document evidence of damage
  - engine/mechanical fluid level checks including fuel as required by manufacturer requirements
  - ensuring availability of correct forklift truck logbook and updating records as required
  - ensuring forklift truck tynes or other attachment/s are securely fitted
  - ensuring seat and mirrors are adjusted appropriately and seat belt is functional
  - fluid leaks
  - lights are working effectively
  - safety equipment checks
  - signage and labels to ensure they are visible and legible
  - wheels and tyres for damage/correct inflation if applicable
- conducting and applying risk and hazard assessment strategies including:
  - insufficient lighting
  - other specific hazards including dangerous goods
  - overhead hazards and fixed structures, roof beams and doorways
  - restricted and poorly ventilated areas
  - surface suitability based on forklift truck and task requirements
  - the risk of collision with people, moving plant and fixed structures
  - weather conditions
- complying with Commonwealth, State and Territory Work Health and Safety (WHS)/Occupational Health and Safety (OHS)/Occupational Safety and Health (OSH) legislation, regulations safe work and workplace procedures
- conducting operational checks, which must ensure:
  - all controls are located, identified and tested for functionality
  - all hydraulic functions operated to maximum extension and ensuring attachment (if fitted) movements and control functions are smooth and comply with operating requirements
  - hazard warning systems (e.g. reversing beepers, lights and horns) are functional
  - recording and maintaining accurate information relating to forklift truck operations
  - safety devices as fitted
  - start-up is in accordance with manufacturer requirements
  - steering, transmission and brake functions comply with operating requirements
  - there are no unusual noises
- confirming and following traffic management plan procedures relevant to their role in the work area

- conducting relevant procedures for refuelling and isolating fuel/power source as per manufacturer requirements using appropriate PPE
- determining relevant lifting attachment to perform work/task
- determining lift requirements including:
  - positioning of unusually balanced/shaped loads
  - centre of gravity
  - dynamic nature of load
  - tyne/attachment positioning
  - weight
- ensuring risk control measures within the work area are effective as per workplace procedures
- identifying, isolating and tagging out defective equipment and reporting to authorised person/s
- interpreting and confirming relevant documentation, workplace instructions, safety information, emergency procedures for the work task and relevant area
- interpreting workplace procedures in relation to various environmental conditions
- maintaining communication with other workplace personnel through using worksite procedures including:
  - audible and visual warning devices
  - signage
  - two-way radio
  - verbal instructions
  - written instructions
- maintaining three points of contact whilst accessing and egressing forklift truck and ensuring rungs / steps are free of hazards
- operating and monitoring safe forklift truck operations using minimum 250kg dynamic and non-dynamic loads that include:
  - aligning tynes/attachment to load
  - carrying out a lift to 75% of the maximum height
  - conducting trial lift to ensure forklift truck and load are stable, and load is safe to move
  - correctly using horns and mirrors in workplace
  - correctly positioning and using an observer to assist when operating with a load that may restrict vision or be placed out of vision of the operator
  - driving applicable to conditions and moving loads safely
  - driving a forklift truck safely with load in forward and reverse, while maintaining visibility through an obstacle course including:
    - an ‘S’ bend with a minimum 90 degrees left and right turn
    - ensuring load/s remains stable through pick up, transport and placement
    - forklift truck speed is appropriate to load and surroundings
    - lowering dynamic and non-dynamic loads to appropriate height for travel in forward and reverse
  - picking up, driving, manoeuvring and placing dynamic and non-dynamic loads safely at various heights within a compliant racking system
  - picking up, driving, manoeuvring and placing dynamic and non-dynamic loads safely into/onto an elevated, flat, stable area
  - tilting mast (or forks if applicable) to ensure balance of load
  - using gluts/dunnage appropriately and lowering load safely
  - using tilt and side shift (where fitted) safely to manoeuvre dynamic and non-dynamic loads into allocated space

- reporting to relevant person/s on site risk control measures that are not in place or are deficient
- setting up an exclusion zone
- securely parking forklift truck and isolating in appropriate position including:
  - minimising possible access by unauthorised person/s
  - tynes/attachment lowered to required position in accordance with manufacturer requirements
  - park brake applied
  - switching off, isolating fuel/power source and removing key according to workplace procedures
- shutting down a forklift truck in accordance with manufacturer requirements and workplace procedures

