



Government Gazette

OF THE STATE OF

NEW SOUTH WALES

Week No. 38/2006

Friday, 22 September 2006

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Close of business every Wednesday

Except when a holiday falls on a Friday, deadlines will be altered as per advice given on this page.

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Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 117

Friday, 15 September 2006

Published under authority by Government Advertising

SPECIAL SUPPLEMENT

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

ORDERS

I, the Minister for Planning, declare under section 75B(1) of the Environmental Planning and Assessment Act 1979 that the development described in the Schedule is a project to which Part 3A applies.

FRANK SARTOR, M.P.,
Minister for Planning,
Sydney.

SCHEDULE

The subdivision (including associated road works) of the Huntingwood West site shown edged in heavy black on the map marked *Huntingwood West Employment Area* held at the Department of Planning, within the Blacktown Local Government Area, for future employment uses.

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Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 118
Friday, 22 September 2006

Published under authority by Government Advertising

LEGISLATION

Regulations



New South Wales

Environmental Planning and Assessment Amendment Regulation 2006

under the

Environmental Planning and Assessment Act 1979

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000*:

- (a) to provide that certain fishing activities and shark meshing are not activities within the meaning of Part 5 of the *Environmental Planning and Assessment Act 1979* if they are carried out before 31 December 2008, and
- (b) to correct, or remove obsolete, references in various provisions.

Division 5 of Part 5 of the *Environmental Planning and Assessment Act 1979* continues to apply to shark meshing.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 96AA, 110 (1) (definition of **activity**), 113 and 157 (general regulation-making power).

Clause 1 Environmental Planning and Assessment Amendment Regulation 2006

Environmental Planning and Assessment Amendment Regulation 2006

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment Regulation 2006*.

2 Amendment of Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

Environmental Planning and Assessment Amendment Regulation 2006

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

- [1] **Clause 117 Public participation—applications for modification of development consents involving minimal environmental impact**
Omit “section 96 (1A)” from clause 117 (3). Insert instead “section 96AA”.
- [2] **Clause 118 Public participation—application under sections 96 (2) and 96AA for modification of certain development consents**
Omit “section 96 (2)” from clause 118 (4). Insert instead “section 96AA”.
- [3] **Clause 119 Public participation—application under sections 96 (2) and 96AA for modification of other development consents**
Omit “section 96 (2)” from clause 119 (5). Insert instead “section 96AA”.
- [4] **Clause 235 Where may an environmental impact statement be inspected?**
Omit clause 235 (b).
- [5] **Clause 235 (c)**
Omit “the Environment Centre (New South Wales)”.
Insert instead “The Environment Centre (NSW)”.
- [6] **Clause 244A Definitions**
Omit the definition of *designated fishing activity*.
- [7] **Clause 244A**
Insert in alphabetical order:
shark meshing means the placing of nets by the Fisheries Minister around beaches and other waters to protect the public from sharks.
- [8] **Clause 244B**
Omit clauses 244B and 244C. Insert instead:
- 244B Fishing activities and shark meshing**
- (1) For the purposes of the definition of *activity* in section 110 (1) of the Act:
- (a) a fishing activity carried out at any time before 31 December 2008 pursuant to a fisheries approval issued or renewed for a period of not more than 12 months, and

Environmental Planning and Assessment Amendment Regulation 2006

Schedule 1 Amendments

(b) shark meshing carried out at any time before that date, are each prescribed not to be such an activity.

Note. This provision is relevant to the application of Divisions 2 and 3 of Part 5 of the Act but not of Division 5 of that Part, which continues to apply to the placing of shark nets.

- (2) This clause does not apply to or in respect of aquaculture, within the meaning of the *Fisheries Management Act 1994*.



New South Wales

Exhibited Animals Protection Amendment Regulation 2006

under the

Exhibited Animals Protection Act 1986

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Exhibited Animals Protection Act 1986*.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

The object of this Regulation is to amend the *Exhibited Animals Protection Regulation 2005*:

- (a) to prescribe a new standard with respect to the exhibiting of Australian mammals to replace standards currently prescribed with respect to the exhibiting of koalas and captive macropods, and
- (b) to prescribe certain offences against the *Exhibited Animals Protection Act 1986* and the *Exhibited Animals Protection Regulation 2005* as offences that may be dealt with by a penalty notice.

This Regulation is made under the *Exhibited Animals Protection Act 1986*, in particular sections 14, 25, 46A and 53 (the general regulation-making power).

Clause 1 Exhibited Animals Protection Amendment Regulation 2006

Exhibited Animals Protection Amendment Regulation 2006

under the

Exhibited Animals Protection Act 1986

1 Name of Regulation

This Regulation is the *Exhibited Animals Protection Amendment Regulation 2006*.

2 Commencement

This Regulation commences on 22 September 2006.

3 Amendment of Exhibited Animals Protection Regulation 2005

The *Exhibited Animals Protection Regulation 2005* is amended as set out in Schedule 1.

Exhibited Animals Protection Amendment Regulation 2006

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 8 Standards for animal display establishments

Omit “Standards for Exhibiting Koalas (*Phascolarctos cinereus*) in New South Wales” from clause 8 (1).

[2] Clause 8 (1)

Omit “Standards for Exhibiting Captive Macropods (Kangaroos, Wallabies and Allies) in New South Wales”.

[3] Clause 8 (1)

Insert “Standards for Exhibiting Australian Mammals in New South Wales.” at the end of clause 8 (1).

[4] Clause 35 Animal records

Omit “must” from clause 35 (5).

Insert instead “is guilty of an offence if the holder fails to”.

[5] Clause 39

Omit the clause. Insert instead:

39 Attendants and other staff

- (1) An exhibitor of animals must employ such number of adequately trained and competent staff as is necessary to maintain daily the level of animal husbandry required by this Regulation.
- (2) An exhibitor of animals must employ such number of qualified or experienced animal attendants as is necessary to maintain the level of care of the animals required by this Regulation.
- (3) An exhibitor of animals must make such arrangements as are necessary to ensure that there will at all times be a person authorised to call for veterinary advice in relation to the animals.
Maximum penalty: 10 penalty units.

Exhibited Animals Protection Amendment Regulation 2006

Schedule 1 Amendments

[6] Clause 46

Insert after clause 45:

46 Penalty notice offences

For the purposes of section 46A of the Act:

- (a) an offence under a provision of the Act or this Regulation specified in Column 1 of Schedule 5 is prescribed as a penalty notice offence, and
- (b) the amount specified in Column 2 of Schedule 5 in respect of such an offence is the prescribed amount of penalty for the offence.

[7] Schedule 5

Insert after Schedule 4:

Schedule 5 Penalty notices

(Clause 46)

Column 1	Column 2
Provision	Penalty
Exhibited Animals Protection Act 1986	
Section 12 (1)	\$500
Section 18 (1)	\$500
Section 19	\$500
Section 22 (2)	\$500
Section 24	\$500
Section 31 (1) (a)	\$200
Section 31 (1) (b)	\$200
Section 31 (2) (a)	\$500
Section 31 (2) (b)	\$500
Section 31 (2) (c)	\$500
Section 31 (2) (d)	\$500
Section 44	\$500
Section 45	\$500

Exhibited Animals Protection Amendment Regulation 2006

Amendments

Schedule 1

Column 1	Column 2
Provision	Penalty
Exhibited Animals Protection Regulation 2005	
Clause 20 (a)	\$200
Clause 20 (b)	\$200
Clause 21 (1)	\$200
Clause 21 (2)	\$200
Clause 21 (3)	\$200
Clause 22	\$200
Clause 23 (1)	\$200
Clause 23 (2)	\$200
Clause 24 (1)	\$200
Clause 25 (2)	\$200
Clause 26	\$200
Clause 27 (1)	\$200
Clause 27 (2)	\$200
Clause 28 (1)	\$200
Clause 28 (2)	\$200
Clause 28 (3)	\$200
Clause 28 (4)	\$200
Clause 29	\$200
Clause 30 (a)	\$200
Clause 30 (b)	\$200
Clause 32 (c)	\$200
Clause 33 (1)	\$200
Clause 33 (2)	\$200
Clause 35 (2)	\$200
Clause 35 (4)	\$200
Clause 35 (5) (a)	\$200
Clause 35 (5) (b)	\$200
Clause 35 (5) (c)	\$200

Exhibited Animals Protection Amendment Regulation 2006

Schedule 1 Amendments

Column 1	Column 2
Provision	Penalty
Clause 35 (7)	\$200
Clause 35 (8)	\$200
Clause 35 (9)	\$200
Clause 36 (1)	\$200
Clause 36 (2)	\$200
Clause 36 (3)	\$200
Clause 36 (4)	\$200
Clause 37 (1)	\$200
Clause 37 (2)	\$200
Clause 39 (3)	\$200
Clause 40	\$200



New South Wales

Public Authorities (Financial Arrangements) Amendment (Public Transport Ticketing Corporation) Regulation 2006

under the

Public Authorities (Financial Arrangements) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, and on the recommendation of the Treasurer and the Minister for Transport, has made the following Regulation under the *Public Authorities (Financial Arrangements) Act 1987*.

MICHAEL COSTA, M.L.C.,
Treasurer

Explanatory note

The object of this Regulation is to amend the *Public Authorities (Financial Arrangements) Regulation 2005* to add the Public Transport Ticketing Corporation to Schedule 2 to that Regulation.

An authority referred to in Schedule 2 to that Regulation is declared to have, in respect of funds of the authority, the investment powers described in Part 2 of Schedule 4 to the *Public Authorities (Financial Arrangements) Act 1987*.

This Regulation is made under the *Public Authorities (Financial Arrangements) Act 1987*, including paragraph (e) of the definition of **authority** in section 3 (1), section 24 and section 43 (the general regulation-making power).

Clause 1 Public Authorities (Financial Arrangements) Amendment (Public Transport
Ticketing Corporation) Regulation 2006

Public Authorities (Financial Arrangements) Amendment (Public Transport Ticketing Corporation) Regulation 2006

under the

Public Authorities (Financial Arrangements) Act 1987

1 Name of Regulation

This Regulation is the *Public Authorities (Financial Arrangements) Amendment (Public Transport Ticketing Corporation) Regulation 2006*.

2 Amendment of Public Authorities (Financial Arrangements) Regulation 2005

The *Public Authorities (Financial Arrangements) Regulation 2005* is amended by inserting in alphabetical order in Schedule 2 the following words:

Public Transport Ticketing Corporation

OFFICIAL NOTICES**Appointments****SOUTHERN CROSS UNIVERSITY ACT 1993**

Notification of Appointments to the Council

I, Carmel Tebbutt, Minister for Education and Training, in pursuance of sections 10(1)(b) and 10(4) of the Southern Cross University Act, 1993, appoint the following persons as members of the Council of Southern Cross University for terms of office commencing on 3 September 2006 and expiring on 2 September 2010:

Mr Warren Grimshaw
Ms Irene Harrington
Mr Peter Lewis
Mr Neville Newell MP
Ms Janelle Saffin
Mr Trevor Wilson

CARMEL TEBBUTT, M.P.,
Minister for Education and Training

THE UNIVERSITY OF NEWCASTLE ACT 1989

Notification of Appointment to the Council

I, Carmel Tebbutt, Minister for Education and Training, in pursuance of sections 9(1)(b) and 9(4) of the University of Newcastle Act 1989, appoint the following persons as members of the Council of the University of Newcastle, commencing on 1 September 2006:

Ms Sharryn Brownlee - for a term of office expiring
on 31 August 2010
Dr William Jonas AM - for a term of office expiring
on 31 August 2010
The Hon John Price MP - for a term of office expiring
on 31 August 2010
Crystal Condous OAM - for a term of office expiring
on 31 August 2009
Professor Maree Gleeson - for a term of office expiring
on 31 August 2009
Ms Catherine Henry - for a term of office expiring
on 31 august 2009

CARMEL TEBBUTT, M.P.,
Minister for Education and Training

GOULBURN OFFICE**159 Auburn Street (PO Box 748), Goulburn NSW 2580****Phone: (02) 4824 3700 Fax: (02) 4822 4287****PLAN OF MANAGEMENT FOR A CROWN RESERVE
UNDER DIVISION 6 OF PART 5 OF THE CROWN
LANDS ACT 1989 AND CROWN LANDS
REGULATION 1990.**

A draft plan of management has been prepared for the Crown reserve described hereunder, which is under the trusteeship of the Collector Bushrangers Reserve Trust.

Inspection of the draft plan can be made at Department of Lands, PO Box 748, Goulburn NSW 2580 and Upper Lachlan Shire Council, PO Box 42, Gunning NSW 2581, Collector General Store, 7 Murray St Collector NSW 2581; or the Department of Lands website, www.lands.nsw.gov.au/land_management/crown_land/crown_reserves/management

Representations are invited from the public on the draft plan. These may be made in writing for a period of 28 days commencing from the date of this notice and should be sent to Department of Lands, PO Box 60, Wagga Wagga NSW 2650.

Any inquiries may be directed to Brett Phillips, Program Manager, Land Management, Southern Region, Department of Lands, PO Box 60, Wagga Wagga NSW 2650, Phone 02 6937 2720.

TONY KELLY, M.P.,
Minister for Department of Lands

Description of Reserve

*Land District – Goulburn;
LGA – Upper Lachlan Shire;
Parish – Collector;
County – Argyle*

Reserve No. 1004628 for the public purpose of Public Recreation, Tourist Facilities and Services and Environmental Protection notified in the Gazette of 30 May 2003 comprising of an area of 88.499ha being Lot 189 DP 750008 and Lot 7008 DP 96218.

Location: Collector.

File No: GB06R13.

GA2: 481392.

GRAFTON OFFICE**76 Victoria Street (Locked Bag 10), Grafton NSW 2460****Phone: (02) 6640 3400 Fax: (02) 6642 5375****NOTIFICATION OF CLOSING OF ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Land District – Grafton;
LGA – Clarence Valley*

Road Closed: Lot 1 DP 1096758 at Maclean; Parish Taloumbi, County Clarence.

File Reference: GF02H434

Schedule

On closing, the land within Lot 1 DP 1096758 remains vested in the State of New South Wales as Crown land.

MAITLAND OFFICE**Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323****Phone: (02) 4937 9300 Fax: (02) 4934 2252****APPOINTMENT OF TRUST BOARD MEMBERS**

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Brian Tame (new member)	Glen Oak Recreation Reserve Trust	Reserve No. 34733 Public Purpose: Public Recreation Notified: 12 July 1902 File Reference: MD83R15/1

For a term commencing the date of this notice and expiring
14 September 2011.

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Raymond Richard Toomey (new member)	The Entrance War Memorial Reserve Trust	Reserve No. 64695 Public Purpose: War Memorial Notified: 3 August 1934 File Reference: MD80R15/1

For a term commencing the date of this notice and expiring
6 March 2008.

SYDNEY METROPOLITAN OFFICE**Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150****(PO Box 3935, Parramatta NSW 2124)****Phone: (02) 8836 5300 Fax: (02) 8836 5365****REVOCATION OF RESERVATION OF CROWN LAND**

PURSUANT to Section 90 of the Crown Lands Act 1989, the reservation of Crown land specified in Column 1 of the Schedule hereunder, is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

COLUMN 1	COLUMN 2
Land District: Penrith Council: Blue Mountains Parish: Nepean County: Cook Location: Winmalee Reserve No.: 1011448 Purpose: For Future Public Requirements Date of Notification: 31 March 2006 File No.: MN05H311	Part Reserve 1011448 being the whole of Lot 82 in DP 751660.

TAMWORTH OFFICE
25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340
Phone: (02) 6764 5100 Fax: (02) 6766 3805

APPOINTMENT OF A TRUST BOARD MEMBER

PURSUANT to section 93 of the Crown Lands Act 1989, the person whose name is specified in Column 1 of the Schedule hereunder is appointed, for the term of office specified in that Column, as a member of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

Column 1	Column 2	Column 3
Stephen Semple (New member)	Bowling Ally Point Recreation Reserve Trust	Reserve No. 96568 Public Purpose: Public Recreation Notified: 28 Jan 1983 Locality: Bowling Ally Point File Reference: TH89R16

For a term commencing the date of this notice and expiring 11 June 2008.

