

NHMA Steam Management Committee
Update 1 of 2012

Introduction

As mentioned in our last Newsletter in May 2011, the Federal Government was planning to introduce a model Work Health and Safety Act for national adoption. The reason this legislation is relevant to us is that it covers boilers and plant, which includes our equipment. The Act is now law in NSW, QLD, the ACT and the NT. TAS and SA are planning to adopt the legislation in 2013 and it will not become law until enacted. VIC and WA have indicated that their existing OH&S Acts remain in place, so for the moment the WHS law has only been adopted in three States and the two Territories. This process does not appear to have gone as smoothly as hoped for at the political level and this has impacted on us.

Status of the Heritage Plant Code and Other Issues

Last year staff in Safe Work Australia (SWA), the organization we have been liaising with at the Federal level, produced a draft Heritage Plant Code intended to provide procedures to manage the risks associated with all forms of heritage plant. One of our committee members assisted a senior member of SWA's Work, Health and Safety Branch draft the Plant Code.

We were aware that the Code was due to be submitted to the Steering Group, overseeing the WHS legislation, for approval last year. We heard nothing and wrote to SWA in January this year asking for an update. In April we received a reply stating that in August 2011 the Steering Group had rejected the need for a Code and suggested it be rewritten as Guidance.

This was a very frustrating outcome, given the many voluntary hours over the last eight years coupled with our concerns on safety. Our position is that we do not believe that a Guidance document will give us the coverage we need. In early 2012 our technical director read the WHS Act and Regulations and noted the following:

- A State and Territory can adjust the WHS legislation to suit their jurisdiction, so it should never be assumed that what applies in one state applies in another.
- The Regulations have a definition for a heritage boiler based on a set date of 1952, and you don't need a licence (previously known as a certificate of competency) to operate a heritage boiler that meets the definition.

We have received a number of phone calls on this, stating a certificate of competency is no longer required to operate a heritage boiler. This is only valid **if you live** in a State that has enacted the WHS law and has not changed it, **and** your boiler was manufactured before 1952 **and** you are able to prove that you are competent to operate it in accord with another part of the Regulations. **Note:** If you replace your boiler then the replacement is no longer a heritage boiler and you will need a licence to operate it. Another issue is that there are a lot of boilers manufactured post 1952 under this definition that can never become heritage boilers.

We are far from impressed with what has occurred and wrote to the CEO of SWA last week requesting that the Heritage Plant Code is resubmitted for approval, raising our major concern with the definition of a heritage boiler, along with issues in regard to design registration. The relevant detail from our letter is:

'This is totally contradictory to advice we have been providing to government over many years. We believe the boiler definition is dangerous as it will encourage some people to repair boilers when they

should be replaced. This is what occurred in the USA in 2002 when part of a boiler failed at a public fair, due to poor repair work, and there were a number of fatalities as a result.

If a boiler is replaced, the new boiler by definition is no longer a heritage boiler, even though it is still on the same item of heritage plant. The operator must now become licensed again with a certificate of competency, where previously this was not required. This is a costly process, is no easy feat and steers people toward patch and repair of existing boilers. Our recommendation is that a heritage boiler be defined as a boiler that:

- (a) is at least 30 years old from the current year, and*
- (b) is no longer in regular service in industry, or*
- (c) is a newly manufactured boiler of the same type and power output of the heritage boiler to be replaced.*

We agree with Schedule 5, Part 1, S 2 (1) (a) of the WHS Regulations that a heritage boiler is exempt from design registration. However, we recommend that a newly manufactured replacement boiler should not be exempt from such registration, even though it would become a heritage boiler based on the definition proposed above. This is for reasons of safety and to ensure the design is in accord with current standards. In regard to licensing of the operator, our recommendation was that a person had to be authorised by the plant owner and also to have completed a training program provided by a heritage steam group.'

When we receive a reply we will let you know. The link to the WHS legislation, for those would like to go through it, is:

<http://www.safeworkaustralia.gov.au/AboutSafeWorkAustralia/WhatWeDo/Publications/Documents/616/Model%20Work%20Health%20and%20Safety%20Regulations.pdf>

Obtain Your National Licence

Last year we recommended that you should renew your certificate of competency, which are now a National Licence issued through each State and Territory. Our advice remains unchanged about renewal regardless of the boiler definition in the WHS Act. One simple example – if you operate a boiler post 1952 including a new one of a heritage type you need to be licenced. If you do not renew your licence it will be a very expensive process to obtain a new one. Remember: the responsibility for licence renewal rests with the individual. While we are on licences, there will be a change in the boiler classes from the current three to two: Standard and Advanced but the assessment instruments have yet to be finalized. If you are undergoing training with an RTO you might like to ask them about this.

Register

Ron Jackson still maintains the register of people who support the Heritage Steam Code of Practice. Email is the best way for contact, but we do understand that not everybody is comfortable with this method but encourage its use where possible. We encourage everybody with an interest in steam to register and further information can be obtained from Ron; his email address is: ron.jackson@activ8.net.au . People who do not have access to email will be contacted by post once they have registered. Please note that the website of The Old Machinery Magazine (www.tomm.com.au) has a section where previous updates can be found.

Steam Management Committee.
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