

Submission to Western Australian Government

Work Health and Safety regulations and codes

**Prepared by
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Work Health and Safety Regulations and Codes of Practice

Introduction

The Roofing Tile Association of Australia Inc. (RTAA) objectives are to encourage, foster and promote the interest of the concrete and terracotta roofing tile industry. It represents in excess of 90% of manufacturing and installation activities of the industry across all of Australia. Membership encompasses all Australian roof tile manufacturers of both concrete and terracotta tiles, and the vast majority of distributors and independent installers.

The Western Australian division of the RTAA, on whose behalf this submission is made, comprises all Western Australian manufacturers of roof tiles and the Western Australia Roof Tilers Association.

Background

The Roofing Tile Association of Australia (RTAA) and its members have always had a strong commitment to providing a safe work environment to all stakeholders, as well as having a long involvement in improving safety issues both in their manufacturing sites as well as building sites. They have been involved in the development of the current safety codes in state jurisdictions and have constantly lobbied for improved safety standards.

In late 2001 the Victorian branch of the RTAA in association with the Housing Industry Association, commissioned research into the prevalence of falls among roof tilers. The research report found:

- 30% of all roof tilers interviewed maintained they had never fallen off a roof while working (therefore, 70% had fallen at least once)
- 37% said they had one (25%) or two (12%) falls over their career, while an additional 23% said they'd endured three, four, five or six falls.
- 9% of interviewees said they had suffered 10 or more falls off a roof while working as a roof tiler, with the mean (average) number of falls across the total sample being 2.7
- The majority of falls (56%) occurred when the roof tiler fell over the edge of the roof, followed by through the roof (42%).
- Most fall distances from a roof (61%) were less than 3 metres, however, it was noted with interest that 3 in 5 falls discussed involved fall distances of between 2 metres and 3.9 metres.
- 11% of falls required medical attention and 7% hospitalisation.

It was the findings of this report reinforced by comments from Victoria's Coroner following the death from a fall of a roof tiler that led to the adoption by all RTAA members of a common approach to safety based upon the following principles;

- the nationwide adoption of a National Standard for Construction Work and a Code of Practice for the Prevention of Falls from Heights.
- clear, cohesive and coordinated safety standards rigorously enforced in the construction industry and consistent regulation across all jurisdictions.
- the use of physical fall protection where a person could fall two or more metres.

Since adopting this position the RTAA has consistently promoted it through submissions to regulatory authorities, lobbying of both Federal and State Ministers and members of Parliament, and meetings with other interested stakeholders.

In mid-2004 the NOHSC released the first draft of “National Code of Practice for the Prevention of Falls from Heights in Construction Work”. The RTAA made submissions to NOHSC in support of its position. It was agreed by most stakeholders that the code should be split into two parts, one to cover the housing industry and the other to cover the general construction. This was to make the document more accessible to trades people. The RTAA commented at the time that while supporting the move to two codes, the housing code should see no dilution of safety standards and accident prevention than found in the general code.

The general falls code was the first to be developed and the housing falls code was taken up by the ASCC (after restructure of NOHSC) in 2008 for further development. Following extensive consultation with stakeholders (including submissions and field demonstrations arranged by the RTAA) the National Code of Practice for the Prevention of Falls in Housing Construction (HFC) was declared and published by Safe Work Australia (a restructure of ASCC) on 1 May 2010. During the development of the code it was the expectation of all parties that individual states would enact enabling legislation to apply it within their jurisdiction once the code was declared. However the process of harmonisation of Australia’s OH&S laws, begun in 2009, meant that the HFC would now form part of the total OH&S package and would require some amendments in wording and structure (but not outcomes) to align with the new laws.

The Model Act, Regulations and Codes of Practice

The duties, provisions and guidance contained in the HFC have now been aligned with the Model laws and they are found in a number of documents in the total package. **The RTAA fully supports the HFC and consequently the provisions of the Model Act, Regulations and Codes of Practice as they apply to roof workers in the housing industry.**

Specific comments relating to the proposed laws.

1. The introduction of the concept of “persons conducting businesses or undertakings”

This concept and definition provides much needed clarity in areas where the actual activities are performed by tradespeople while the specifications and standards are set by others. The concept of duty of care beyond the person specifically performing a task is common in OH&S law across Australia but different jurisdictions have differing terms and consequently various parties are unsure of their obligations, resulting sometimes in a lack of attention to the OH&S issues relating to various building practices, especially as new process and products are introduced that can assist in reduction of building costs.

2. The definition of “reasonably practicable”

This provides clear guidance and allows the provisions of the falls code, especially the hierarchy of controls, to be applied in a commonsense manner.

3. The definition of work where a person could fall 2 metres or more as “high risk”.

This goes to the very heart of the RTAA’s long standing position that all those working at heights, whether in general or housing construction, should be provided with the same level of care.

4. Impact assessment of the definition of work where a person could fall 2 metres or more as “high risk”.

The financial impact on the residential housing industry resulting from providing the same level of protection from the risk of serious injury or death to workers in the residential construction industry has been well documented and reviewed as part of the development of the HFC. The costs have been shown to be more than reasonable given the risk which is mitigated and the absorbing of these costs in jurisdictions such as Queensland, New South Wales, Victoria and the Australian Capital Territory where the requirements as applying to roof work of the HFC are already in place, either through the adoption of the Model Act, Regulations and Codes of Practice, or the requirements of current ongoing regulations.

There are two areas of financial impact to residential builders from the application of the 2 metre “high risk” definition. Firstly there is a requirement for edge protection when working on all residential roofs, not just those over a single storey where the roof edge is typically around 2.7 metres above the ground. Secondly there is a need to provide fall trough protection for roof workers where the roof trusses are spaced at greater than 600mm centres. Trusses at 600mm centre spacing are regarded as providing a work platform on which roof installation tasks can proceed.

The costs to the residential industry can be summarised as

- Adoption of 2 metre threshold for physical fall protection from edge of a structure;
 - Two or more storeys, Nil as edge protection already required
 - Single storey houses, \$1,000 per house where no provision for fall protection currently exists in the basic price
- Adoption of 600mm truss spacing as physical fall protection to prevent falls within a structure;
 - Versus 900mm truss spacing’s (assuming no other fall prevention measure), Nil up to ~ \$700
 - Versus 1200mm truss spacing’s (assuming no other fall prevention measure) ~ \$2,000 - \$3,000

General comment on industry behaviour in tasks related to the installation of roofs in the housing industry.

Since the declaration and publication of the HFC by SWA and the adoption of the new laws in a number of jurisdictions many major builder across Australia have already moved to ensure their processes meet the requirements that are now found in the Model laws. The various resources that have been developed by a number of builders have been freely circulated in the industry through meetings such as the HIA safety forum that operates in a number of states. Furthermore the HIA, in conjunction with builders and other industry stakeholders, is developing a code of practice specific to the residential construction industry that will assist all home builders comply with the new laws.

There can be no serious objections to the adoption of the Model Act, Regulations and Codes of Practice as they apply to prevention of falls in the housing industry as the provisions have been subject to extended debate and fully costed through the process that led to majority acceptance by the Ministerial Council and publication by SWA.

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