ROADS ACT 1993

ORDER

Transfer of Crown Road to Council

IN pursuance of provisions of section 151, Roads Act 1993, The Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in Schedule 1 cease to be Crown public road.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE 1

*Parish – North Barraba;
County – Darling;
Land District – Tamworth;
L.G.A. – Tamworth Regional Council*

Crown public road of 20.115 metres wide and described as within Lots 134, 106, 133 and 135 DP 752197; road south of Lot 105 DP 752197 and road west of Lot 106 DP 752197 (excluding southern 280 metres of Crown public road).

SCHEDULE 2

Roads Authority: Tamworth Regional Council

File No: TH90H315.

ROADS ACT 1993

ORDER

Transfer of Crown Road to Council

IN pursuance of provisions of section 151, Roads Act 1993, The Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in Schedule 1 cease to be Crown public road.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE 1

*Parish – Lowry;
County – Darling;
Land District – Tamworth;
L.G.A. – Tamworth Regional Council*

Crown public road of 20.115 metres wide and described as traversing Lot 1 DP 533152 in a north to south direction.

SCHEDULE 2

Roads Authority: Tamworth Regional Council

File No: TH01H180.

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act, 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Land District – Gunnedah;
L.G.A. – Gunnedah*

Road Closed: Lot 1 DP 1101425 at Gunnedah, Parish Gunnedah, County Pottinger.

File No.: Th06H53.

NOTE: On closing, the land within Lot 1 DP 1101425 will remain vested in the State of New South Wales as Crown Land.

TAREE OFFICE
98 Victoria Street (PO Box 440), Taree NSW 2430
Phone: (02) 6591 3500 Fax: (02) 6552 2816

**APPOINTMENT OF MEMBERS OF LOCAL LAND
BOARDS**

PURSUANT to the provisions of the Crown Lands Act 1989, the undermentioned persons have been appointed as members of the Local Land Board for the Land Districts particularised hereunder for a term expiring 30 June 2007.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

MEMBER	LAND DISTRICT
William Alan RADFORD	Gloucester
Roderick Murgha MACK	Port Macquarie
Desmond Peter DALEY	
John Richard TRANT-FISCHER	Kempsey
Glynne TOSH	Bellingen
William John SINGLETON	
John ADAMS	Grafton
Unwin Gaine CARTMILL	
Peter Alexander CARLILL	Casino
Robert Dunbar LOWREY	
Selwyn Trevor BRYANT	Lismore
James William SNEESBY	
John Kenny McDONALD	Murwillumbah
Kempsey	
Bellingen	
Grafton	

ROADS ACT 1993

ORDER

Transfer of Crown Public Road to a Council

IN pursuant of the provisions of section 151, Roads Act 1993, the Crown public road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the road specified in Schedule 1 cease to be Crown public road.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE 1

Parish – Arakoon;
County – Macquarie;
Land District – Kempsey;
Local Government Area – Kempsey Shire Council

Crown public road being part of Mitchell Street from the northern boundary of Landsborough Street to the southern boundary of Simpson Street at South West Rocks.

SCHEDULE 2

Roads Authority: Kempsey Shire Council.

File: TE03H198.

Department of Natural Resources

WATER ACT 1912

AN application for a part replacement license under Section 10 of the Water Act, 1912, as amended, has been received from:

Northern Co-Operative Meat Company Limited for two (2) pumps on the Richmond River on Lot 2 DP 739747, Parish of North Casino, County of Rous and Lot 2 DP 618548, Parish of Kyogle, County of Rous for Industrial (Meat Processing) purposes and Irrigation of 40.00 hectares. Additional allocation entitlement by way of permanent transfer of entitlement. (Our Ref: 6324146 - GA2:476222).

Any enquiries regarding the above should be directed to the undersigned (telephone 0266 - 416500). Written objections specifying the grounds thereof must be lodged within the 28 days of this publication as prescribed by the Act.

G. LOLLBACK,
Resource Access Manager
ORTH COAST REGION

Department of Natural Resources,
LOCKED BAG 10, GRAFTON NSW 2460

WATER ACT, 1912

APPLICATIONS for licences under Part 5 of the Water Act, 1912, as amended have been received from:

CARBORA PTY LTD for a proposed bore, Lot 41 DP755309, Parish of Terangan, County of Oxley for water supply for stock, domestic and industrial (fish farming) purposes and irrigation of 200 hectares (new licence) (80BL237751).

RICHARD RALPH MCLEOD WILSON for a proposed artesian bore, Lot 14 DP752588, Parish of Meryon, County of Ewenmar for water supply for stock and domestic purposes (80BL243585).

Written objections to the applications specifying grounds of how your interests may be affected may be made by any statutory authority or local occupier within the proclaimed local (declared) area and must be lodged with the Departments Office at Dubbo, by the 6th October 2006 as prescribed by the Act.

Any inquiries regarding the above should be directed to the undersigned (telephone 68 417 416). GA2: 310217

MELISSA ORR,
Resource Access Officer, Licensing

Department of Natural Resources,
PO Box 717
DUBBO NSW 2830

WATER ACT 1912

APPLICATION for a license under Part 2 of the Water Act 1912 being within a Proclaimed (declared) Local Area under section 5(4) of the Act.

An Application for a License under Section 10 of Part 2 of the Water Act, has been received as follows:

Lachlan River Valley

NEIGHBOURHOOD ASSOCIATION DP285610 for 3 Pumps on the Belubula River on Lot 1/285610, Parish of Canowindra, County of Bathurst, for water supply for domestic and stock purposes, industrial and irrigation of 40.50 hectares (vines, horticultural) (New License—Additional pumps -Increase in pumping capacity, additional purposes stock and domestic & industrial – Replacing existing entitlement). (In lieu of advertisements in Government Gazette No 126, dated 30/7/04 & Canowindra News dated 4 August 2004). (GA2:524305) (Ref: 70SL091004).

Written Objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

VIV RUSSELL,
Resource Access Manager
Compliance & Licensing Division

Department of Natural Resources,
PO Box 136,
Forbes NSW 2871

Telephone: (02) 6850 2804

WATER ACT 1912

APPLICATIONS under Part 2, being within a proclaimed (declared) local area under Section 10 of the Water Act, 1912, as amended.

Applications for Licences within a proclaimed local area as generally described hereunder have been received as follows:

Macintyre-Dumaresq River Valley

Roger Carrigan for a 1 x 660mm pump on the Macintyre River on Lot 9 DP840655, Parish of Canary, County of Stapylton for irrigation. Replacement licence due to permanent transfer of 44 megalitres of existing entitlement.. L.O. Papers 90SL100910. GA2 472330

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Manager, Resource Access, Tamworth within 28 days as specified in the Act.

GEOFF CAMERON,
Manager Resource Access

Department of Natural Resources,
PO Box 550
Tamworth NSW 2340

WATER ACT 1912

AN APPLICATION for a replacement license under Section 10 of the Water Act, 1912, as amended, has been received from:

Christopher Edward Magner and Catherine Mary Magner for six (6) pumps on the Richmond River on Lot 1 and Lot 2 DP 7920052, Lot 60 and Lot 61 DP 976658, Lot 11 DP 1025396, and one (1) pump on an Unnamed Lake on Lot 24 DP 6963, all Parish of Tomki, County of Rous, for Irrigation of 34.5 hectares. Amalgamation of existing entitlements, additional pump sites, no increase in authorised area or entitlement. (Our Ref: 6324149 - GA2:476223).

Any enquiries regarding the above should be directed to the undersigned (telephone 0266 - 416500). Written objections specifying the grounds thereof must be lodged within the 28 days of this publication as prescribed by the Act.

G. LOLLBACK,
Resource Access Manager
North Coast Region

Department of Natural Resources,
LOCKED BAG 10 GRAFTON NSW 2460

WATER ACT 1912

APPLICATION for a license under Part 2 of the Water Act 1912 being within a Proclaimed (declared) Local Area under section 5(4) of the Act.

An Application for a license Under Section 10 of Part 2 of the Water Act, has been received as follows;

Lachlan River Valley

Geoffrey John Fahey for an existing dam and a pump in the catchment of the Crookwell River on Lot 3 DP 589985, Parish of Crookwell, County of King for conservation of water and water supply for stock purposes and irrigation of 12 hectares (potatoes and lucerne) (New licence – entitlement purchased by way of permanent transfer scheme) (Ref: 70SL091091).

Cowra Shire Council for an existing concrete flume and wing walls on an unnamed watercourse on Lot 3 DP 750361 and on road reserve adjacent to Lot 3 DP 750361, Parish of Billimari, County of Bathurst for changing the course of a river and drainage (New licence) (Ref: 70SL091090).

Written objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected, must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

LYN GORHAM,
Senior Natural Resource Officer
Licensing - Lachlan

Department of Natural Resources,
PO Box 136 Forbes NSW 2871

Department of Planning



New South Wales

Deniliquin Local Environmental Plan 1997 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (Q04/00010/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Deniliquin Local Environmental Plan 1997 (Amendment No 2)

Deniliquin Local Environmental Plan 1997 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Deniliquin Local Environmental Plan 1997 (Amendment No 2)*.

2 Aims of plan

This plan aims:

- (a) to rezone part of the land to which this plan applies from Zone No 1 (a) (the General Rural Zone) to Zone No 1 (c) (the Rural Small Holdings Zone) under *Deniliquin Local Environmental Plan 1997 (the 1997 plan)*, and
- (b) to update 2 provisions in the 1997 plan that relate to advertised development.

3 Land to which plan applies

This plan applies:

- (a) in relation to the aim referred to in clause 2 (a), to Lots 11 and 12, DP 810777, Hay Road, Parish of North Deniliquin, as shown edged heavy black and lettered “1 (c)” on the map marked “Deniliquin Local Environmental Plan 1997 (Amendment No 2)” deposited in the office of Deniliquin Council, and
- (b) in relation to the aim referred to in clause 2 (b), to all land to which *Deniliquin Local Environmental Plan 1997* applies.

4 Amendment of Deniliquin Local Environmental Plan 1997

Deniliquin Local Environmental Plan 1997 is amended as set out in Schedule 1.

Deniliquin Local Environmental Plan 1997 (Amendment No 2)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Insert in appropriate order in the definition of *the map* in clause 5 (1):

Deniliquin Local Environmental Plan 1997 (Amendment No 2)

[2] Clause 19

Omit the clause. Insert instead:

19 Development that must be advertised

Development specified in Schedule 2 is advertised development for the purposes of the Act.

[3] Clause 23

Omit the clause. Insert instead:

23 Heritage development applications that must be advertised

The following development is identified as advertised development for the purposes of the Act:

- (a) the demolition, defacing or damaging of a heritage item or a building, work, relic, tree or place within a conservation area, and
- (b) the carrying out of any development allowed by clause 27.



New South Wales

Fairfield Local Environmental Plan 1994 (Amendment No 109)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (SRW0000354/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Fairfield Local Environmental Plan 1994 (Amendment No 109)

Fairfield Local Environmental Plan 1994 (Amendment No 109)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Fairfield Local Environmental Plan 1994 (Amendment No 109)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone 4 (a) General Industrial to Zone 4 (c) Special Industrial under *Fairfield Local Environmental Plan 1994*.

3 Land to which plan applies

This plan applies to land known as 11–15 Elizabeth Street, Wetherill Park, being Lot 2, DP 374444, as shown distinctively coloured, edged heavy black and lettered “4 (c)” on the map marked “Fairfield Local Environmental Plan 1994 (Amendment No 109)” deposited in the office of the Fairfield City Council.

4 Amendment of Fairfield Local Environmental Plan 1994

Fairfield Local Environmental Plan 1994 is amended by inserting in appropriate order in the definition of **Map** in the Dictionary the following words:

Fairfield Local Environmental Plan 1994 (Amendment No 109)

Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification – Fishing Closure Stevens Weir

I, IAN MACDONALD MLC Minister for Primary Industries, pursuant to section 11 of the Fisheries Management Act 1994, do by this notification prohibit the taking of fish by the methods of fishing as described in Column 1 of the Schedule to this notification, from the waters specified in Column 2 of that Schedule, for the period specified in the Conditions.

This prohibition is effective for a period of five (5) years from the date of publication of this notification, unless sooner varied or revoked.

Dated this 12th day of September 2006.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Schedule Stevens Weir

<i>Column 1 Methods</i>	<i>Column 2 Waters</i>
By all methods	County of Townsend, Parish of Kerranakoon Edward River at Stevens Weir 80m upstream of the weir face and 70m downstream of the weir face

Conditions: All year

FISHERIES MANAGEMENT ACT 1994

Total Allowable Commercial Catch for Abalone

I, IAN MACDONALD MLC, Minister for Primary Industries, provide notice pursuant to section 33 of the Fisheries Management Act 1994, (“the Act”) that the TAC Committee established under Part 2 of the Act hereby revokes the determination dated the 27th day of June 2006 and makes a determination that the total allowable commercial catch for abalone for the fishing period beginning 1 July 2006 to 30 June 2007 (both dates inclusive) is 125 tonnes and makes the following recommendations:

- none is taken from Region 1 south of Port Stephens;
- none is taken from Region 2, acknowledging that some catch is likely to have already been taken against the interim TAC Committee;
- the catch from Regions 3 and 4 be not more than 55 tonnes, and
- the catch from Regions 5 and 6 be not more than 70 tonnes.

Dated this 12th day of September 2006.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

FISHERIES MANAGEMENT ACT 1994

Appointment of Industry Members to the Marine and Estuarine Recreational Charter Management Advisory Committee (MERMAC)

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to clause 318(2)(a) of the Fisheries Management (General) Regulation 2002, hereby appoint the following

persons as industry members of the Marine and Estuarine Recreational Charter Management Advisory Committee (MERMAC) for a term of three years commencing on the date of this appointment.

BOLIC,	Peter Mr	(Region 1 Far North Coast)
BOOTH,	James Mr	(Region 3 Central Coast)
SAYRE	Peter Mr	(Region 4 Sydney)
STEVENSON,	John Mr	(Region 6 Mid South Coast)

Signed this 28th day of August 2006.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

MINING ACT 1992

Appointment of Members to Arbitration Panel

I, IAN MACDONALD, MLC, Minister for Mineral Resources, pursuant to section 139 of the Mining Act 1992, appoint as members of the Arbitration Panel the persons listed in Schedule 1 from the date hereof until the 31st day of December 2008.

Schedule 1

GIBIAN, Mark Mr
ROGERS, Garry Mr
HEALEY, Terrence Mr

Dated this 21st day of August 2006.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

NSW PORK INDUSTRY TASKFORCE

Appointment of Members

I, IAN MACDONALD MLC, Minister for Primary Industries, appoint the persons named in the Schedule as members of the NSW Pork Industry Taskforce for a term commencing on the date hereof and expiring on 30 June 2009.

Schedule

POLLARD,	Ron (Chair)
BREWSTER,	Chris
BURFITT,	Tim
CAMPBELL,	Ted
GETT,	Malcolm
JUDGE,	Paul
McGILVRAY,	Alex
PLOWMAN,	Kathleen
WALKER,	Sally

Dated this 23rd day of September 2006.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(06-4140)

No. 2846, SILVER MINES LIMITED (ACN 107 452 942), area of 2 units, for Group 1, dated 11 September, 2006. (Inverell Mining Division).

(06-4142)

No. 2848, TRI ORIGIN MINING PTY LIMITED (ACN 115 529 112), area of 11 units, for Group 1, dated 13 September, 2006. (Sydney Mining Division).

