

Submission

to

Senate Employment, Workplace Relations and Education
References Committee

Building and Construction Industry Inquiry

Submission no: 123

Received: 14/05/2004

Submitter: Mr Tommy Watson

Organisation: CFMEU
Construction and General Division – FEDFA divisional
branch

Address: 34 - 40 Barry Street
CARLTON VIC 3053

Phone: 03 9347 9777

Fax: 03 9347 3385

Email:



**SUBMISSION OF THE CFMEU CONSTRUCTION & GENERAL DIVISION
VICTORIAN FEDFA DIVISIONAL BRANCH TO THE SENATE (EMPLOYMENT,
WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE)
INQUIRY INTO THE BUILDING AND CONSTRUCTION INDUSTRY**

1. Introduction

- 1.1 The CFMEU Construction & General Division Victorian FEDFA Divisional Branch (hereinafter referred to as CFMEU - FEDFA Victoria) welcomes the opportunity to make a submission to the Senate Inquiry into the building and construction industry. The CFMEU-FEDFA Victoria supports the submission of the CFMEU (Construction & General Division) already presented to the Senate Inquiry, and endorses the submission of the CFMEU Construction & General Division Victorian Building Unions Divisional Branch.
- 1.2 This submission will not seek to duplicate the information or contents of the other submissions identified above but rather concentrate on two particular industry sectors, i.e. the mobile crane hire industry and the concrete pumping industry, which we believe will be adversely affected by the proposed Building and Construction Industry Improvement Bill 2003 (the BCII Bill).
- 1.3 This submission will also highlight the initiatives instigated by the union to improve occupational health and safety in the mobile crane hire industry, which have substantial flow on affects to the building and construction industry.

2. The Coverage of the Mobile Crane Hire Industry

- 2.1 The mobile crane hire industry is a service industry which operates in almost all industries & areas throughout Australia. The mobile crane industry requires crane drivers, rigger/doggers, mobile elevated work platform (i.e. travel towers or cherry pickers) operators and spotters to be available to service all industries at short notice in cases of emergencies and industry breakdowns, and for maintenance work 24 hours a day, 365 days per year.
- 2.2 The mobile crane industry operates under the Mobile Crane Hiring Award 2002 which has national application. The only union party to this award is the CFMEU, which was granted principal union status for the industry by the ACTU in the early 1990's.
- 2.3 in the mobile crane hire industry there are three main areas or types of work which suit different types of cranes. These are as follows:
 - Short term hire on an hourly, daily, weekly or longer term basis, where the mobile cranes can often travel to and work in several different industries in one day. Types of cranes used in this area include:

- truck mounted hydraulic cranes ranging from 5 Tonnes to 100 Tonnes capacity;
 - all terrain hydraulic cranes ranging from 7 Tonnes to 300 tonnes;
 - articulated hydraulic (pick and carry) cranes ranging from 12 Tonnes to 25 Tonnes; and
 - hydraulic elevated work platforms ranging in boom length from 12 metres to 65 metres;
- Long term hire. Types of cranes used include:
- truck and crawler mounted lattice boom cranes ranging up to 600 Tonnes; and
 - rough terrain hydraulic cranes ranging up to 100 Tonnes.
- Major lift hire on large construction projects. Type of crane used is:
- Crawler lattice boom cranes ranging up to 1600 Tonnes.

Attached at Appendix A are images of some of these types of cranes.

2.4 The extent to which the mobile crane hire industry impacts on other industries and sectors is summarized in the following table:

Industry/Sector	Mobile Crane Hire Industry Activity
Building Industry	Mobile cranes are used to lift heavy loads and equipment around a site. Mobile elevated work platforms are used to help workers access difficult or high work areas.
Demolition Industry	Mobile cranes used to move heavy material around the site, especially from higher floors to ground level.
Heavy Engineering Construction Industry	Mobile cranes are used to lift heavy loads (e.g. boiler tanks and pressure vessels) and equipment around a site. Mobile elevated work platforms are used to help workers access difficult or high work areas
Mining Industry	Mobile cranes are used for the installation and repair of equipment, and for general lifting.