Knowledge Evidence

Evidence required to demonstrate competence in this unit must be relevant to and satisfy all of the requirements of the elements and performance criteria and include knowledge of:

- Australian and industry standards, codes of practice and guidelines to safely operate a forklift truck
- communication procedures including:
  - audible and visual warning devices
  - hand signals
  - questioning techniques
  - signage
  - traffic warning systems
  - two-way radio
  - written instructions
- forklift truck characteristics and capabilities, manufacturer requirements and instructions for any attachments
- impact of the following on the operation of the forklift truck including:
  - failure/loss of control including brakes and steering
  - failure of equipment during forklift truck operations
  - forklift truck instability causes including:
    - deterioration of ground condition
    - overloading
    - pick up and placement of load
    - irregular loads
  - operating on ramps and uneven surfaces and in restricted spaces
  - use of forklift truck data plate and attachment data plate and appropriate methodology to determine weight of a load is appropriate for forklift truck and any attachment if fitted including the estimation or determination from:
    - labels on the actual load
    - markings on the actual load
    - paperwork such as consignment notes, running sheets and weighbridge dockets
    - weighing a carton and calculating load
- manufacturer requirements, instructions and operator's manual
- problems, and appropriate response procedures to unplanned and/or unsafe environmental conditions including:
  - wind
  - lightning
  - water/ice impacted surface/ground

    - rain
    - extreme heat
    - Ultra violet (UV) exposure
- problems and equipment faults, and implementing appropriate response procedures to unplanned and/or unsafe situations including:
    - lock out and tag out procedures
- relevant procedures for refuelling and recharging forklift truck using appropriate PPE including:
    - gas bottle
    - connecting battery to charger and disconnecting battery from charger and reconnecting to forklift truck
    - refuelling
- procedures for recording, reporting and maintaining workplace records and information
- risk assessment process including hierarchy of control:
    - elimination
    - substitution
    - isolation
    - engineering controls
    - administrative controls
    - personal protective equipment (PPE)
- safe use and compliance of different types of attachments including:
    - bale clamps
    - carpet spike for carpet rolls
    - drum carrier
    - jib attachment
    - paper roll clamps
    - personnel work platforms
    - rotators
    - slippers/fork extensions on tynes
- suitability and lifting capability of the attachment to be used
- shut down procedures for a forklift truck in accordance with manufacturer requirements
- traffic management plan procedures and requirements
- typical routine problems encountered operating a forklift truck and associated equipment, and adjustments required for correction
- workplace procedures including work plan which may be verbal, documented/written, or electronically generated
- work area operating surface suitability including issues with:
    - backfilled ground
    - bitumen (damaged, cracked)
    - concrete (damaged, cracked)
    - hard compacted soil
    - potholes
    - railway tracks
    - rough uneven or difficult terrain including sloping surfaces, uneven surfaces, steel decks and grates
    - soft soils
    - trench covers
- Work Health and Safety (WHS)/Occupational Health and Safety (OHS)/Occupational Safety and Health (OSH) requirements, safe work and workplace procedures

Assessment Conditions

Assessment processes and techniques must be appropriate to the language, literacy and numeracy requirements of the work being performed and the needs of the candidate.
Assessment must occur in workplace operational situations. Where this is not appropriate, assessment must occur in simulated workplace operational situations that reflect workplace conditions.

- Simulators must not be used in the assessment of this unit of competency.

Resources for assessment must include access to:

- a suitable forklift truck that complies with AS 2359 Powered industrial trucks and is in a safe/serviceable condition in accordance with manufacturer requirements
- associated equipment for forklift truck operations
- suitable dynamic and non-dynamic loads
- suitable compliant racking system
- relevant and appropriate materials, tools, equipment and personal protective equipment currently used in industry
- applicable documentation including:
  - approved codes of practice and relevant guidance material
  - relevant Australian technical standards
  - manufacturer guidelines (instructions, requirements or checklists), relevant industry standards and operating procedures (where applicable).