(06-4143)

No. 2849, TRI ORIGIN MINING PTY LIMITED (ACN 115 529 112), area of 26 units, for Group 1, dated 13 September, 2006. (Sydney Mining Division).

(06-4147)

No. 2850, COMPASS RESOURCES N.L. (ACN 010 536 820), area of 199 units, for Group 1, dated 15 September, 2006. (Cobar Mining Division).

(06-4148)

No. 2851, ILUKA RESOURCES LIMITED (ACN 008 675 018), area of 248 units, for Group 10, dated 15 September, 2006. (Broken Hill Mining Division).

(06-4149)

No. 2852, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), area of 86 units, for Group 1, dated 15 September, 2006. (Cobar Mining Division).

(06-4150)

No. 2853, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), area of 100 units, for Group 1, dated 15 September, 2006. (Cobar Mining Division).

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(06-59)

No. 2642, now Exploration Licence No. 6615, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), Counties of Ashburnham, Gordon and Wellington, Map Sheet (8632), area of 6 units, for Group 1, dated 23 August, 2006, for a term until 22 August, 2008.

(06-118)

No. 2695, now Exploration Licence No. 6609, LEVIATHAN RESOURCES LTD (ACN 054584397), County of Narramine, Map Sheets (8433, 8434, 8533, 8534), area of 250 units, for Group 1, dated 7 August, 2006, for a term until 6 August, 2008.

(06-139)

No. 2716, now Exploration Licence No. 6621, OVERLAND RESOURCES LIMITED (ACN 114 187 978), Map Sheets (7825, 7826), area of 144 units, for Group 1, dated 30 August, 2006, for a term until 29 August, 2008.

(06-143)

No. 2719, now Exploration Licence No. 6610, AUZEX RESOURCES LIMITED (ACN 106 444 606), Counties of Clarke and Gough, Map Sheets (9237, 9238), area of 12 units, for Group 1, dated 2 August, 2006, for a term until 1 August, 2008.

(06-148)

No. 2725, now Exploration Licence No. 6623, COBAR CONSOLIDATED RESOURCES LIMITED (ACN 118 684 576), Counties of Booroondarra and Robinson, Map Sheets (7934, 7935, 8034), area of 165 units, for Group 1, dated 31 August, 2006, for a term until 30 August, 2008.

(06-151)

No. 2727, now Exploration Licence No. 6617, KENILWORTH EXPLORATION PTY LTD (ACN 119 439 691), County of Cowper, Map Sheets (8136, 8137), area of 196 units, for Group 1 and Group 6, dated 23 August, 2006, for a term until 22 August, 2008.

(06-220)

No. 2738, now Exploration Licence No. 6633, MINCOR RESOURCES NL (ACN 072 745 692), Counties of Clarendon and Wynyard, Map Sheets (8427, 8428, 8526, 8527), area of 201 units, for Group 1, dated 8 September, 2006, for a term until 7 September, 2008.

(06-224)

No. 2742, now Exploration Licence No. 6630, PLATSEARCH NL (ACN 003 254 395), County of Fitzgerald, Map Sheet (7637), area of 70 units, for Group 1, dated 7 September, 2006, for a term until 6 September, 2008.

(06-230)

No. 2748, now Exploration Licence No. 6631, PLATSEARCH NL (ACN 003 254 395), Counties of Fitzgerald and Killara, Map Sheets (7636, 7637, 7736), area of 78 units, for Group 1, dated 7 September, 2006, for a term until 6 September, 2008.

(06-237)

No. 2755, now Exploration Licence No. 6624, REVEAL RESOURCES PTY LIMITED (ACN 120 095 141), Counties of Canbelego and Cowper, Map Sheets (8235, 8236), area of 159 units, for Group 1, dated 4 September, 2006, for a term until 3 September, 2008.

(06-241)

No. 2759, now Exploration Licence No. 6632, PLATSEARCH NL (ACN 003 254 395), Counties of Barrona, Fitzgerald, Killara and Landsborough, Map Sheets (7637, 7737), area of 100 units, for Group 6, dated 7 September, 2006, for a term until 6 September, 2008.

(06-245)

No. 2763, now Exploration Licence No. 6624, REVEAL RESOURCES PTY LIMITED (ACN 120 095 141), Counties of Canbelego and Cowper, Map Sheets (8235, 8236), area of 159 units, for Group 1, dated 4 September, 2006, for a term until 3 September, 2008.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resource

NOTICE is given that the following applications have been refused:

EXPLORATION LICENCE APPLICATIONS

(04-607)

No. 2420, RUSSELL COLIN WHEAR, County of Inglis, Map Sheet (9036). Refusal took effect on 14 September, 2006.

(06-112)

No. 2691, WILLAURA MINERALS PTY LTD (ACN 105 233 627), County of Auckland, Map Sheet (8824). Refusal took effect on 13 September, 2006.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resource

NOTICE is given that the following applications for renewal have been received:

(T04-51)

Exploration Licence No. 6321, COMET RESOURCES LIMITED (ACN 060 628 202), area of 20 units. Application for renewal received 13 September, 2006.

(04-571)

Exploration Licence No. 6325, TRIAKO RESOURCES LIMITED (ACN 008 498 119) AND GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), area of 126 units. Application for renewal received 15 September, 2006.

(T74-3016)

Mining Purposes Lease No. 90 (Act 1973), ERIC BACH MADSEN, area of 1.72 hectares. Application for renewal received 14 September, 2006.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resource

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(06-3177)

Exploration Licence No. 4155, ALKANE EXPLORATION LTD (ACN 000 689 216), County of Ashburnham, Map Sheet (8631), area of 11 units, for a further term until 15 December, 2007. Renewal effective on and from 7 August, 2006.

(T98-1185)

Exploration Licence No. 5598, ILUKA RESOURCES LIMITED (ACN 008 675 018), County of Wentworth, Map Sheets (7230, 7330), area of 9 units, for a further term until 26 July, 2008. Renewal effective on and from 8 September, 2006.

(T02-19)

Exploration Licence No. 5976, PARADIGM NSW PTY LTD (ACN 099 477 979), Counties of Clarke, Hardinge and Sandon, Map Sheet (9237), area of 23 units, for a further term until 26 August, 2008. Renewal effective on and from 5 September, 2006.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resource

WITHDRAWAL OF APPLICATION FOR RENEWAL

Notice is given that the application for renewal in respect of the following authority has been withdrawn:

(T98-1121)

Exploration Licence No. 5703, NSW GOLD NL (ACN 003 307 702), Counties of Brisbane, Durham and Hawes, Map Sheet (9134), area of 12 units. The authority ceased to have effect on 13 September, 2006.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resource

CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(04-508)

Exploration Licence No. 6335, HERITAGE GOLD NZ LTD (ACN 009 474 702), Counties of Menindee and Yancowinna, Map Sheets (7133, 7233), area of 100 units. Cancellation took effect on 8 September, 2006.

(05-242)

Exploration Licence No. 6486, SIBERIA MANAGEMENT PTY LTD (ACN 106608986), County of Vernon, Map Sheets (9235, 9335), area of 13 units. Cancellation took effect on 1 August, 2006.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resource

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 the Road Transport (Mass, Loading and Access) Regulation, 2005

TWEED SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Signed by
General Manager
Tweed Shire Council
(by delegation from the Minister for Roads)

..... September 2006

SCHEDULE

1. Citation

This Notice may be cited as Tweed Shire Council (19/25 Metre B-Double)
Notice No 02/2006.

2. Commencement

This Notice takes effect on 30 September 2006.

3. Effect

This Notice remains in force until 30 September 2011 unless it is amended or repealed earlier.

4. Application

This Notice applies to those B-Doubles vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
		Cudgera Creek Road	Motorway	Pottsville Road	
		Pottsville Road	Cudgera Ck Rd	Shackells Transport Depot at Hazelwood Drive Intersection	

**Roads and Traffic Authority
Road Transport (Mass, Loading and Access) Regulation 2005
Higher Mass Limits Routes**

I, Les Wielinga, Chief Executive of the Roads and Traffic Authority, pursuant to Clause 7 of Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 2005 hereby repeal the *Higher Mass Limits Route Approval Notice No.1/2006*.

**Les Wielinga
Chief Executive
Roads and Traffic Authority**

Schedule

1 *Citation*

This notice may be cited as the Higher Mass Limits Repeal Notice 2006.

2 *Commencement*

This notice is effective from 1 November 2006.

3 *Effect*

By this notice, the *Higher Mass Limits Route Approval Notice No.1/2006* as published in the NSW Government Gazette #164 on 23 December 2005 at pages 11265-11266 is hereby repealed.

ROAD TRANSPORT (GENERAL) ACT 2005**Notice under Clause 20 the Road Transport (Mass, Loading and Access)
Regulation, 2005**

Tumbarumba Shire Council, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.



Signed by Brian Pearson
General Manager
Tumbarumba Shire Council
(by delegation from the Minister for Roads)

18 September 2006

SCHEDULE**1. Citation**

This Notice may be cited as Tumbarumba Shire Council 25m B-Double route Notice No 1 / 2006

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 31 May 2007 unless it is amended or repealed earlier.

4. Application

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
25	LR470	Maragle Road	Tooma Road (MR628) Intersection.	Forests NSW Boundary (Grid)	<ol style="list-style-type: none">1. A 20km/hr temporary speed zone to be implemented at the Maragle Creek Bridge until the completion of bridge upgrading works.2. Route to be used in dry weather only.3. Forests NSW use to be in accordance with the Memorandum of Understanding between State Forests and Tumbarumba Shire Council, signed by the TSC General Manager 12 July 20024. Gazettal to remain in force until 31 May 2007.

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Kellyville
in the Blacktown City Council area

THE Roads and Traffic Authority of New South Wales, by
its delegate, dedicates the land described in the schedule
below as public road under section 10 of the Roads Act
1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the
Blacktown City Council area, Parish of Gidley and County
of Cumberland, shown as:

Lot 21 Deposited Plan 1056733;

Lot 3006 Deposited Plan 1045460; and

Lot 16 Deposited Plan 1067209.

(RTA Papers: 40.1161)

Other Notices

CONTAMINATED LAND MANAGEMENT ACT 1997

Environment Protection Authority
Declaration of Remediation Site

(Section 21 of the Contaminated Land Management Act 1997)

Declaration Number 21100; Area Number 3228

THE Environment Protection Authority “EPA” declares the following land to be a Remediation Site under the Contaminated Land Management Act 1997 (“the Act”):

1. Land to which this declaration applies (“the site”)

The site to which this declaration relates is located at 728 Pacific Highway, Chatswood and comprises five allotments known as:

- Lot 1 in Deposited Plan (DP) 439185;
- Lot 1 in DP 135447;
- Lot 3 in DP 3254;
- Lot A in DP 373176; and
- Lot 1 in DP 598492.

The land lies in the Local Government Area of Willoughby City.

2. Nature of contamination affecting the site:

The EPA believes that the site is contaminated with the following substances (“the contaminants”): total petroleum hydrocarbons (“TPH”), and “BTEX” compounds comprising: benzene, toluene, ethylbenzene, m&p xylene and o – xylene.

3. Nature of harm that the contaminants may cause

The EPA has considered the matters in s.9 of the Act and for the following reasons has determined that the site is contaminated in such a way as to present a significant risk of harm to human health and/or the environment:

Soil and groundwater on the site have been identified as being contaminated with concentrations of TPH and BTEX above relevant guideline levels.

Visual evidence of separate phase hydrocarbon contamination is reported in a borehole log adjacent to the unleaded and diesel underground storage tanks (USTs).

Groundwater containing TPH and BTEX compounds has the potential to migrate off-site to the neighbouring residential properties. The actual extent and nature of the off-site migration will be the subject of further investigation.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary remediation of the site and any person may submit a voluntary remediation proposal for the site to the EPA. If the proposal satisfies the requirements of s.26 of the Act, the EPA may agree not to issue an investigation order to the person or persons bringing the proposal.

5. Submissions invited

The public may make written submissions to the EPA on:
Whether the EPA should issue a remediation order in relation to the site; or
Any other matter concerning the site.

Submissions should be made in writing to:

Manager Contaminated Sites
Department of Environment and Conservation
PO Box A290
SYDNEY SOUTH NSW 1232
or faxed to 02 9995 5930
by not later than 13th October 2006

NIALL JOHNSTON,
A/Manager Contaminated Sites
Department of Environment and Conservation
Date: 15/9/2006

NOTE:

Remediation order may follow

If remediation of the site or part of the site is required, the EPA may issue a remediation order under s.23 of the Act.

Variation/Revocation

This declaration may be varied by subsequent declarations. It remains in force until it is otherwise revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm (s.44 of the Act).

Information recorded by the EPA

Section 58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy of this investigation declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to s.149 (2) of the Environmental Planning and Assessment Act that the land is currently within an investigation area. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s.149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

GEOGRAPHICAL NAMES ACT 1966

Notice of Amendment of Address Locality Boundaries
Within the Port Macquarie-Hastings Local Government Area

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day amended address locality boundaries in the Port Macquarie-Hastings Local Government Area as shown on map GNB3772-1.

The proposed amendments involve the address locality currently known as Dicks Hill being discontinued and that area being incorporated into the locality of Dunbogan.

The position and extent of these address localities as shown on map GNB3772-1 are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's web site at www.gnb.nsw.gov.au.

WARWICK WATKINS,
Chairperson

Geographical Names Board
PO Box 143
BATHURST NSW 2795

GEOGRAPHICAL NAMES ACT, 1966

PURSUANT to the provisions of Section 10 of the Geographical Names Act, 1966, the Geographical Names Board has this day assigned the name "Kolety" (pronounced Koletch), as an indigenous dual name for a watercourse about 225 km long, leaving the Murray River about 10 km SE by E of Mathoura and flowing generally N then NW by W then W into the Wakool River about 2 km S of Kyalite. This river is already named and known as "Edward River".

Both names will be entered into the Geographical Names Register as dual names and neither name will have precedence over the other.

The position and extents for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Boards Web Site at www.lpi.nsw.gov.au/geog/.

WARWICK WATKINS,
Chairperson

Geographical Names Board
PO Box 143
BATHURST NSW 2795

HOUSING ACT 2001

Dedication of Land as Public Reserve

THE New South Wales Land and Housing Corporation by its delegate declares pursuant to the provisions of sections 34(3) and 34(4) of the Housing Act 2001 that the land described in the Schedule below is dedicated as Public Reserve and vested in the Council of the City of Hawkesbury.

Dated this 5th day of September 2006.

M. ALLEN,
DIRECTOR GENERAL

SCHEDULE

The Public Reserve shown as Lot 163 on the plan of land at WINDSOR, in the City of Hawkesbury, Parish of St Matthew, County of Cumberland, registered in the Land and Property Information Division as Deposited Plan No 261227.

LOCAL GOVERNMENT ACT 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

MUSWELLBROOK SHIRE COUNCIL declares, with the approval of Her Excellency the Governor, that the land described in Schedule A below, excluding any mines or

deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of the provision of providing legal access to the Hunter River to draw water for the Denman township.

Dated at Muswellbrook this 21st day of June 2006.

General Manager

SCHEDULE A

Easement F in DP1080308.

LOCAL GOVERNMENT ACT 1993

Determination

I, the Hon Kerry Hickey MP, Minister for Local Government, in pursuance of the Governor's Proclamation made under the Local Government Act 1993 and published in the Government Gazette No.32 Of February 11 th 2004, commencing at page 495 do hereby make the following Determination relating to the transfer of certain assets, rights and liabilities of the former Goulburn and Mulwaree Councils to the Upper Lachlan Shire Council.

SCHEDULE

1. The appropriate division of assets for the mobile plant be 24.22%
2. The fixed assets of the Montague Street and Clinton Street Goulburn properties remain with Goulburn Mulwaree Council. In the event of the sale of these properties Upper Lachlan Shire Council is to be reimbursed 24.22% of the net profit.
3. This determination is made having regard to schedule B clause 24 [3] page 517 of the proclamation.