Bridge Construction and Maintenance (Road and Rail industries)	Mobile cranes and mobile elevated work platforms are often used for the construction and repair of bridges and crossings, especially for the lifting of concrete/steel girders and beams.
Petro-Chemical Industry	Mobile cranes are used for the installation and repair of equipment, and for general lifting. Mobile elevated work platforms are used to help workers access difficult or high work areas especially for maintenance work during shutdowns.
Aluminum Industry	Mobile cranes are used for the installation and repair of equipment, and for general lifting. Mobile elevated work platforms are used to help workers access difficult or high work areas.
Maritime Industry	<p>Mobile cranes are used for the loading and unloading of ships and barges in conjunction with waterside workers. Mobile cranes are also used in some locations to load supplies and the connecting of hoses for the refueling of ships. Mobile elevated work platforms are used at times for ship repairs.</p> <p>Mobile cranes and mobile elevated work platforms are used in the construction and repair of wharves and shipping facilities</p>
Road Transport Industry	Mobile cranes are used for the loading and unloading of heavy loads from trucks. Mobile cranes are also often needed at truck accident scenes.
Rail Industry	Mobile cranes and mobile elevated work platforms are used consistently for the installation and repair of railway lines and equipment and for the loading and unloading of rail freight. Mobile cranes are also used for general lifting

Steel Manufacturing Industry	Mobile cranes are used for the installation and repair of equipment, and for general lifting
Cement and Concrete Industries	Mobile cranes are used for the installation and repair of equipment, and for general lifting
Quarrying Industry	Mobile cranes are used for the installation and repair of equipment, and for general lifting
Emergency Services	Mobile cranes and mobile elevated work platforms are often called in to assist with repairs and safety rectification work where damage has been caused by fire or extreme climatic conditions such as storms, flooding or high winds. Similar situations arise with major road accidents involving heavy equipment and train derailments.
Sporting, Entertainment and Recreation Industries	Mobile cranes are used in the unloading, setting up and dismantling of equipment for such events as the Grand Prix, golf, tennis, air and agriculture shows all over the country. This also includes the setting up and dismantling of children's rides, etc. Mobile elevated work platforms and mobile cranes are often also used during these types of events for aerial access for television crews and the provision of flood lighting. Mobile cranes are also used in the launching and movement of boats and yachts
Health Industry	Mobile cranes are often used for the installation and changeover of medical plant and air conditioners
Housing Industry	Mobile cranes are often used for the placement of components in the building and renovation of houses. They are also used for the installation of swimming pools and granny flats, etc, which often require large cranes lifting such items over houses into difficult positions.

Power Industry	Mobile cranes are used on a large scale for maintenance work at power generation stations and open cut mines.
Utilities (i.e. gas, water and electricity) Industries	Mobile cranes and mobile elevated work platforms are used for whatever reason they are needed
Telecommunications Industry	Mobile cranes and mobile elevated work platforms are used for the installation, repair and removal of communication towers and components including in remote areas. Cranes are also used to install and service communication plant wherever required including in underground pits, etc.
Vehicle Manufacturing Industry	Mobile cranes are used consistently for the installation, repair and moving of machinery and for general lifting, both at vehicle manufacture plants and component manufacture plants
Agricultural Industry	Mobile cranes are called when needed for general lifting and plant breakdowns.

3. The Concrete Pumping Industry

- 3.1 The concrete pumping industry involves the placement of concrete from the mobile/truck mixers to areas where the mixers cannot gain access. Concrete pumps are also used to provide a steady flow of concrete into a large area. The workers involved are covered by the National Building and Construction Industry Award.
- 3.2 Whilst the majority of concrete pumping occurs in the building and construction industry concrete pumps also work at many other workplaces in other industries, similar in scope to the mobile crane hiring industry. Examples of this other work include:
- The placement of concrete for floor slabs, in ground swimming pools, driveways and walkways where access is difficult, etc, for domestic housing;
 - The placement of concrete for drainage channels, etc., where the access is difficult;

- The placement of concrete for plinths and foundations on which heavy machinery is to be installed in factories and manufacturing plants;
- The spraying of concrete slurry for retaining walls.

