

Australian Capital Territory

Work Health and Safety (Earthmoving Machinery) Exemption 2012 (No 1)

Notifiable instrument NI2012-27

made under the

Work Health and Safety Regulation 2011, s684 (General power to grant exemptions)

1 Name of instrument

This instrument is the *Work Health and Safety (Earthmoving Machinery) Exemption 2012 (No 1)*.

2 Commencement

This instrument commences on the day after its notification.

3 Exemption

Under section 684 of the Work Health and Safety Regulation 2011, I exempt a person with management or control of the following earthmoving machinery from the requirements of section 217 of the Work Health and Safety Regulation 2011 until 1 January 2013:

- road rollers or compactors with a mass of 2700kg or less;
- power shovels;
- draglines;
- paving machines;
- earthmoving machinery that is designed to be operated by an operator in a standing position. Including profilers, stabilisers, materials transfer vehicles, and stand-up loaders and excavators; and
- hydraulic excavators.

4 Conditions

This exemption is subject to the following conditions:

- a) The risks of the earthmoving machinery overturning or objects falling on their operators have been assessed and other means are used to control them. The risk assessment should be in writing and the controls should form part of a documented safe work method statement.
- b) Where a risk assessment indicates that the operator of a hydraulic excavator, including those designed to be operated from a standing position, is at risk from falling objects and/or objects that approach from the front of the excavator, it is fitted with a protective structure that conforms with AS 4988: 2002 *Earth-moving machinery – Hydraulic excavators – Laboratory tests and performance requirements for operator protective guards*.
- c) Where a risk assessment indicates that compact excavators – those with an operating mass between 1,000kg and 6,000kg - are at risk of tipping over, they are to be fitted with a structure that conforms with AS 4987: 2002 *Earth-moving equipment – Tip-over protection structures for compact excavators – Laboratory tests and performance requirements*.
- d) Where a risk assessment indicates that it is necessary to fit the machines listed for exclusion with operator protective structures other than those within the scope of AS 4987 and AS4988, the structure is designed by a suitably qualified engineer having regard to the performance requirements of the relevant part(s) of the Australian Standard AS 2294.1: 1997 *Earth-moving machinery – Protective structures*. Such a structure would not require deformation testing if the engineer is satisfied that calculations are sufficient to prove its performance.

Mark McCabe
ACT Work Safety Commissioner
18 January 2012