Dated this 7th day of September 2006.

The Hon KERRY HICKEY, M.P.,
Minister for Local Government

NATIONAL PARKS AND WILDLIFE ACT, 1974

Notice of Reservation of National Park

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Blue Mountains National Park, under the provisions of section 30A(1) of the National Parks and Wildlife Act, 1974.

Signed and sealed at Sydney this 23rd day of August 2006.

MARIE BASHIR,
GOVERNOR

By Her Excellency's Command

BOB DEBUS M.P.,
Minister for the Environment

GOD SAVE THE QUEEN!

SCHEDULE

*Land District – Picton;
LGA – Wollondilly*

County Westmoreland, Parish Jooriland, about 177 hectares, being lots 26, 30, 66 and 88 DP 757057, the Crown Public Roads separating lot 88 DP 757057 from lots 59 and 89 DP 757057 and the Crown Public Road separating lot 59 DP 757057 from lot 90 DP 757057, inclusive of the Crown Public Road within lots 66 and 88 DP 757057; NPWS 04/07281.

NATIONAL PARKS AND WILDLIFE ACT, 1974

Notice of Reservation of Nature Reserve

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Billinudgel Nature Reserve, under the provisions of section 30A(1) of the National Parks and Wildlife Act, 1974.

Signed and sealed at Sydney this 23rd day of August 2006.

MARIE BASHIR,
Governor

By Her Excellency's Command,

BOB DEBUS, M.P.,
Minister for the Environment

GOD SAVE THE QUEEN!

SCHEDULE

*Land District – Murwillumbah;
LGA – Byron*

County Rous, Parish Billinudgel, 41.2235 hectares, being Lots 103, 104, 105 and 106 DP1001878, Lot A DP378889 and Lot 13 DP875112. NPWS/03/08712.

NATIONAL PARKS AND WILDLIFE ACT, 1974

Notice of Reservation of Nature Reserve

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Warrumbungle National Park, under the provisions of section 30A(1) of the National Parks and Wildlife Act, 1974.

Signed and sealed at Sydney this 23rd day of August 2006.

MARIE BASHIR,
GOVERNOR

By Her Excellency's Command,

BOB DEBUS, M.P.,
Minister for the Environment

GOD SAVE THE QUEEN!

SCHEDULE

*Land District – Coonabarabran;
LGA – Warrumbungle*

County Baradine, Parish Wheoh, 113.8 hectares, being Lot 751 DP1092491. NPWS/03/09896.

RURAL FIRES ACT 1997

PURSUANT to Section 82 of the Rural Fires Act 1997 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation: Area of Variation: Griffith City Council Leeton Shire Council Murrumbidgee Shire Council Narrandera Shire Council The Local Bush Fire Danger period has been revoked for the period 1 October until 15 October 2006. During this period permits pursuant to Section 87 of the Rural Fires Act 1997 as amended will not be required for the lighting of fire for the purposes of land clearance or fire breaks.

SHANE FITZSIMMONS, AFSM,
Assistant Commissioner Executive Director
Operations and Regional Management

SPORTING INJURIES INSURANCE ACT, 1978

Order of Declaration under Section 5

Sporting Injuries Committee

SYDNEY, 30th August, 2006

IN pursuance of Section 5 of the Sporting Injuries Insurance Act, 1978, I declare by this order that

Lifeball – Northern Region

to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Lifeball.

ROB THOMSON,
Deputy Chairperson

Date: 30th August, 2006.

SPORTING INJURIES INSURANCE ACT, 1978

Order of Declaration under Section 5

Sporting Injuries Committee

SYDNEY, 22nd August, 2006

IN pursuance of Section 5 of the Sporting Injuries Insurance Act, 1978, I declare by this order the

Japanese Academy of Martial Arts

to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Karate.

ROB THOMSON,
Deputy Chairperson

Date: 22nd August, 2006.

SPORTING INJURIES INSURANCE ACT, 1978

Order of Declaration under Section 5

Sporting Injuries Committee

SYDNEY, 30th August, 2006

IN pursuance of Section 5 of the Sporting Injuries Insurance Act, 1978, I declare by this order the

Deepwater Rowers

to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Rowing.

ROB THOMSON,
Deputy Chairperson

Date: 30th August, 2006.

SPORTING INJURIES INSURANCE ACT, 1978

Order of Declaration under Section 5

Sporting Injuries Committee

SYDNEY, 18th August, 2006

IN pursuance of Section 5 of the Sporting Injuries Insurance Act, 1978, I declare by this order the

Fungame Exercise Program

to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Fungame.

ROB THOMSON,
Deputy Chairperson

Date: 18th August, 2006.

SPORTING INJURIES INSURANCE ACT, 1978

Order of Declaration under Section 5

Sporting Injuries Committee

SYDNEY, 14th August, 2006

IN pursuance of Section 5 of the Sporting Injuries Insurance Act, 1978, I declare by this Order

CRESCENT HEAD BOARDRIDERS INC.

To be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Surf Board Riding.

ROB THOMSON,
Deputy Chairperson

Date: 14th August 2006.

SPORTING INJURIES INSURANCE ACT, 1978

Order of Declaration under Section 5

Sporting Injuries Committee

SYDNEY, 18th August, 2006

IN pursuance of Section 5 of the Sporting Injuries Insurance Act, 1978, I declare by this order the

Power Karate & Kickboxing

to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activities of Karate and Kickboxing.

ROB THOMSON,
Deputy Chairperson

Date: 18th August, 2006.

SPORTING INJURIES INSURANCE ACT, 1978

Order of Declaration under Section 5

Sporting Injuries Committee

SYDNEY, 7th September, 2006

IN pursuance of Section 5 of the Sporting Injuries Insurance Act, 1978, I declare by this order the

BMX NSW Inc.

to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of BMX Cycling.

ROB THOMSON,
Deputy Chairperson

Date: 7th September, 2006.

SYDNEY WATER ACT, 1994

Land Acquisition (Just Terms Compensation) Act, 1991

Notice of Compulsory Acquisition of Land at Kellyville in the Local Government Area of Baulkham Hills

SYDNEY WATER CORPORATION declares, with the approval of Her Excellency, the Governor, that the land described in the First Schedule is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 for the purpose of the Sydney Water Act 1994.

Dated at Sydney this 30th day of August 2006.

Signed for Sydney Water Corporation)
by its Attorneys) Signed – J. Colenso
JEFFREY FRANCIS COLENSO)
.....)
KEVIN ANDREW HANLEY)
.....)
) Signed – K. Hanley
who hereby state at the time of executing this)
instrument have no notice of the revocation of)
the Power of Attorney Registered No. 323)
Book 4465 under the Authority of which this)
instrument has been executed.)

SCHEDULE 1

All that piece or parcel of land in the Local Government Area of Baulkham Hills, Parish of Castle Hill, County of Cumberland, and State of New South Wales, being Part Lot 9 in Deposited Plan 258947 defined as Lot 1 in Deposited Plan 1087781, having an area of 1.532Ha, said to be owned by Peter John Cassidy and Hayley Estelle Cassidy.

[Sydney Water reference: 2005/03105F].

TRANSPORT ADMINISTRATION ACT 1988

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land for the Purposes of the Rail Infrastructure Corporation

RAIL INFRASTRUCTURE CORPORATION, with the approval of Her Excellency the Governor, declares that the land described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Rail Infrastructure Corporation, as authorised by the Transport Administration Act, 1988.

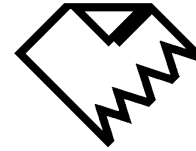
Dated this 11th day of September 2006.

BRUCE FARRAR,
Acting Chief Executive Officer

SCHEDULE

All that piece or parcel of land situated at Banyabba in the Local Government Area of Copmanhurst, Parish of Banyabba, County of Clarence and State of New South Wales, being part of an unformed closed road identified as Lot 28 on Deposited Plan 839379 having an area of 4,730 square metres or thereabouts and said to be in the possession of Clarence Valley Council

Rail Infrastructure Corporation Reference: 001508.



**MOTOR ACCIDENTS
AUTHORITY**

**Treatment,
Rehabilitation and
Attendant Care Guidelines
for Currently Licensed CTP Insurers**

September 2006

Introduction

The Motor Accidents Compensation Act 1999 (MACA) and the Motor Accidents Act 1988 place responsibilities concerning treatment, rehabilitation and attendant care on the Motor Accidents Authority of NSW (MAA), the CTP insurers and claimants.

An important object of the MACA (section 5 (1a)) is to encourage early and appropriate treatment and rehabilitation to achieve optimum recovery from injuries sustained in motor accidents and to provide appropriately for the future needs of those with ongoing disabilities. Rehabilitation includes medical, social, educational and vocational measures to restore or attempt to restore an injured person to the maximum level of function of which the person is capable.

The main goal of the Treatment, Rehabilitation and Attendant Care (TRAC) Guidelines is to promote best practice and facilitate consistency in the rehabilitation of motor accident injuries within and between CTP insurers. The Guidelines ensure CTP insurers address the needs of claimants by facilitating their access to appropriate treatment, rehabilitation and attendant care throughout the life of a claim. The Guidelines provide standards and criteria against which insurers can measure their performance to demonstrate they are meeting their responsibilities.

Best practice involves continuous improvement. Continuous improvement is a cycle of change that builds upon previous achievements. Introducing beneficial changes to systems and supporting improved practices requires an organisational commitment to continuous improvement. Demonstrable evidence of improvement is a necessary component of the TRAC audit program.

This is the fifth revision of the Guidelines since inception in 1998.

These Guidelines, except 3.10, apply from the date they are gazetted to claims injuries arising from accidents under both the Motor Accidents Act 1988 and the Motor Accidents Compensation Act 1999.

Guideline 3.10 applies from 1 January 2007 to claims injuries arising from accidents under both the Motor Accidents Act 1988 and the Motor Accidents Compensation Act 1999.

These Guidelines are issued pursuant to Section 44 of the Motor Accidents Compensation Act 1999 and apply by Chapter 3 of that Act in respect of an injury caused by a motor accident. Further, these guidelines, so far as rehabilitation is concerned, apply in relation to insurers' obligations under Section 84 of the Motor Accidents Compensation Act 1999. Sections 44 and 84 of the Motor Accidents Compensation Act 1999 apply in relation to treatment of injuries whether the injuries were sustained in accidents occurring before 5 October 1999, or on or after 5 October 1999.

General principles

The implementation of the Treatment, Rehabilitation and Attendant Care Guidelines for insurers requires demonstrated consideration and acceptance of the following general principles:

- 1 Addressing the rehabilitation needs of claimants by facilitating their access to rehabilitation and attendant care is an integral part of the Motor Accidents Scheme.
- 2 Effective treatment, rehabilitation and attendant care are a collaborative arrangement requiring communication and cooperation between the claimant, the provider and the insurer.
- 3 The aim of rehabilitation is to maximise early recovery from injuries and promote independence and function.
- 4 It is vital that treatment and rehabilitation are commenced as early as possible and are regularly monitored until conclusion. While not all CTP claimants will need rehabilitation services, it should be facilitated when required for all age groups, including children and older people.
- 5 The review of rehabilitation is planned in accordance with anticipated management milestones of individual CTP claimants. For example, moving to high school or leaving school.
- 6 Wherever possible, claimants should exercise choice about the selection of their treatment, rehabilitation and/or attendant care provider. However, the insurer is only obliged to pay for treatment, rehabilitation and attendant care costs that are reasonable and necessary, properly verified and relate to injuries resulting from the motor vehicle accident.
- 7 The selection of a service provider should be determined by the claimant's needs, not the relationship between the insurer and the service provider. Any commercial relationship between the insurer and the service provider is not a factor to be considered when selecting a service provider.
- 8 Claimants should be encouraged to be involved in the development and ongoing review and modification of their rehabilitation plans.
- 9 The insurer is not responsible for developing treatment, rehabilitation or attendant care plans. This is the responsibility of relevant service providers.
- 10 There should be consistency in the decision making process about treatment, rehabilitation and attendant care issues between claims and rehabilitation staff.
- 11 Successful implementation of the Guidelines relies on management support and teamwork between rehabilitation and claims staff employed by CTP insurers, and general acceptance of the notion of continuous improvement.
- 12 All rehabilitation and claims staff actively seek to minimise the risk of disputes associated with managing the rehabilitation needs of claimants. They should be proactive in seeking resolution of disputes by facilitating referral to insurer's internal complaints and disputes resolution processes, and when necessary, the appropriate external disputes resolution services.

Explanatory notes

Attendant care

Attendant care (or care and support services) assists people with disabilities to perform tasks they would normally be doing for themselves. Attendant care services aim to provide assistance to people with everyday tasks and include, for example, personal assistance, nursing, home maintenance and domestic services. They enable individuals to live independently and to exercise basic rights about choice of lifestyle.

Attendant care plan

An attendant care (or care and support services) plan should normally outline the claimant's present condition, functional capacity, role of attendant carer (or support worker), goals and specified activities of the program and hours of care required. Attendant care plans are developed collaboratively between the attendant care agency, the provider involved, the claimant and their family, as well as the insurer.

For simple domestic assistance, the attendant care plan may take the form of a brief proposal. As a minimum this type of plan should include timeframes, costs and type of services.

Claims officer

The role of a claims officer employed by a CTP insurer, as related to these Guidelines, may include:

- responding to requests and paying accounts in a timely fashion
- ensuring the appropriate involvement of the rehabilitation adviser in facilitating assessment of the rehabilitation and attendant care needs of claimants
- where appropriate, establishing whether the proposed interventions and programs are 'reasonable and necessary' in consultation with the rehabilitation adviser.

The statements in these Guidelines are not designed to limit the scope of the role of claims officers.

Days

Refers to working days.

Insurer

These Guidelines apply to all insurers who insure the person against the person's liability for damages in respect of a claim, whether or not under a third party policy (section 42 of the Motor Accidents Compensation Act 1999). The insurer refers to all insurers who are licensed by the MAA and provide Compulsory Third Party (CTP) insurance in NSW, including insurers acting as agent for the Nominal Defendant.

Rehabilitation

The Guidelines reflect the definition of rehabilitation used in both the Motor Accidents Act 1988 (Section 35) and Motor Accidents Compensation Act 1999 (Section 3).

***rehabilitation** of an injured person, means the process of restoring or attempting to restore the person, through the combined and coordinated use of medical, social, educational and vocational measures, to the maximum level of functioning of which the person is capable or which the person wishes to achieve and includes placement in employment and all forms of social rehabilitation such as family counselling, leisure counselling and training for independent living.*

The Guidelines support the philosophy that rehabilitation is the process of restoring an injured person as close as possible to their pre-injury level of functioning and to a quality of life comparable with their pre-injury level. Where function cannot be restored, the aim of rehabilitation becomes the acquisition of new functional or vocational skills.

Rehabilitation adviser

The role of the insurer's rehabilitation adviser may include:

- facilitating the assessment of the treatment, rehabilitation and attendant care needs of claimants;
- facilitating access of claimants to services if considered necessary;
- establishing whether the proposed interventions and programs are reasonable and necessary;
- providing a point of contact for the claimant, treating practitioners and rehabilitation providers;
- undertaking a coordinating role between all involved stakeholders;
- advising claims officers and managers on rehabilitation issues; and
- assisting the insurer to develop a consistent approach to decision making regarding 'reasonable and necessary'.

Insurers either employ permanent or contract health professional staff in the role of rehabilitation advisers. Rehabilitation advisers do not provide direct services to claimants.

The statements in these Guidelines are not designed to limit the scope of the role of the rehabilitation adviser. The insurers use the term 'rehabilitation adviser' variously. The roles and titles may vary from insurer to insurer.

Rehabilitation plan

A rehabilitation plan is a formal document which identifies the assessed needs of the claimant, the goals or outcomes to be achieved, the proposed interventions or strategies to achieve these goals, time frames for achievement, periodic evaluation and reporting, and associated costings.