4. The Adverse Effects of the BCII Bill

4.1 The CFMEU-FEDFA Victoria submits that the BCII Bill will adversely effect both the mobile crane hiring industry and the concrete pumping industry due to the definition of "building work" in the *Building and Construction Industry Improvement Bill 2003* which includes:

*(1) Subject to subsections (2), (3) and (4), **building work** means any of the following activities:*

(a) the construction, alteration, extension, restoration, repair, demolition or dismantling of buildings, structures or works that form, or are to form, part of land, whether or not the buildings, structures or works are permanent;

(b) the construction, alteration, extension, restoration, repair, demolition or dismantling of railways (not including rolling stock) or docks;

(c) the installation in any building, structure or works of fittings forming, or to form, part of land, including heating, lighting, air-conditioning, ventilation, power supply, drainage, sanitation, water supply, fire protection, security and communications systems;

(d) any operation that is part of, or is preparatory to, or is for rendering complete, work covered by paragraph (a), (b) or (c),

4.2 This definition can be construed very widely and would include work performed by members of the CFMEU-FEDFA Victoria. We adopt the submission made by the CFMEU in its national submission that this definition is imprecise and problematic and susceptible to a range of interpretations. We would stress that given the range of industries that mobile cranes and concrete pumps operate in (identified in 2.4 and 3.2 above) the application of the BCII Bill will result in confusion, disruption and potentially perverse outcomes for employers and employees working in the mobile crane hire and concrete pumping industries. It would result in employers and employees being covered by different legislation and industrial standards depending on not only where they are working in a given week or on a given day, but more absurdly (for those engaged in short term hire) where they are working in a particular hour.

- 4.3 To our knowledge there was no consideration given by the Cole Royal Commission to the work performed in general industry (i.e. outside the building and construction industry) by members of the CFMEU-FEDFA Victoria, engaged in the mobile crane hiring industry or concrete pumping industry. To our knowledge the productivity or performance of those businesses performing such work was never considered. There were no adverse findings or criticisms made by the Royal Commission with respect to such work.
- 4.4 Much of this work performed by members of the CFMEU-FEDFA Victoria is regulated by enterprise bargaining agreements. Such agreements are regularly negotiated without any industrial action occurring. Levels of industrial action are and have historically been low across the industry.
- 4.5 The CFMEU-FEDFA Victoria opposes the *Building and Construction Industry Improvement Bill 2003*. Fundamentally the same system of industrial regulation should apply to workers and employers irrespective of the industry or sector in which they work. There is no justification for the introduction of radically different industrial relations laws to workers covered by the CFMEU-FEDFA Victoria.

5. CFMEU-FEDFA Victoria Mobile Crane Safety Initiatives

- 5.1 The CFMEU-FEDFA Victoria has been highly active over recent years in developing new ways to improve the health and safety of workers engaged in the mobile crane hire industry. A number of these initiatives are described below.

5.2 Crane Consultative Committee

In 1986, at the instigation of the FEDFA, the crane consultative committee was started, under the chair of the then Victorian Department of Labour and Industry (DLI), to deal with crane safety. The committee consisted of representatives of the DLI, employers, FEDFA, and other relevant interested groups. The committee met monthly and dealt with many issues including:

- The introduction of a code of practice for the safe erection of concrete tilt up panels,
- a working party to deal with the safe operation of concrete pumps. (this led to an Australian standard for the safe operation of concrete pumps, instigated by the FEDFA),
- the issuing and distribution of numerous safety alerts dealing with cranes, concrete pumps and Quick hitches on excavators, etc.,

- the use of doggers / riggers in accordance with the regulations,
- the introduction of regular mobile crane and concrete pump safety inspections, and
- the safe erection of steel frames on buildings.

With the election of the Kennett government both the crane consultative committee and the mobile crane and concrete pump inspections were discontinued. Since then however, after negotiations between the Victorian Crane Association and the CFMEU-FEDFA Victoria, the consultative committee has been re-established. The committee meets monthly with representation from the CFMEU-FEDFA Victoria, Crane Industry Council of Australia, Victorian Crane Association, Cranesafe assessors, Worksafe, chief electrical inspector, TAFE and other relevant groups. The committee continues to deal with issues related with crane safety.

