

Graeme McMahon
Sherbrooke Tree Service
PO Box 162
Cockatoo Vic. 3781
0428 383 677

11th August 2011

Managing Risks in Tree Trimming and Arboricultural Work

Draft, Code of Practice, Reply

To whom it may concern

OVERVIEW

The first purpose of this code must be to provide a framework to the tree industry preventing death and injuries to its workers. The second is to be a basic legal tool to portion and assign accountability after an incident happens.

The gravity of this documents role in Court proceedings must be to frame argument surrounding the adherence to the “Code of Practice” rather than generating debate on interpretation and semantics.

COMMENT

GENERAL

Competence

The terms: competent, competent person, training, well trained operators, information and qualifications have two applications, during entry level and then operationally in the workplace. At the time of assessment the appropriateness of a person’s qualifications and competence is anchored to the safety of the training environment and limited to the training ground. Operationally (in industry) those terms are meshed with experience for it to be applicable to practitioners.

Unfortunately contracts and employers are only required to recognise the competence deemed at the completion of training.

Further, a significant proportion of industry is not exposed to medium levels of task complexity, yet the qualifications referred to in this Code do not discriminate. The issue is that tree workers could hold the same qualifications and a significant proportion would not be suitable for tasks of medium difficulty.

After an incident one lawyer could present the reasonable position that the injured party whilst “declared competent” had not been prepared for the tasks required of him. The opposition lawyer would argue that the trainer was correctly qualified and the assessment of “competent”, valid. The “shock absorber” for the lack of clarity are the unfortunate employers that find themselves in that courtroom.

When this draft refers to competence, it must blend a statement regarding associated experience, qualifying which type of competence to which it refers, i.e. outcomes of current training or workplace.

I acknowledge that many contractors are screened away from demanding contracts by recognition of their limitations and uncompetitive pricing, however some are not. I can see an opportunity for the draft to provide some caution when considering the terms listed above and an advantage to Health and Safety in making a statement on this matter.

In addition the range of competence within the training providers for arboriculture varies from below their training outcomes, to operationally competent in industry. Training providers that were trained from the lower end of this range of competence, magnify the shortfall. Without the trainers being bound with an element of experience, the training outcomes they assess have the potential to erode further. **Employers are invariably left to decide themselves, if a new employee can actually perform the tasks for which they were assessed.**

Carabineers/ connecting devices

I am not aware of what assistance the writers sought or where they acquired it from, however **some of the prescriptive information** regarding carabineers is flawed and inconsistent. Passionate emotive thoughts rather than evidence have produced written material in the past condemning particular brands of carabineers and the minimum standards associated with them. I suggest that this has become some of the material supplied to the draft writers. Placement of this flawed information in the “code of Practice **will ensure a reduction of reasonable choice on this matter and an unfair cost of future debate in the Courts.**

Carabineers that are up to a minimum SWL and “locking” must be a minimum standard to be set. Individual customising can be done once this is met. I humbly suggest that this document refers to the Australian Standard for connecting devices in other vertical work environments as the minimum.

Australian Rope Access Association (ARAA) adheres to the Australian Standards for life support connecting devices. The Fire and Emergency services (FES) High angle Rescue Techniques (HART) and industrial rope access standard allow and use "Screw Gate" carabineers. The use of the **industrial rope access system** is part of the draft and **must not be left in conflict**.

ITEMS

Page 4 on the first dot point "that is without risk...", instead, "that **controls** the risks...".

Page 6, 2.1 Tree Integrity (allergens and thorns are tree hazards however not integrity). "Every Tree" could have a further definition of either, being worked on, on the site, in the vicinity.

Page 6 the diagram. Possibly add, Trunk- splits, hollows, swellings and defect. Consider the quality of the branch junction with the trunk and bifications.

Page7 L 3 the dot point referring to its value e.g. heritage value has nothing to do with "Hazard Identification"

Page 10, P 2,L 2 Is not possible. Climbers and ground crew must maintain communication. **(It cannot be "constant" and or "both")** The last 3 dot points **are out of context** with the heading and are an example of a list. If it were in context with the heading it is suited to "guidance material" not a "code".

Page 14 P 4, the use of **dynamic** ropes is wrong. As stated in other parts of this document tree climbers whether on the tree or under a crane hook are not taking falls. The rope is for work positioning rather than fall arrest. Low elongation static or semi static is normal. Some ropes are 10.5 mm and meet the strength stated why does it require to be 11mm?

Page 14, P 5, the notion of a "**triple action self locking**" carabineer is dangerous "sales pitch" and encourages climbers to be reliant on that apparent action. Working at heights in other industries has given an insight to the concept that climbers should not refer to "**self locking**" as it invites the operator to assume the mechanism has locked. Near misses have demonstrated that these mechanisms have failed prior to closing (as with any carabineer) or at any of the other actions. Operators need to use these devices with the mindset that they must be closed, locked and checked before use. Then they need to be checked regularly during the course of use, as with all life support equipment. The use of these carabineers became popular in the sport of "tree climbing competitions" as the competitors desired to "hook up" and "unhook" quickly.

Page 15 the second dot point, if we are to "always have at least 2 points of attachment to the tree" that will require 3 points of attachment to pass branches. This is out of step with the industry and be strongly contested if applied. Better to say, "**Workers where reasonable should have 2 points of attachment**".

Page 16, L2, can reduce **manual handling on the site**. This is less impressive however it ties in with the hazard checklists.

Page 16, P 5, 3rd dot point, "reviewed prior to each lift". **It needs to be reviewed only if a problem occurs or the plan changes**. Dot point 7 is in conflict with P 3, L 2, "it is difficult to".

Page 18, P 1, L 1, “All anchorages should be tested and approved by a competent person...”. Albeit the word **should** is used this statement is out of touch with reality. Competent climbers assess the strength of anchor points prior to use, they are rarely tested. If there was doubt as to the strength of an anchor point a number of workers may preload the line and assess the reaction of it. The strength of anchor points are not calculated and rated as for much of the “Industrial Rope Access” work.

Page 26 P 1, dot point 6, needs to include steel capped safety boots and ‘cut resistant trousers’ or “chaps”.

CONCLUSION

In general I find this document to be “top heavy” with descriptive lists and **better suited to guidance material** where it would not hold the legal “high ground”. The “Table of Contents” covers the relevant headings well, unfortunately some of the material is long winded, prescriptive and at times out of step with industry. Our industry will benefit from a well written “Code of Practice” and I endorse this process. The 1st January 2012 deadline is close and an ill conceived document will cause considerable problems. I implore on the writers to consult appropriately with industry and weight the advice provided from the vested interests such as training providers.

Graeme McMahon