Rehabilitation provider

A rehabilitation provider delivers direct services to the claimant. A rehabilitation provider may be a multidisciplinary organisation or an individual health practitioner in either the public or the private sectors.

Service provider

A service provider delivers direct services to the claimant. A service provider may be a multidisciplinary organisation or an individual. The services provided may include treatment, rehabilitation or attendant care.

Treatment

An insurer has a responsibility to deal with requests for treatment. These requests should be dealt with in a timely fashion with reference to 'reasonable and necessary'. CTP insurers are responsible for having a system in place for responding to such requests.

Format of the Guidelines

Phases

The MAA TRAC Guidelines for insurers divide the management of motor accident injuries into four phases. Claimants may move in and out of the different phases during their recovery and resettlement. The elements of treatment, rehabilitation and attendant care are addressed in each phase.

Each phase has an underpinning **principle**, followed by a **standard**. Objective **criteria** under each principle assist in the application of the **standard and in the measurement of achievement**.

Phase 1	Phase 2	Phase 3	Phase 4
Early identification of treatment, rehabilitation and attendant care needs.	Assignment of insurer's claims and rehabilitation staff.	Coordination of assessment and planning of treatment, rehabilitation and attendant care needs.	Monitoring and evaluation of treatment, rehabilitation and attendant care programs.

Principle

Each phase has a principle that outlines the basic tenet from which the standards and criteria derive. The principles are not measurable but act to encapsulate the beliefs of the particular phase.

Standard

Under each principle is a standard that is the overall standard for the phase. The criteria derive from the standard.

Criteria

The criteria are statements that act to clarify the standard and provide practical advice on implementation. In the process of self-assessment and external audit of these Guidelines, the criteria provide the basis for assessing levels of achievement or compliance.

Phase 1	Identification of treatment, rehabilitation and attendant care needs
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Principle

Early identification of the need for services optimises clinical outcomes for claimants and provides the best opportunity for cost effective treatment, rehabilitation and attendant care.

Standard

The insurer has an effective system for the early identification of the needs of claimants and for the accurate coding of their injuries.

Criteria

Policies and practices ensure:

1.1	<p>Claimants who may need treatment, rehabilitation or attendant care are identified by a consistently applied screening system encompassing:</p> <ul style="list-style-type: none"> • accurate identification of extent and type of injury • use of internally agreed indicators to identify claimants likely need for rehabilitation • documentation of likely need • involvement of health care professionals in the process of screening and determination of treatment, rehabilitation and attendant care needs.
1.2	Screening is completed within 10 days of receipt of the claim.
1.3	Information is sent to those claimants who have been identified as requiring rehabilitation services on the role of insurer's rehabilitation advisers; how to contact them; and the claimant's rights and responsibilities (MAA brochure 'Rehabilitation and the Motor Accidents Scheme' or insurer's own brochure with relevant information). The information is sent within 10 days of the identification.
1.4	<p>Written communication with claimants is:</p> <ul style="list-style-type: none"> • personalised/tailored to the claimant's circumstances • written in plain English understandable to the claimant • written for a specific purpose.

1.5	There is a claim file management system which ensures that insurers have a current, complete, accurate, retrievable and secure treatment, rehabilitation and attendant care file relating to each claimant.
1.6	Any contact, including verbal, about treatment, rehabilitation or attendant care between claimant, claimant's solicitor or service providers is documented and dated in the claim file. A copy of any written correspondence must be kept on the claim file.
1.7	Claimant's injuries are coded using the Abbreviated Injury Scale (AIS) 1985 Revision, and in accordance with the Injury Coding Guidelines published by the MAA.
1.8	All AIS Injury Coders are appropriately trained by MAA approved trainers.
1.9	<p>Full claims (including claims converted from ANFs):</p> <ul style="list-style-type: none"> • Claimant's injuries are coded using the Abbreviated Injury Scale. • AIS codes are assigned within one month of lodgement and the date the code was assigned is noted in the claim file. • AIS codes are reviewed by an injury coder throughout the life of the claim, with a maximum interval of eight months between reviews. The date of each review should be noted in the claim file. • This regular review process may cease if the injury coder is satisfied all injuries have been coded and it is unlikely that any further medical information will be received which would alter the injury coding. If this occurs it should be clearly stated in the claim file, 'signed off' by the coder and dated. • All claims are 'signed off' by an injury coder before finalisation and the date noted in the claim file.
1.10	<p>Accident Notification Forms (ANFs):</p> <ul style="list-style-type: none"> • For ANFs received on or after 1 April 2006, claimant's injuries are coded using the Abbreviated Injury Scale.¹ • AIS codes are assigned within one month of lodgement and the date the code was assigned is noted in the claim file. • ANFs only need to be coded once, unless they convert to a full claim. If an ANF settles without converting to a full claim it is not necessary for an injury coder to 'sign off'.

¹ ANFs lodged prior to 1 April 2006 were coded using MAA Provisional Injury Codes (a simplified coding system based on the AIS 1985).

Phase 2	Assignment of the insurer's claims and rehabilitation staff
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Principle

The assignment of claims and rehabilitation staff by the insurer promotes the provision and coordination of treatment, rehabilitation and attendant care services. Claimants requiring services need to know who to contact at the insurer and how to contact them.

Standard

The insurer assigns rehabilitation staff to claimants who may require rehabilitation and/or attendant care in order to oversee their assessment, rehabilitation and resettlement and to facilitate effective communication between all parties.

Criteria

Policies and practices ensure:

2.1	<p>A system is in place to:</p> <ul style="list-style-type: none"> • identify claimants who should be assigned a rehabilitation adviser and • assign the adviser within 10 days of the identification.
2.2	<p>The insurer continues to meet its treatment, rehabilitation and attendant care responsibilities during periods of staff absence.</p>
2.3	<p>All rehabilitation advisers have health professional qualifications, background and rehabilitation experience relevant to the role.</p>
2.4	<p>Potential conflicts of interest are identified and addressed.</p> <p>NB: Possible situations include:</p> <ul style="list-style-type: none"> • A rehabilitation adviser who also works elsewhere as a rehabilitation provider. The rehabilitation adviser should undertake not to refer any claimants to their own service. • A rehabilitation adviser who is employed by a service provider. If a claimant is referred by the insurer to the service provider then the claimant should be informed: <ul style="list-style-type: none"> ○ of the relationship between the insurer and the service provider ○ that the insurer or their medical practitioner can refer the claimant to another service provider ○ how to arrange a referral to another service provider. • An insurer which has an interest in a service provider. If a claimant is referred by the insurer to the service provider, then the claimant should be informed: <ul style="list-style-type: none"> ○ of the relationship between the insurer / rehabilitation adviser and the

TRAC Guidelines for Currently Licensed CTP Insurers

	<p>service provider</p> <ul style="list-style-type: none">○ that the insurer or their medical practitioner can refer the claimant to another service provider.○ how to arrange a referral to another service provider.
2.5	Relevant ongoing professional development, support, and performance review are provided for employed Rehabilitation Advisers, and a system of performance review is in place for contracted rehabilitation advisers.
2.6	Relevant ongoing training is provided for claims officers regarding the application of these treatment, rehabilitation and attendant care guidelines.

Phase 3	Coordination of assessment and planning of treatment, rehabilitation and attendant care needs
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Principle

Effective assessment and planning is essential and aims to ensure all parties involved are aware of the overall plan, their role, and the roles and responsibilities of others involved in the process.

Standard

The insurer refers claimants to appropriate providers, when necessary, for assessment of their rehabilitation and attendant care needs and responds to requests for treatment, rehabilitation and attendant care in a timely fashion.

Criteria

Policies and practices ensure:

3.1	Claimants who have been identified as requiring treatment, rehabilitation or attendant care assessments or services must be referred to an appropriate provider within 10 working days of the identification.
3.2	<p>A system is in place for responding to plans and requests for the treatment, rehabilitation and attendant care needs of claimants. Plans and requests are reviewed by rehabilitation advisers and/or designated claims officers to ensure all the needs resulting from the motor vehicle accident have been addressed.</p> <ul style="list-style-type: none"> • To facilitate the claimant's rehabilitation, the insurer should request rehabilitation plans that identify goals, time frames and progress evaluation. • In the case of serious injuries, the insurer should normally request attendant care plans that specify goals, time frames, specific activities, hours of care, frequency and cost of services. However, for simple domestic assistance, the attendant care plan may take the form of a simple proposal for services to be provided to the claimant. • Early discussion with providers about any concerns relating to requests or plans are encouraged.
3.3	<p>Decisions on whether the request or proposed plan is reasonable and necessary are informed by:</p> <ul style="list-style-type: none"> • assessments and information from treating and independent practitioners, and • any other relevant and objective information.

3.4	<p>Consistency in the determination of what constitutes 'reasonable and necessary' services by:</p> <ul style="list-style-type: none">• having a system for making reasonable and necessary determinations• training staff in the process• monitoring and review to demonstrate consistency in decision-making.
3.5	<p>When there is a need to coordinate services or when there are differences of opinion about claimants' programs, the insurer considers the use of case conferences involving rehabilitation advisers and/or providers, treating practitioners, attendant care agencies and claimants.</p>
3.6	<p>Service providers are advised of approved plans or requests for treatment, rehabilitation and attendant care:</p> <ul style="list-style-type: none">• in writing (a return fax of the request or form indicating the insurer's decision is sufficient)• stating the costs the insurer has agreed to meet• as soon as the decision is made, but within 10 days of receipt of the plan or request by the insurer.

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|------------|---|
| 3.7 | <p>When the insurer declines or partially declines to pay for the claimant's treatment, rehabilitation or attendant care it will:</p> <ul style="list-style-type: none"> • within 10 days of receipt of a plan or request provide feedback to the claimant and service provider, and • within 20 days of receipt of a plan or request <ul style="list-style-type: none"> ○ advise the claimant, claimant's solicitor and service provider in writing clearly outlining the reasons why the insurer considers the plan or request not to be reasonable and necessary, not properly verified or not related to the accident (this may include copies of medical reports on which the decision is based), and ○ provide to the claimant with the written response a copy of the insurer's internal complaint and dispute resolution procedure and the MAA brochure "Resolving Medical Disputes". <p>This requirement does not apply if the insurer has already provided the above information after previously declining to pay for the same plan or request.</p> <p>NB. The following dispute resolution processes apply:</p> <p>For accidents occurring before 5 October 1999, the options for resolving the dispute are to refer the matter to:</p> <ul style="list-style-type: none"> • the insurer's internal dispute resolution and complaints procedures, and • the Motor Accidents Authority – Compliance Branch. <p>For accidents occurring on or after 5 October 1999, the options for resolving the dispute are to refer the matter to:</p> <ul style="list-style-type: none"> • the insurer's internal dispute resolution and complaints procedures, and • the Motor Accidents Assessment Service of the MAA. |
|------------|---|

3.8	<p>When the insurer decides to terminate previously approved treatment, rehabilitation or attendant care (for reasons other than settlement) they must advise the service provider and claimant in writing at least 5 days before the effective date of the decision for treatment and rehabilitation and at least 10 days before the effective date of the decision for attendant care programs and also:</p> <ul style="list-style-type: none"> • negotiate termination with the provider where sudden cessation of treatment or rehabilitation places the claimant at significant risk (e.g. during a course of psychological treatment, removal of equipment or a specific service) and • within 10 days of the decision by the insurer advise claimant, claimant's solicitor and service providers in writing (this may include copies of medical reports on which the decision is based) clearly outlining why the insurer terminated payment and • with the written response provide the claimant and service provider with a copy of the insurer's internal complaint and dispute resolution procedure and the MAA brochure "Resolving medical disputes".
3.9	<p>Home modification requests are acknowledged in writing within 10 days. The insurer must advise the claimant and service provider in writing indicating in principle approval or rejection within three months.</p> <p>When the request is denied the insurer will:</p> <ul style="list-style-type: none"> • advise the claimant, claimant's solicitor and service provider in writing clearly outlining the reasons why the insurer considers the request not to be reasonable and necessary, not properly verified or not related to the accident (this may include copies of medical reports on which the decision is based), and • provide to the claimant with the written response a copy of the insurer's internal complaint and dispute resolution procedure and the MAA brochure "Resolving Medical Disputes".
3.10	<p><i>(Applicable from 1 January 2007)</i></p> <p>Neuropsychological assessments are conducted in accordance with the appropriate "Neuropsychological assessment guidelines" issued by the MAA in 2006.</p> <p>For assessments organised by the insurer</p> <ul style="list-style-type: none"> • An appropriately qualified psychologist will conduct the assessment • Assessments will be conducted at least 6 months and preferably 12 months apart. • Assessments of the type recommended by the guidelines will be conducted as per the schedule under the heading "Scheduling assessments" in the relevant guidelines. • If a claimant is not a current patient of the BIRP, the insurer will engage in the process outlined in the guidelines under the heading "Agreeing on a psychologist" in order to reach agreement on a psychologist. • Four weeks notice of any assessment will be provided to the other parties. Any additional questions proposed by the other party will be forwarded to the nominated psychologist.

TRAC Guidelines for Currently Licensed CTP Insurers

	<ul style="list-style-type: none">• The appropriate “Information brochure for claimants and their families” will be forwarded to the claimant with the insurer’s notice of assessment to the other party• All reports conducted in accordance with these guidelines will be forwarded to the other party within 20 days of receipt. <p>Where a claimant is a current patient of any of the NSW Brain Injury Rehabilitation Programs (BIRP), the BIRP will nominate the psychologist to conduct any assessment according to the guidelines.</p>
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Phase 4	Monitoring and evaluation of treatment, rehabilitation and attendant care programs
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Principle

Ongoing monitoring and evaluation ensures that treatment, rehabilitation and attendant care programs continue to address the needs of claimants to maximise their independence.

Standard

The insurer has an effective system for monitoring the progress of claimants and for reviewing their continuing treatment, rehabilitation, attendant care and achievement of agreed outcomes.

Criteria

Policies and practices ensure:

4.1	<p>The insurer has a system in place for ongoing monitoring of claimant files and reassessment of claimant needs.</p> <ul style="list-style-type: none"> • The claimant's progress is documented and regularly monitored by the rehabilitation adviser and/or the designated claims officer • The insurer should establish a system governing the regular submission of reports by providers, the level of detail required and evidence of the claimant's progress according to their individual plans and agreed outcomes. <p>N.B. Time frames for submission of progress reports may vary according to the nature of service and the nature and complexity of the claim.</p>
4.2	<p>The insurer has an appropriate system in place to review all claims involving a spinal cord injury or brain injury at least every six months and to review claimant files and reassess claimant needs where:</p> <ul style="list-style-type: none"> • review of a case after 6-12 months is indicated, or • there may be a change in circumstances. For example, when there is a transition between education facilities (i.e., between primary and high school), or from education to employment.
4.3	<p>The reopening of cases should be in accordance with established criteria so that there is the opportunity to review and/or reopen any case after completion of rehabilitation programs and prior to settlement where there has been a change in circumstances.</p>



Accident Notification Form

This form is approved by the Motor Accidents Authority of NSW
under section 49 (1) of the *Motor Accidents Compensation Act 1999*.
It is to be used for notifications made after 1 October 2006.

If you have been injured in a motor vehicle accident caused or mainly caused by another vehicle, you may be able to immediately claim up to \$500 for your treatment. You need to:

- 1 Obtain the registration number of the vehicle that caused the accident
- 2 Report the accident to the police if they did not attend the accident
- 3 Obtain the event number of the accident from the police
- 4 Call 1300 656 919 to find out the green slip or Compulsory Third Party (CTP) insurer of the vehicle that caused the accident
- 5 Complete and send this form to the insurer within 28 days of the accident: you must complete the accident information, sign the declaration and get your doctor to complete the medical certificate.
- 6 The insurer will let you know whether it will pay for reasonable and necessary medical treatment within 10 days.
- 7 The insurer will provide you with a claim number that must be used in all correspondence.

