

# FACT SHEET

## Work health and safety

# Loadshifting machines

The new work health and safety laws come into effect in NSW on 1 January 2012. They will harmonise work health and safety requirements across Australia, including licensing activities.

To transition to the new laws, from 30 September 2011, operators in NSW no longer need a certificate of competency to operate a:

- front end loader (LL)
- front end loader/backhoe (LB),
- front end loader of the skid steer type (LS)
- excavator (LE).

However, employers (or controllers of the plant) must ensure that the operators have received adequate information and training, and/or are supervised, so that any risks to health and safety are minimised.

## Information, instruction, training and supervision

The amount of information, instruction, training and/or supervision required should take into account the complexity of the tasks, the operator's current skills and ability, and other workers on site. Ongoing training should be provided to maintain the operator's competency level and ensure new workers are able to work safely.

Training can be formal or informal, or a combination of both. Formal training includes completing a nationally recognised course delivered by a registered training organisation for a specific type of plant, or training at an industry training school. Informal training includes on-the-job training delivered or supervised by a competent person, or in-house job-specific training that involves the plant and hazards associated with the plant.

To determine the level of supervision an operator requires, employers (or controllers) should take into account their experience and competency, the risks associated with the tasks and conditions on the worksite. WorkCover recommends that a person who is inexperienced should operate loadshifting plant under the supervision of a competent person.

## Operator competency

The employer (or controller) must ensure the operator is competent to do their job safely. To assist determine an operator's competency, appropriate training or experience could include that they:

- hold a previous certificate of competency issued by a regulator, such as WorkCover
- hold a statement of attainment or other nationally recognised qualification for the type of plant they will be operating
- have completed training at an industry training school, or hold an industry competency card for the relevant item of plant
- have been trained on-the-job by an experienced and competent person
- demonstrate experience and competency, which can be verified by a previous employer.

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The employer (or controller) must also assess that an operator's current level of competency is appropriate for the complexity of the work and the conditions of the worksite.

An operator's competency, and the level of information, instruction, training and/or supervision they require, should be reviewed regularly to ensure the safety of workers and others in the workplace.

## Other requirements

The controller of the loadshifting machine must ensure that any hazards are identified, assessed and controlled, and that others are advised of the hazards and control measures.

The operator must be at least 18 years of age and be able to communicate to a level necessary to perform their duties safely. They must follow safe work practices and take action to prevent any person being placed at risk by the use of the plant – eg traffic management plans, barriers.

All other general duties for health and safety still apply.

## Further information

Further information on the current and future laws for operators, employers, designers, manufacturers, importers and suppliers of plant can be obtained from WorkCover on **13 10 50**, or visit [workcover.nsw.gov.au](http://workcover.nsw.gov.au)

The new work health and safety laws come into effect in NSW on 1 January 2012 and information regarding requirements for loadshifting plant under these laws will be published on [workcover.nsw.gov.au](http://workcover.nsw.gov.au) as soon as it is available.

Earthmoving machinery used on public roads may require road registration and operator licensing under the requirements of the NSW Roads and Traffic Authority (RTA). Contact RTA on **13 22 13** or [rta.nsw.gov.au](http://rta.nsw.gov.au) for more information.

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### Disclaimer

This publication may contain occupational health and safety and workers compensation information. It may include some of your obligations under the various legislations that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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