

It's No Accident is the WHS newsletter of the AMWU.

Please send feedback and story ideas to amwu@amwu.org.au.

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"Competent persons" under health and safety laws (continues from front)

Some kinds of electrical testing must only be carried out by a licensed electrician or electrical inspector. For example, testing requiring the dismantling of electrical equipment should only be carried out by a licensed electrician.

Additional or different competencies may be required for more complex kinds of testing. If in doubt, get advice from a person qualified and experienced in electrical equipment testing, such as an electrician, electrical contractor, electrical inspector, specialist testing provider or relevant regulator.

Inspection and maintenance of plant

Plant includes any machinery, equipment, appliance, container, implement and tool, and includes any component or anything fitted or connected to any of those things. Plant includes items as diverse as lifts, cranes, computers, machinery, conveyors, forklifts, vehicles, power tools and amusement devices.

Plant must be maintained, inspected and, if necessary, tested by a competent person.

This must be done:

- in accordance with the manufacturer's recommendations, if any;
- if none, in accordance with the recommendations of a competent person; or
- in relation to inspection, if neither are reasonably practicable, annually.

A "competent person" is a person who has acquired, through training, qualification or experience, the knowledge and skills to carry out the task. Engineering trades (i.e., fitter and machinist) or engineering degree qualifications are often required, accompanied by training specific to the plant.

All other cases

In any other case identified in the health and safety regulations requiring a competent person to undertake a specific activity, it is the employer or PCBU's responsibility to determine if the person engaged to do the work has acquired the knowledge and skills to carry out the task. This means that they must be satisfied that the person has achieved competency. Participation in training alone does not assure that someone is competent. •

Issue resolution: employer competency

All Australian health and safety acts have an issue resolution procedure which requires that representatives of employers and/or PCBUs have an appropriate level of seniority, and be sufficiently competent, to act as their representative.

Health and safety regulators consider the following range of competencies as a starting requirement of an employer or PCBU representative in order to carry out their role:

- A general knowledge of the the relevant OHS/WHs Act.
- Understanding of the health and safety issue resolution process and the role of agreed procedures and regulations.
- Understanding of the employer duties under OHS/WHs legislation and the concept of reasonable practicability.
- Understanding of the role and functions of health and safety representatives and authorised representatives/entry permit holders of registered employee organisations.
- Understanding of the role of inspectors, their powers, and issue resolution functions.

- Understanding of how the workplace operates.
- Communication, consultation and negotiation skills.
- General understanding of WHS issues and systems specific to that workplace.
- Understanding of risk management.
- Ability to get access (within the organisation and externally) to expert technical information and advice in relation to specific hazards.

What to do when competency requirements are not being met

If you become aware of work or employer representation being carried out by someone who doesn't meet these criteria, advise your HSR. HSRs should conduct a thorough investigation and, if the concern is substantiated, consider directing a cease work if workers are at risk of harm and/or issuing a provisional improvement notice (PIN) if consultation doesn't resolve the non-compliance. •

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AMWU Health and Safety News

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AMWU
AUSTRALIAN
MANUFACTURING
WORKERS' UNION

"Competent persons" under health and safety laws

Sections of health and safety legislation call for workers to be "competent" or for a "competent person" to assess certain situations. There are varying degrees of competency depending on the nature of the worker's task or what is being assessed. So what makes a "competent person"?

High-risk work

A person must not carry out high-risk work unless the person holds a licence for that class of work. A high-risk work licence is required to operate some machinery, erect scaffolding, or undertake dogging or rigging work. There are some exemptions, such as a person undertaking training under the direct supervision of someone with a high-risk licence related to the training.

High-risk work licences are valid for five years and recognised nationally.

The high-risk work licence is evidence that a worker has been assessed as competent to carry out particular high-risk work. You will need to be trained and assessed by a registered training organisation listed on the National Register of Vocational Education and Training (VET) that has an agreement with your state or territory's health and safety regulator.

Electrical work on energised electrical equipment or installations

A competent person for this purpose – other than testing referred to in the Work Health and Safety Regulations 150 and 165 – is a person who holds an electrical contractor's licence or electrical worker's licence.

Inspection and testing of electrical equipment must be carried out by a competent person who has the relevant knowledge, skills, and test instruments. They should also be competent to interpret the test results of any equipment they use.

A competent person may be:

- a licensed or registered electrician (whichever applies);
- in some jurisdictions, a licensed electrical inspector; or
- a person who has successfully completed a structured training course and been assessed as competent in the use of a pass-fail type of portable appliance tester and the visual inspection of electrical equipment.

The training should be designed to ensure, so far as is reasonably practicable, that on completion successful participants can use the relevant test equipment safely and effectively, understand electrical risks, appreciate the role that inspection and testing plays in ensuring electrical safety, and understand the legal and technical requirements of the work.

(Continues on back)



Too hot on the job?

Stay cool. Stay safe.



Employers have a responsibility to keep workers and workplaces cool, especially during heatwaves and in summer.