If you have any questions

If you have any questions, would like more information, a brochure, or need help completing this form, call the MAA's Claims Advisory Service on 1300 656 919 or visit www.maa.nsw.gov.au

Interpreter service

If you need an interpreter to help you read this form call 02 9231 3288 during office hours.

**This form must be completed and sent to the CTP insurer
within 28 days of the accident**

Information for people injured in a motor vehicle accident

Eligibility for early payment of treatment expenses

If you have been injured in a motor vehicle accident caused, or mainly caused, by the fault of another driver you may be able to immediately claim up to \$500 for your treatment expenses.

From 1 October 2006, if you were under 16 years and lived in NSW at the time of the accident, you may still claim up to \$500 for your treatment expenses even if the accident was not caused by any fault of an owner or driver of a motor vehicle. For these children, the accident will be 'deemed' to have been caused by the owner/driver of the motor vehicle. See the **important note for injured children** below.

Information required to claim these treatment expenses

To claim these expenses you will need:

- the registration number of the vehicle that caused, or mainly caused, the accident
- the event number of your accident from the police—if a police officer did not attend the accident you must report the accident to the police
- to send the form to the insurer within 28 days of the accident.

If you were 16 or older, you should not submit a claim if you were the driver completely at fault in the accident or if you are the driver of a single vehicle accident.

If you cannot identify the vehicle which caused the accident contact the MAA's Claims Advisory Service on 1300 656 919 for assistance.

Payment of treatment expenses

Your treatment accounts should be sent to the insurer, including the account for completion of the medical certificate by your doctor. You should include with the accounts your name, the date of the accident, the registration number of the vehicle causing the accident and the reference number given to you by the insurer.

Important additional information

The insurer is only obliged to pay up to \$500 for your reasonable and necessary treatment expenses. The insurer may use approved treatment guidelines in deciding what is reasonable and necessary. The agreement by the insurer to pay these accounts is not an admission of liability, or an agreement to pay any other expenses.

If you are unable to complete and lodge the Accident Notification Form within 28 days of the accident you should contact the insurer to obtain a Personal Injury Claim Form.

When you should submit a CTP Personal Injury Claim form

If your treatment costs will exceed \$500, you are unable to lodge the Accident Notification Form within 28 days, you cannot identify the vehicle which caused the accident or you wish to claim other compensation, you should submit a Personal Injury Claim form to the CTP insurer as soon as possible.

Your claim may not be accepted if the insurer does not receive your completed claim form **within six months** of the accident. You can obtain the claim form from the insurer of the vehicle that caused the accident.

Entitlements of claimants

Under the Motor Accidents Scheme, if another driver was at fault in the accident, you are entitled to compensation for your economic loss such as:

- loss of income (except for the first five days)
- reasonable and necessary medical, pharmaceutical, rehabilitation, respite care and attendant care expenses.

If you have a serious, permanent injury you may also be able to claim payment for your pain and suffering (non-economic loss).

Important note for injured children

From 1 October 2006, a special benefit exists for children living in NSW who were under 16 at the time they were injured in the accident, where the driver/owner of a motor vehicle did not cause the accident. The Accident Notification Form provides for hospital, medical, pharmaceutical and rehabilitation expenses up to \$500 for these injured children.

Completing this form

You will need to provide details of the police event number, the registration number of the vehicle that caused the accident, the registration numbers of other vehicles involved in the accident, your role in the accident and a brief description of the accident.

You are required to make a declaration giving permission for the insurer paying your treatment costs to contact your doctor and other treatment providers (e.g. physiotherapist). If the accident also involves a Workers' Compensation claim then the insurer may need to contact the workers' compensation insurer.

If you were 16 or older, you are also required to make a declaration that the accident was not wholly or mainly your fault.

This form includes a medical certificate, which should be completed by your doctor. It will include details of your injuries, the results of any medical investigations and recommended treatment.

Tear along this line and keep the information on the left after you send off the completed form on the right

Accident Notification Form - to be completed by the injured person

Surname/family name	Given name(s)	Date of birth	Sex <input type="checkbox"/> F <input type="checkbox"/> M
Address			
Phone numbers			
Home: ()	Work: ()	Mobile:	
Time lost at work Weeks: Days:		Have you returned to work? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Occupation		Name of employer	
Date of accident	Time of accident am/pm	Place of accident - include street, town or suburb and state	
Name of police officer attending the accident	Police station	Police 'event' number	
Your part in the accident <input type="checkbox"/> Driver <input type="checkbox"/> Passenger <input type="checkbox"/> Motorcycle rider <input type="checkbox"/> Pillion passenger <input type="checkbox"/> Cyclist <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other			
1) Vehicle causing the accident			
Registration No.	Make	Driver & phone No.	Owner
2) Vehicle you were travelling in			
Registration No.	Make	Driver	Owner
3) Other vehicle/s involved in the accident if known			
Registration No.	Make	Driver	Owner
Diagram of the accident		Brief description of the accident	
<p>This declaration must be signed by the injured person unless he/she is under 18 or unable to make the declaration. In that case, the declaration must be made by a parent, guardian, relative or friend on the injured person's behalf. It is an offence under the the <i>Motor Accidents Compensation Act 1999</i> to knowingly make a false or misleading statement in this form. Information that is knowingly false or misleading may result in a fine of up to \$5,500 or imprisonment for up to 12 months, or both. This declaration allows the insurer to obtain records or information which may affect your claim, including any information about treatment you have received from a doctor or hospital.</p> <p>I declare that to the best of my knowledge the information given in the Accident Notification Form is true and correct in every respect. I declare that to the best of my knowledge I was not wholly or mainly at fault in this accident OR I am under under 16 years of age.</p> <p>I authorise the Nominal Defendant or the insurer against whom this claim is made to contact and obtain information and documents which are relevant to this claim for treatment expenses from any:</p> <ul style="list-style-type: none"> • doctor, ambulance service, hospital or other health service provider • Lifetime Care and Support Authority (LTCSA) • police department • Workers' Compensation insurer. 			
Name		Signature	Date
Details of the person signing on behalf of the injured person			
Relationship to injured person		Phone contact	Reason injured person could not sign

This form must be sent to the CTP insurer within 28 days of the accident

Medical certificate - to be completed by treating doctor

Injured person's surname/family name	Given name(s)	Date of birth									
<input type="text"/>	<input type="text"/>	<input type="text" value="/ /"/>									
Date of accident	Date of examination	Are the injuries/conditions consistent with the circumstances of the motor accident described to you? <input type="checkbox"/> Yes <input type="checkbox"/> No									
<input type="text" value="/ /"/>	<input type="text" value="/ /"/>										
Medical diagnosis or description of the injury											
<input style="height: 60px;" type="text"/>											
Clinical findings (symptoms, results of any investigations)											
<input style="height: 60px;" type="text"/>											
Did the patient attend hospital?	Name of hospital?	Was the patient admitted to hospital?									
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No									
Treatment plan likely to be required: <input type="checkbox"/> Short term (6 weeks) <input type="checkbox"/> Medium term (6-12 weeks) <input type="checkbox"/> Long term (>12 weeks)											
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<input type="checkbox"/> Fit for alternative duties on											
<input type="checkbox"/> Unfit for work from											
Date of next medical review	Does the patient need an interpreter?	Language									
<input type="text" value="/ /"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="text"/>									
Doctor's name (please print)		Provider number									
<input type="text"/>		<input type="text"/>									
Address of practice		Phone number									
<input style="height: 40px;" type="text"/>		<input type="text" value="()"/>									
		Area of specialty									
<input style="height: 40px;" type="text"/>		<input type="text"/>									
I declare that I am a registered medical practitioner and to the best of my knowledge the information provided here is true and correct											
Signature		Date									
<input type="text"/>		<input type="text" value="/ /"/>									

AMA fees apply for all medical services. Fee for completing forms: \$16

For further information or forms contact the Motor Accidents Authority of NSW on 1300 656 919 or fax 1300 137 707



MOTOR ACCIDENTS
AUTHORITY

Motor Accident Personal Injury Claim Form

This claim form is approved by the Motor Accidents Authority of NSW
It is to be used for claims made under the *Motor Accidents Compensation Act 1999* after 1 October 2006

Who can make a claim

If you were injured in a motor vehicle accident in NSW whether you were a driver, passenger, pedestrian, cyclist, motorbike rider or pillion passenger, you can make a claim for personal injury compensation if you can demonstrate a driver or owner of a motor vehicle, other than you, was partially or completely at fault. If you were partly at fault, (e.g. not wearing a seatbelt) you may still be able to make a claim.

Special benefit for children in accidents from 1 October 2006

You may still make a claim for the children's special benefit even if the accident was not caused by the fault of an owner or driver of a motor vehicle, provided that:

- the accident happened on or after 1 October 2006
- you were under 16 years at the time of the accident
- you lived in NSW at the time of the accident.

Please refer to the **Important note for injured children** on page 6 for more information.

If you were 16 years or older, and were completely at fault in the accident in which you were injured, you may not be able to make a claim for personal injury compensation.

If you have already completed an Accident Notification Form (ANF) you will still need to complete the Motor Accidents Personal Injury Claim form if you want to make a claim for treatment expenses in excess of \$500 or claim for other types of compensation.

Where to send the claim form

You must send the completed claim form to the green slip or Compulsory Third Party (CTP) insurer of the motor vehicle you consider caused the accident. If you are unsure of where to send your claim form contact the MAA's Claims Advisory Service on 1300 656 919.

The claim form must be sent to the CTP insurer as soon as possible but no later than six months from the date of the accident.

You can still make a claim more than six months after the accident. However, your claim could be rejected if the insurer receives your claim more than six months after the accident and you cannot give a satisfactory reason for the delay.

Need more information

- Contact the Claims Advisory Service on 1300 656 919, or
- visit the Motor Accidents Authority's (MAA) website at www.maa.nsw.gov.au

About the information in this form

The information in this form is required by law

The information in this form is required by laws covering motor accidents compensation. Failure to provide the required information may result in delays in processing your claim or it being rejected.

The information in this form is used by insurers to help determine liability for your claim and your compensation entitlements. It is important that you answer the questions fully. For example, you should list all injuries that were caused in the accident.

Your information is confidential

The information in this form will be treated confidentially. Only staff of the Motor Accidents Authority (MAA), CTP insurers and other approved bodies with proper legal authority are allowed to access your information and are restricted in how they use the information. You have the right to access and correct information about you held by the MAA or CTP insurers if you consider:

- that your personal information has been handled incorrectly by the MAA, you can ask the authority to undertake an internal review or you may contact Privacy NSW
- an insurer has handled your information incorrectly, you may contact the relevant insurer for an internal review or the Office of the Federal Privacy Commissioner.

CTP insurers are bound by national privacy principles. You may visit the licensed insurers' websites or contact them directly to request information on how to access your personal information, seek an internal review or determine with whom they share the information.

The information you provide must be truthful

You must answer the questions fully and truthfully, information that is knowingly false or misleading may result in a fine of up to \$5,500 or imprisonment for up to 12 months or both.

Interpreter assistance

If you need an interpreter service to help you read this form, contact:
Associated Translators & Linguists Pty Ltd, Level 5, 72 Pitt Street Sydney NSW 2000

P: 02 9231 3288 F: 02 9221 4763 www.atl.com.au

Office hours: 8.00 am to 5.30 pm (this interpreter service is provided free of charge to claimants)

ARABIC	إذا كنت بحاجة إلى مترجم لقراءة هذا الطلب، فالرجاء الإتصال بتليفون رقم 9231 3288.
CHINESE	如果您需要傳譯員讀這表格請致電 9231 3288 如果您需要傳譯員讀這表格請致電 9231 3288
CROATIAN	AKO TREBATE PREVODITELJA DA VAM PROČITA OVAJ FORMULAR NAZOVITE 9231 3288
FARSI	اگر برای خواندن این فرم به مترجم احتیاج دارید به شماره 9231 3288 تلفن کنید.
GREEK	ΑΝ ΧΡΕΙΑΖΕΣΤΕ ΔΙΕΡΜΗΝΕΑ ΝΑ ΣΑΣ ΔΙΑΒΑΣΕΙ ΑΥΤΟ ΤΟ ΕΝΤΥΠΟ ΤΗΛΕΦΩΝΗΣΤΕ ΣΤΟ 9231 3288.
INDONESIAN	JIKA ANDA MEMERLUKAN BANTUAN PENERJEMAH UNTUK MEMBACA FORMULIR INI, SILAHKAN MENELEPON 9231 3288.
ITALIAN	SE AVETE BISOGNO DI UN INTERPRETE PER LEGGERE QUESTO MODULO CHIAMATE IL 9231 3288.
KOREAN	이 서식을 읽기 위해 통역이 필요하시면 전화 9231 3288로 연락 주십시오.
MACEDONIAN	AKO BI TREBA TOLKUVACH DA BI GO PROČITA OVOJ FORMULAR JABETE SE NA 9231 3288.
POLISH	JEŚLI DO PRZECYTANIA TEGO FORMULARZA POTRZEBUJE PAN(I) POMOCY TŁUMACZA, PROSZĘ ZATELEFONOWAĆ POD NUMER 9231 3288
PORTUGUESE	SE NECESSITAR QUE UM INTÉRPRETE LHE LEIA ESTE IMPRESSO TELEFONE PARA O NÚMERO 9231 3288.
SERBIAN	AKO TREBATE PREVOĐIOČA DA VAM PROČITA OVAJ FORMULAR NAZOVITE 9231 3288.
SPANISH	SI NECESITA QUE UN INTERPRETE LE LEA ESTE DOCUMENTO, LLAME AL: 9231 3288.
TAGALOG (FILIPINO)	KUNG KAILANGAN NINYO NG TAGASALINWIKA (INTERPRETER) SA PAGBABASA NG NAKASULAT DITO TUMAWAG SA 9231 3288
TURKISH	BU FORMU OKUMAK İÇİN TERCÜMANA İHTİYACINIZ VARSA 9231 3288. 'E TELEFON EDİNİZ.
VIETNAMESE	NẾU BẠN CẦN THÔNG DỊCH VIÊN ĐỂ ĐỌC MẪU ĐƠN NÀY HÃY GỌI ĐIỆN THOẠI SỐ 9231 3288.

**If you need an interpreter to help you read this form,
the declaration below must be completed by the interpreter and the injured person.**

Interpreter declaration

- 1 We declare that the Motor Accident Personal Injury Claim Form has been read to the undersigned injured person by the undersigned interpreter.
- 2 We understand that the Motor Accidents Authority of New South Wales and Associated Translators & Linguists Pty Limited bear no responsibility for any loss whatsoever arising from the interpreting service provided.
- 3 We acknowledge that the interpreting service provided by Associated Translators & Linguists Pty Limited was limited to reading the claim form.
- 4 This declaration has been read to the injured person by the undersigned interpreter.

Injured person's name

Injured person's signature

Interpreter's name

Interpreter's signature

Injured person's address

Date: / /

Making a claim for personal injury compensation

There are a number of steps to making a claim:

1 Report the accident to the police

You must report the accident to the police as soon as possible, and in any case, within 28 days after the accident. If you make a late report to the police and cannot give a reason, it could affect the insurer's decision about your claim. If you make a late report to the police, please attach an explanation to this claim form giving the reasons for the delay.

2 Find out the CTP insurer of the NSW motor vehicle you consider caused the accident

Contact the Claims Advisory Service on 1300 656 919 to find out the CTP insurer. You will need to give them the NSW registration number plate of the motor vehicle you consider caused the accident and the date of the accident. If the motor vehicle you consider caused the accident is:

- not a NSW registered motor vehicle, you will need to contact the relevant state or territory.
- unregistered or cannot be identified (e.g. hit and run) see step 4 below for further instructions.