5.3 No Go Zone Areas When Working In The Vicinity Of Power Lines

Electrocutions of crane workers due to a crane jib or its load coming into contact with power lines is the most common cause of death or injury in the mobile crane hire industry throughout the world. In 1999, following two recent crane hire industry fatalities around Melbourne, the CFMEU-FEDFA Victoria instigated a system known as the "no go zone". This was adopted by the Victorian Worksafe (construction sector) safety committee and the chief electrical inspector and is now the industry standard in Victoria for cranes, concrete pumps, earthmoving equipment, tipping trucks, scaffolders. etc,. Further, the CFMEU Training Unit developed a course for "spotters" in conjunction with the chief electrical inspector which is now used by all participating training providers. Since the introduction of the system there has only been one fatality involving power lines and that was in a country area where the "no go zone" rules were not being abided by

5.4 Pre Job Start Check List.

The CFMEU-FEDFA Victoria also instigated a 12 point check list in 1999, to be done prior to the setting up of cranes for lifting operations. This practice has been picked up by most of the major crane hire companies and is now included as part of their clients work dockets.

5.5 Annual Mobile Crane Safety Inspections

The CFMEU-FEDFA Victoria worked for about six years, with the Victorian Crane Association, to introduce an annual mobile crane inspection to be carried out by approved independent assessors. The assessors must meet a strict set of criteria determined by the committee comprising of a

representative of the CFMEU-FEDFA Victoria, Victorian Crane Association, the Crane Industry Council of Australia and Worksafe. The Scheme now known as "Cranesafe" was finally launched in Melbourne in 2002 and its introduction has seen a vast improvement in the standard of cranes that operate within the industry. The Cranesafe scheme is now operating in Victoria, NSW and Western Australia, and is soon expected to spread into South Australia and Queensland. To date there have been over 900 crane inspections. The information that is being gathered by Cranesafe is creating a valuable database that will enable the industry to identify major faults on a particular make or model of crane.

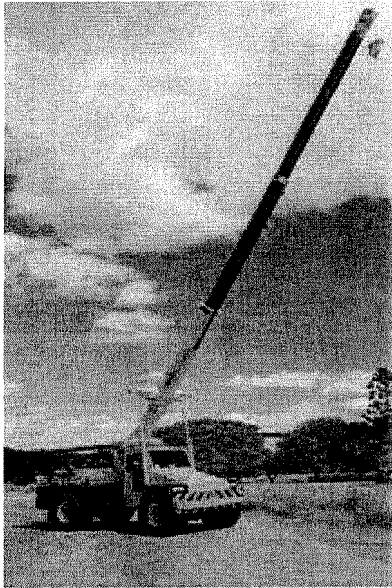
5.6 Industry Standard for Bridge Beam Erection

Following a fatality on a site, during the erection of a bridge beam and reports of several near mishaps, the CFMEU-FEDFA Victoria instigated a working party (consisting of representatives from the CFMEU, engineers, contractors, crane hire companies, transport companies, concrete beam manufacturers, Worksafe, Vic Roads and rail authorities), to establish an industry standard for the safe erection of large concrete beams over roads and rail lines. This industry standard has now been completed and is available in published form.

5.7 Industrial Death Support.

The CFMEU is well known for its support of families of members who have become victims of industrial accidents. As well as giving support directly to members families, the CFMEU have a long standing relationship with an organisation known as IDSA (Industrial Support and Advocacy Inc.). IDSA provide emotional and counseling support from the time of the accident, through the grieving period and into the future (for as long as is required by the family). This organisation is made up of families who have lost loved ones themselves through industrial accidents. The CFMEU-FEDFA Victoria arranges site visits for IDSA so that they can hold safety awareness discussions with workers, and assists them with fundraising activities.

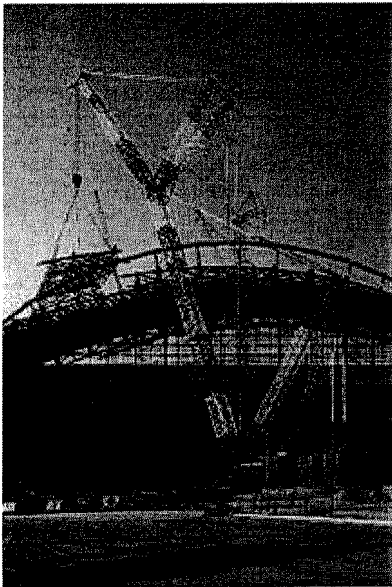
Appendix A - Images of Cranes (From the Terex Demag Range)



15 Tonne (pick and carry) crane



200 Tonne all terrain crane



1600 Tonne Lattice boom crawler cranes