3 The motor vehicle and person you consider caused the accident

You must indicate the motor vehicle and/or person you consider caused the accident (q20). If you are having difficulty in finding out the motor vehicle registration number and/or the person you consider caused the accident contact the police.

4 The motor vehicle you consider caused the accident was uninsured or unidentified

The Nominal Defendant receives claims where the motor vehicle you consider caused the accident cannot be identified or is uninsured, and the accident occurred in NSW.

Before sending the claim you must take action to find out the registration number or the person of the motor vehicle you consider caused the accident. For example, by putting an advertisement in the newspaper or attempting to talk to witnesses.

If you cannot find out the registration number or if the motor vehicle is unregistered and not covered by CTP insurance, send your claim to the Nominal Defendant at Level 22, 580 George Street, Sydney NSW 2000, (DX 1517 Sydney). If you need more information about the Nominal Defendant call 1300 137 131 or visit www.maa.nsw.gov.au

5 Medical certificate

Your claim may be considered incomplete and may be delayed or rejected if the medical certificate at the back of this claim form is not sent to the CTP insurer with your Personal Injury Claim Form.

6 Send the claim form and the medical certificate to the CTP insurer

You must send the completed claim form and medical certificate to the CTP insurer of the motor vehicle you consider caused the accident (see step 2 above).

The claim form and the medical certificate must be sent as soon as possible, **but no later than six months** from the date of the accident. You can still make a claim more than six months after the accident. However, your claim could be rejected if the insurer gets your claim more than six months after the accident and you cannot give a satisfactory reason for the delay. If you make a claim more than six months after the date of the accident, please attach an explanation to this claim form giving the reasons for the delay.

7 If you were under 16 years at the date of accident

Attach proof of age (a certified copy of your birth certificate or passport). If you wish to claim the children's special benefit you should also attach proof that you were a resident of NSW at the date of accident. (Refer to the **Important note for injured children** on page 6).

8 Keep a copy of the completed forms and accounts and invoices

Please attach any original accounts and invoices you may already have to the claim form. Keep a copy of all forms, certificates, accounts and invoices etc, so that you have your own record.

After you send your claim to the CTP insurer

1 You will receive a letter from the insurer

The insurer will write to you within five working days of receiving your claim. The letter should also include a claim or reference number. If you have not heard from the insurer within two weeks of sending your claim, please contact the insurer.

2 You must help the CTP insurer with its investigation of your claim

You may be required to give the CTP insurer more information, photographs, documents or records. You may have to attend a medical examination organised by the insurer.

You must take all reasonable steps to recover from your injury, including undertaking all reasonable and appropriate treatment and rehabilitation. You must try to reduce your lost income, for example, by seeking alternative work, subject to your injuries and medical advice.

3 The insurer will tell you its decision about your claim

The insurer will tell you whether liability is accepted (fully or partly) or denied. The insurer is required to make a decision on liability within three months of a claim being made. If liability is accepted the insurer is obliged to pay reasonable and necessary:

- hospital, medical, rehabilitation, pharmaceutical, respite care and attendant care expenses.
- travel and accommodation expenses associated with your receiving rehabilitation services.

After accepting liability, the insurer is only required to pay these expenses when they:

- are reasonable and necessary
- are properly verified (original receipts, accounts or invoices) and
- relate to the injury caused by the owner or driver of the motor vehicle.

If the CTP insurer denies liability on your claim, contact the Claims Advisory Service on 1300 656 919 for further information as you may have further rights against the CTP insurer.

Important note for injured children

From 1 October 2006, a special benefit will be available to children living in NSW who were under 16 at the time they were injured in the accident. The special benefit may be claimed when the accident was not caused by the driver or owner of a motor vehicle and provides for hospital, medical, rehabilitation, pharmaceutical, respite care and attendant care expenses. If the accident was caused, wholly or in part, by the driver or owner of a motor vehicle other compensation entitlements may apply.

4 Once your injuries have become stable and treatment is completed

You may negotiate with the insurer and settle the claim yourself. That settlement would represent a full and final resolution of your claim.

If you have a dispute about any part of your claim, you can contact the insurer, who has an internal complaints and dispute handling system. You can discuss any part of your claim with the insurer or you may seek legal advice.

5 CTP Insurer handling of your claim

CTP insurers are required to comply with the MAA Claims Handling Guidelines, which are available at www.maa.nsw.gov.au. If you need a copy sent to you, contact the Claims Advisory Service on 1300 656 919.

Personal details

Ms ☐ Mrs ☐ Miss ☐
 Mr ☐ Other ☐ *Surname/family name* *Given name(s)*

Have you ever been known by another name?

No ☐ Yes ☐
Surname/family name *Given name(s)*

Marital status: Never married ☐ Married (legal or defacto) ☐ Divorced ☐ Separated ☐ Widowed ☐

Sex: M ☐ F ☐ Date of birth / / Were you under 16 years at the date of the accident? No ☐ Yes ☐

Driver's licence number *State* Occupation

Medicare number

Home address

Town/suburb *State* *Postcode*

Postal address (or as above)
Postbox *Town/suburb* *State* *Postcode*

Phone numbers () () ()
Home *Work* *Mobile*

Email address

Do you need an interpreter to help you with your claim? No ☐ Yes ☐
Language

Accident details

If you have not reported the accident to the police, report it immediately

1 Have you previously completed an Accident Notification Form (ANF)?

No ☐ Yes ☐
CTP insurer and reference or claim number

2 Date of accident / / **Time of accident** : am/pm **Weather and road conditions**

3 Place of the accident (streets and town or suburb)
Street(s) *Town/suburb* *State* *Postcode*

4 Did the police come to the accident scene? No ☐ Yes ☐ Go to q6

5 Was the accident reported at a police station?

No ☐ Report the accident immediately Yes ☐ Date reported / /

6 Police officer's details (if you have a copy of the police report, please attach it to this form)

Police officer's name

Police station

Police "event" number

7 Is police action going to be taken?

No ☐ Don't know ☐ Go to q8

Yes ☐ Continue

Name of person charged (if known)

Registration plate number

Charge (if known)

Court (if known)

8 What was your part in the accident?

☐ Driver ☐ Passenger

Go to q9

☐ Cyclist

☐ Motorbike rider

☐ Pillion passenger

Go to q11

☐ Pedestrian

Go to q12

9 If you were a driver or passenger in a motor vehicle, were you wearing a seat belt?

Yes ☐

No ☐

10 If you were a driver or passenger in a motor vehicle, was a seat belt fitted to the vehicle?

Yes ☐

No ☐

11 If you were on a motorbike or a bicycle, were you wearing a safety helmet?

Yes ☐

No ☐

12 Had you taken any drugs, including medication or alcohol in the 12 hours before the accident?

No ☐

Yes ☐

Type and amount

13 If you were a passenger in a motor vehicle or a passenger on a bicycle or motorbike, had the driver or rider taken any drugs, including medication or alcohol in the 12 hours before the accident?

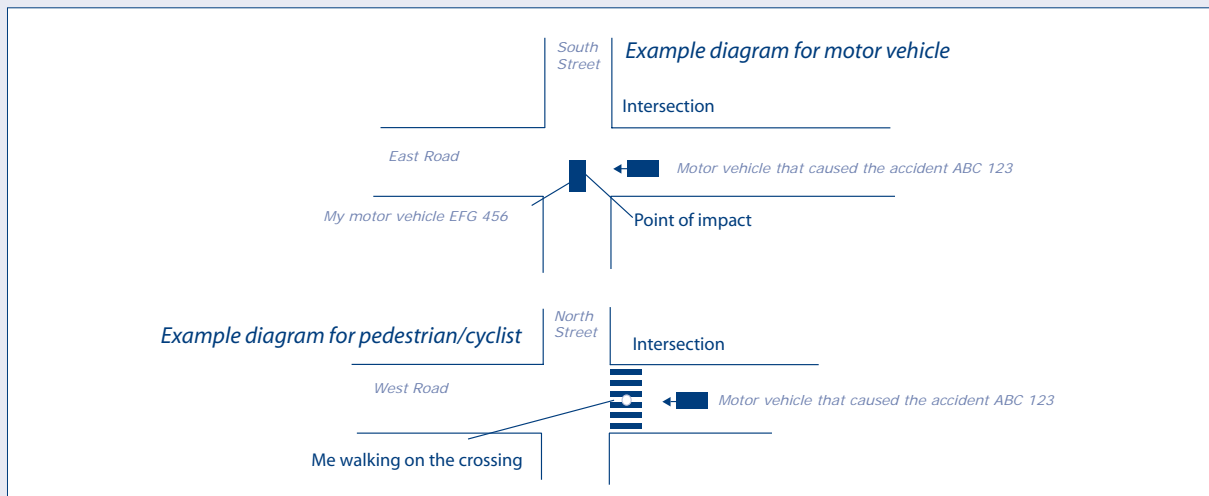
No ☐

Don't know ☐

Yes ☐

Type and amount

*Draw a diagram of the accident. Include intersections, streets, roads and their names.
Show the point of impact and position of all motor vehicles*



14 Diagram of the accident

15 Description of the accident (including who you consider caused the accident and how the accident happened)

Please attach a separate page if you need to include more information

Owner's surname/family name (if same as driver, write "as above")

(Or organisation/company name)

Owner's given name(s)

Owner's home phone

Owner's work phone

Owner's mobile phone

Owner's address

Town/suburb

State

Postcode

21 Were you travelling in this vehicle? Yes ☐ Go to q23 No ☐**22 Provide details of the vehicle you were travelling in (if you were travelling in a vehicle)**

Registration number plate

Make or model (e.g. Toyota Camry)

Type (e.g. station wagon, sedan)

State

Year of manufacture

Colour

Number of people in vehicle

Driver's licence number

Including driver

State

Briefly describe the damage caused to this vehicle (if known)

Name of property damage or comprehensive insurer, if known

Driver's surname/family name

Driver's given name(s)

Driver's home phone

Driver's work phone

Driver's mobile phone

Driver's address

Town/suburb

State

Postcode

23 Provide details of any other vehicle(s) involved in the accident

Registration number plate

Make or model (e.g. Toyota Camry)

Type (e.g. station wagon, sedan)

State

Year of manufacture

Colour

Number of people in vehicle

Driver's licence number

Including driver

State

Briefly describe the damage caused to this vehicle (if known)

Name of property damage or comprehensive insurer, if known

Driver's surname/family name

Driver's given name(s)

Driver's home phone

Driver's work phone

Driver's mobile phone

Driver's address

Town/suburb

State

Postcode

Please attach a separate page if you need to include more information

Details of witnesses

24 Witnesses. Provide details of witnesses (including witnesses in the same motor vehicle as you).

Witness 1

Surname/family name

Given name(s)

Home address

Home phone

Work phone

Mobile phone

Town/suburb

State

Postcode

Registration plate number (if the witness was in a vehicle)

Relationship to injured person (if any)

State

Witness 2

Surname/family name

Given name(s)

Home address

Home phone

Work phone

Mobile phone

Town/suburb

State

Postcode

Registration plate number (if the witness was in a vehicle)

Relationship to injured person (if any)

State

Witness 3

Surname/family name

Given name(s)

Home address

Home phone

Work phone

Mobile phone

Town/suburb

State

Postcode

Registration plate number (if the witness was in a vehicle)

Relationship to injured person (if any)

State

Witness 4

Surname/family name

Given name(s)

Home address

Home phone

Work phone

Mobile phone

Town/suburb

State

Postcode

Registration plate number (if the witness was in a vehicle)

Relationship to injured person (if any)

State

Please attach a separate page if you need to include more information

Injury details

25 What are your injuries from the accident?

(List all injuries and affected areas of the body, e.g. fracture to left leg and neck strain)

.....

.....

.....

.....

.....

26 How do the injuries affect you now?

(The effect of your injuries may change over time, e.g. have to use crutches and wear neck brace)

.....

.....

.....

.....

.....

Please attach a separate page if you need to include more information

27 Did you need an ambulance? Yes ☐ No ☐

28 Did you go to a hospital after the accident?

No ☐ Go to q32

Yes ☐

.....

Which hospital(s)?

..... /

Date

29 Were you treated at the hospital?

No ☐

Yes ☐

Date treated

..... /

30 Were you admitted to the hospital?

No ☐ Go to q32

Yes ☐

Date admitted

..... /

31 Have you been discharged from hospital?

No ☐

Yes ☐

Date discharged

..... /

32 Who has treated you for your injuries since the accident? (List all doctors, surgeons, physiotherapists, specialists etc)

Name	Specialty	Contact details	Is treatment ongoing? (Yes/No)
.....
.....
.....
.....
.....
.....
.....
.....
.....

Please attach a separate page if you need to include more information

33 Are you aware of any treatment or rehabilitation plan(s) that has been developed for you?No ☐ Go to q34 Yes ☐ Describe below

Details of treatment or rehabilitation plan

34 Have you had any other injuries, disability or illness - before or since the accident - to the same part(s) of your body?No ☐ Go to q35 Yes ☐ Please complete the following information

Date (or approximately)

Injury or illness

 / /

Treatment

Doctor's name

Address (practice or surgery)

Town/suburb

State

Postcode

Date (or approximately)

Injury or illness

 / /

Treatment

Doctor's name

Address (practice or surgery)

Town/suburb

State

Postcode

35 Have you ever made a claim for personal injury compensation, workers compensation or other damages? (e.g. slip and fall, assault, medical negligence, or another motor accident)No ☐ Go to q36 Yes ☐ Please give details (if exact details are not known, please provide as much information as you can)

Date of injury

Insurance company

Claim or reference number

Type of claim

 / /

Date of injury

Insurance company

Claim or reference number

Type of claim

 / /

Date of injury

Insurance company

Claim or reference number

Type of claim

 / /

Please attach a separate page if you need to include more information

Employment details (relating to loss of income)

36 What was your employment situation before the accident?

☐ Self employed go to q44 ☐ Full time employed ☐ Part time employed ☐ Retired
☐ Casual ☐ Student/child ☐ Home duties ☐ Not working
☐ Other ☐ Pensioner

Please describe *Please describe*

37 Have you lost income because of the accident? No ☐ Go to q47 Yes ☐ 38 Are you still losing income? No ☐ Yes ☐

39 Is the work you do or are your weekly earnings different because of the accident? No ☐ Go to q40 Yes ☐ Give details below

40 How many separate periods of time have you been away from work because of the accident? (Include short periods when you went for treatment or rehabilitation)

Work time lost (weeks/days/hours)	From	To
	/ /	/ /
	/ /	/ /
	/ /	/ /
	/ /	/ /

41 Have you returned to work?

Yes ☐ Go to q42 No ☐ When do you expect to return to work? / / Don't know ☐

42 Employment details

Name of employer Contact person's name Contact phone number ()
 Workplace address

Town/suburb
State
Postcode

Usual weekly working hours Usual weekly earnings (including overtime, regular bonuses and commission)

Ordinary
Overtime
Pay before tax
Pay after tax

Description of duties

43 Did you have a second job before the accident? No ☐ Go to q47 Yes ☐ Give details

Name of employer Contact person's name Contact phone number ()
 Workplace address

Town/suburb
State
Postcode

Usual weekly working hours Usual weekly earnings (including overtime, regular bonuses and commission)

Ordinary
Overtime
Pay before tax
Pay after tax

Description of duties

Please attach a separate page if you need to include more information

44 Have you lost income from self-employment in your business because of the accident? No ☐ Go to q46 Yes ☐ Give details

Name of business

Nature of business

Phone

 ()

Workplace address

Accountant's name

Town/suburb

State

Postcode

Accountant's address

Town/suburb

State

Postcode

Estimated earnings loss (give details of how much you believe you have lost and how you calculated the amount. You will be asked to give CTP insurers copies of your taxation returns, group certificates and assessment notices, where available).

45 If you are self employed have you hired anyone to replace you?

No ☐ Explain why not

Yes ☐ Give details of replacement including name, address, duties performed and cost

46 If you were self employed did you have a second paid job before the accident? Yes ☐ Go back to q43 No ☐

47 Have you received or will you receive any money for being unable to work because of your injuries? (e.g. sick leave or holiday pay, social security benefits, workers compensation or insurance payment.)

No ☐ Go to q48 Yes ☐ Give details

48 Before the accident, had you made any firm arrangements to start a new job, stop work, change your duties, working hours or earnings?

No ☐ Yes ☐ Give details

Please attach a separate page if you need to include more information

Statutory declaration

- Please read the statutory declaration carefully before signing.
- The insurer or Nominal Defendant is authorised under section 74 of the *Motor Accidents Compensation Act 1999*, to obtain information and documents relevant to the claim from the persons specified in the authorisation.
- You must sign the statutory declaration before a justice of the peace or a solicitor.
- Your claim may be delayed if the statutory declaration is not properly completed and witnessed.
- The injured person must sign the declaration unless he/she is under 18 years or is unable to make the declaration. In this case a parent, guardian, relative or friend of the injured person must sign the declaration.
- All information you have given in the claim form must be true and correct in every respect.
- Under section 117 of the *Motor Accidents Compensation Act 1999*, you can be penalised up to \$5,500 or imprisonment for 12 months, or both, for knowingly furnishing false or misleading particulars in this form.
- The collection, use and disclosure of personal information by licensed insurers is governed by the National Privacy Principles under the federal *Privacy Act 1988*.

Declaration

I solemnly and sincerely declare that, to the best of my knowledge, the information given in this Motor Accident Personal Injury Claim Form is true and correct in every respect. I authorise the Nominal Defendant or the insurer, against whom this claim is made, to contact and obtain information and documents relevant to the claim, from:

- any doctor, ambulance service, hospital or other service provider
- any employer or accountant of the injured person
- any police department
- any personal injury claim or workers compensation insurer
- any property damage insurer
- Lifetime Care and Support Authority (LTCSA)
- Centrelink
- Health Insurance Commission (HIC).

I understand that information obtained under this declaration from doctors, an ambulance service or as part of clinical notes from hospitals may include general medical information relevant to my claim.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1900*.

Declared before me, on

Signature of injured person, or person on behalf of the injured person

Signature of solicitor or justice of the peace

Name of injured person, or person on behalf of the injured person

Name of solicitor or justice of the peace

Date / /

This section to be completed by the solicitor or justice of the peace

Business name (if relevant)

Phone

Address

Town/suburb

State

Postcode

This section to be completed if another person signed for the injured person

Family name

Given name(s)

Relationship to injured person

Phone

Reason why the injured person could not sign

Medical certificate

Injured person's information

<input type="text"/>		<input type="text"/>		<input type="text"/>	
Surname/family name		Given name(s)		Date of birth	
<input type="text"/>					
Address		Town/suburb		State	
<input type="text"/>		<input type="text"/>		<input type="text"/>	
Home phone		Work phone		Mobile phone	
<input type="text"/>		<input type="text"/>		<input type="text"/>	
				Date of the accident	

Medical information - to be completed by your doctor

"Your doctor" can be your general practitioner, treating specialist or hospital-based doctor

Are the injuries or conditions consistent with the circumstances of the motor accident described to you?

Yes ☐ No ☐

Medical diagnosis or description of injury

/ /
Date of examination

Clinical findings (symptoms or results of any investigations)

Did the patient
attend hospital? No ☐
Yes ☐

Was the patient
admitted to hospital? No ☐
Yes ☐

Name of hospital (if patient attended or was admitted)

Proposed treatment plan

☐ Treatment likely to be required ☐ Short term (6 weeks) ☐ Medium term (6-12 weeks) ☐ Long term (> 12 weeks)

Specialist <input type="checkbox"/>	<input type="text"/>
Medical or therapy <input type="checkbox"/>	
Rehabilitation <input type="checkbox"/>	
Other <input type="checkbox"/>	

Treatment type

Person's name

Phone or contact details

Describe the patient's fitness for work

☐ Fit to resume normal duties on / /

☐ Fit to resume normal duties with restrictions on / /

Restrictions

☐ Unfit for work from / / until / /

Date of next medical review / /

How long has this patient attended the practice?

Has the patient been treated for any similar condition in the past?

Doctor's information

Doctor's name	Provider number	Work phone	Area of specialty
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>			
Address of practice	Town/suburb	State	Postcode

I declare I am a registered medical practitioner and to the best of my knowledge, the information provided here is true and correct.

Signature

 / /

Date

Check list

Before sending this claim form to the CTP insurer please ensure that you have completed the following steps:

- ☐ Reported the accident to the police
- ☐ Nominated the motor vehicle and person you consider caused the accident at question 20 (page 10) and attached any relevant documents relating to how the accident happened
- ☐ Found out the CTP insurer of the motor vehicle you consider caused the accident by contacting 1300 656 919
- ☐ Signed the statutory declaration (page 17) in the presence of a solicitor or justice of the peace
- ☐ Ensured that you and your doctor have completed the medical certificate. This completed certificate needs to be sent in with the completed claim form
- ☐ Attached proof of age if you were under 16 years at the date of accident
- ☐ Attached to the claim form any original accounts, receipts or invoices you may already have
- ☐ Made a copy of the claim form, certificates, accounts, invoices etc for your own record

Need more information?

Contact the Claims Advisory Service on 1300 656 919 or visit www.maa.nsw.gov.au

LIFETIME CARE AND SUPPORT GUIDELINES

The Lifetime Care and Support Guidelines apply to motor accident injuries occurring on or after 1 October 2006. The Guidelines are issued under section 58 of the Motor Accidents (Lifetime Care and Support) Act 2006.

The Lifetime Care and Support (LTCS) Scheme provides treatment, rehabilitation and attendant care services to people with severe injuries from motor accidents. A person is eligible to participate if their motor accident injury satisfies the eligibility criteria in these Guidelines.

The Guidelines are issued in parts and outline the different requirements of the Lifetime Care and Support Scheme. There are seven parts to these Guidelines.

PART 1	Eligibility criteria for participation in the Lifetime Care and Support Scheme
PART 2	Motor accident injury disputes guidelines
PART 3	Eligibility disputes guidelines
PART 4	Participant planning in the Lifetime Care and Support Scheme
PART 5	Guidelines for decision making about reasonable and necessary treatment, rehabilitation and attendant care services
PART 6	Assessment of treatment, rehabilitation and care
PART 7	Treatment and care needs disputes guidelines

Words and expressions used (but not defined) in these Guidelines have the same meanings as in the Motor Accidents (Lifetime Care and Support) Act 2006.

PART 1

Eligibility for participation in the Lifetime Care and Support Scheme

This Part of the Lifetime Care and Support (LTCS) Guidelines is issued under section 58 of the Motor Accidents (Lifetime Care and Support) Act 2006. Only people injured in a motor accident in NSW who have sustained an injury as defined in these Guidelines are eligible for participation in the Lifetime Care and Support Scheme (the Scheme).

1 Application for participation

An application to become a participant in the Scheme is made by or on behalf of the injured person or by the insurer of a claim. The application must demonstrate:

- 1.1 The person had a motor accident within the meaning of section 3B of the Motor Accidents Compensation Act 1999. The accident must have occurred in New South Wales (section 4(2) of the Motor Accidents (Lifetime Care and Support) Act 2006).
- 1.2 The injury was caused by the motor accident.
- 1.3 The motor accident injury meets the criteria set out below in these Guidelines.

2 Injury criteria

Eligibility for interim or lifetime participation in the Scheme is limited to people injured in a motor accident, who meet the following injury criteria at the time that the application is made.

Where the Functional Independence Measure (FIM or WeeFIM) is required, it must be completed by an assessor approved by the Lifetime Care and Support Authority (approved assessor), unless otherwise specified in writing by the Authority. A reference to the age norm of any item on the WeeFIM is a reference to the normative data published in the WeeFIM Version 5.0 issued by Uniform Data System for Medical Rehabilitation.

2.1 Spinal cord injury

A spinal cord injury is an acute traumatic lesion of the neural elements in the spinal canal (spinal cord and cauda equina) resulting in permanent sensory deficit, motor deficit or bladder/bowel dysfunction.

A person who as a result of the motor accident has had a spinal cord injury is eligible to enter the Scheme if the following criteria are met.

Criteria for spinal cord injury

- The spinal cord injury was caused by the motor accident; and
- there is a spinal cord injury resulting in permanent neurological deficit.

2.2 Brain injury

A traumatic brain injury is an insult to the brain usually with an associated diminished or altered state of consciousness that results in permanent impairments of cognitive, physical and/or psychosocial functions.

A person who as a result of the motor accident has had a brain injury is eligible to enter the Scheme if the following criteria are met.

Criteria for brain injury

- The brain injury was caused by the motor accident; and
- the duration of Post Traumatic Amnesia (PTA), is greater than 1 week. If the PTA assessment is not available (for example, if the child is under 8 years) or not applicable (for example, a penetrating brain injury) there must be evidence of a very significant impact to the head causing coma for longer than one hour, or a significant brain imaging abnormality; and
- one of the following criterion is met:
 - if over 8 years of age at the time of assessment, a score of 5 or less on any of the items on the Functional Independence Measure (FIM or WeeFIM); or

- if aged from 3 to 8 years at the time of assessment, a score two less than the age norm on any item on the WeeFIM; or
- if aged under 3 years at the time of assessment, a medical certificate from a paediatric rehabilitation physician that states the child will probably have permanent impairment due to the brain injury resulting in the need for daily attendant care services.

2.3 Multiple amputations

A person who as a result of the motor accident has had multiple limb amputations or the equivalent impairment is eligible to enter the Scheme if the following criteria are met.

Criteria for multiple amputations

- The injury resulting in the amputations was caused by the motor accident; and
- multiple amputations of the upper and/or lower extremities at or above the fingers (metacarpophalangeal joints) and/or adjacent to or above the knee (transtibial or transfemoral); and
- one of the following criterion is met:
 - if over 8 years of age at the time of assessment, a score of 5 or less on any of the items on the Functional Independence Measure (FIM or WeeFIM); or
 - if aged from 3 to 8 years at the time of assessment, a score two less than the age norm on any item on the WeeFIM; or
 - if aged under 3 years at the time of assessment, a medical certificate from a paediatric rehabilitation physician that states the child will probably have permanent impairment due to the amputations resulting in the need for daily attendant care services.

2.4 Burns

A person who has sustained burns as a result of the motor accident is eligible to enter the Scheme if the following criteria are met.

Criteria for burns

- The injury was caused by the motor accident; and
- full thickness burns greater than 40%; or greater than 30% in children (under 16 years); or
- inhalation burns causing long term respiratory impairment; or
- full thickness burns to the hand, face or genital area; and
- one of the following criterion is met:
 - if over 8 years of age at the time of assessment, a score of 5 or less on any of the items on the Functional Independence Measure (FIM or WeeFIM); or
 - if aged from 3 to 8 years at the time of assessment, a score two less than the age norm on any item on the WeeFIM; or
 - if aged under 3 years at the time of assessment, a medical certificate from a paediatrician that states the child will probably have permanent impairment due to the burns resulting in the need for daily attendant care services.

2.5 Permanent blindness

A person who has lost sight in both eyes as a result of the motor accident is eligible to enter the Scheme if the following criteria are met.

Criteria for permanent blindness

- The injury was caused by the motor accident; and
- The person is legally blind, that is
 - a. Visual acuity on the Snellen Scale after correction by suitable lenses is less than 6/60 in both eyes; or
 - b. Field of vision is constricted to 10 degrees or less of arc around central fixation in the better eye irrespective of corrected visual acuity (equivalent to 1/100 white test object); or
 - c. A combination of visual defects resulting in the same degree of visual loss as that occurring in (a) or (b) above.

3 Interim and lifetime participation

All participants will be accepted as interim participants for up to two years. This is because of the possibility of recovery and ongoing improvement in the injured person's condition, such that the injured person may not meet the eligibility criteria after the two year period. The period of interim participation in the Scheme commences from the date of the Authority's determination.

The decision about whether an interim participant is a lifetime participant in the Scheme is made before the end of the interim participation period.

4 Deferring the making of an application

The Authority may require that the making of an application for eligibility be deferred until such time as injury has stabilised or is unlikely to change. An example of this would be if the injured person lodged an application and did not meet the eligibility criteria at the time of application, however amputation surgery is likely in the near future and the surgery would result in the injured person meeting the eligibility criteria.

5 Making an application

The Authority requires the applicant to provide authorisation for the Authority to obtain information and documents relevant to the motor accident injury from specified persons in connection with the application. This is part of the Application Form.

The form must be signed, all questions completed and all required information attached. If the form does not contain the information necessary for the Authority to make its decision on eligibility, the form will be returned to the applicant with a request for the required information.

There may be circumstances where the Authority may require additional information besides that provided with or in the Application Form. An applicant must comply with any reasonable request by the Authority to supply specified additional information or provide authorisation for the Authority to obtain specified additional information. This could be in circumstances where the Authority cannot make a decision on eligibility without this information, or when it is unclear whether the injured person has sustained a motor accident injury. This information could include:

- the Accident Notification Form or CTP Claim Form (if it has been completed);
- ambulance or air ambulance/retrieval records;
- hospital records;
- treating doctor's reports;
- accident investigations; or
- police reports.

6 The Authority's determination

The Authority will acknowledge all applications in writing within 10 days of receipt of the Application Form.

The Authority will make its determination as soon as possible after the application is lodged, taking into account:

- the information on the Application Form;
- any information attached to the Application Form;
- any additional information that the Authority may request in order to make its determination; and
- the injury eligibility criteria in this Part of the Guidelines.

Applicants will receive the Authority's determination in writing, including reasons for the decision.

Four months prior to the expiration of the interim participation period, the Authority will notify interim participants and any other interested party of the date that their interim participation ceases, after which an application will need to be made for lifetime participation in order to remain in the Scheme.

A new Application Form must be submitted for lifetime participation, and the Authority will notify the injured person and any other interested party whether the accident information section of the form should be completed as well as the other parts of the form including the medical certificate. The medical certificate, in particular the FIM or WeeFIM scores, must be completed within 2 months of the date that interim participation is due to lapse.

PART 2

Motor accident injury disputes guidelines

1 Introduction

This Part of the Guidelines is issued under section 58 of the Motor Accidents (Lifetime Care and Support) Act 2006 ("the Act") and applies to disputes about motor accident injury under Part 3, Division 2 of the Act.

To avoid requirements that might be unreasonable in the circumstances on any person or entity, the Authority may waive observance of any part or parts of these Guidelines.

Definitions

In this Part of the Guidelines:

Act means Motor Accidents (Lifetime Care and Support) Act 2006.

Applicant means an interested person who initiates the request for referral of a dispute.

Assessment means an assessment of the dispute conducted by the panel of claims assessors.

Assessor means a claims assessor designated by the Motor Accidents Authority to assess dispute under section 99 of the Motor Accidents Compensation Act 1999.

Authority means the Lifetime Care and Support Authority.

Certificate means a determination issued under section 20(4) of the Act including the reasons for any finding.

Days is a reference to the number of working days.

Dispute means a dispute as to whether an injury is a motor accident injury under Part 3, Division 2 of the Act.

DX box means an exchange box in the Australian Document Exchange Pty Ltd.

Form means the form approved by the Authority that may contain a request to refer a dispute.

Insurer means an insurer of a claim as defined in section 3 of the Act.

Principal Claims Assessor or PCA means the Principal Claims Assessor of the Claims Assessment and Resolution Service, designated under Part 4.4 of the Motor Accidents Compensation Act 1999.

Request means a request for the Authority to refer a dispute for determination under section 20 (1) of the Act.

Interested person has the meaning as defined in section 20(2) of the Act.

Nominal Defendant has the meaning given to it in section 32 of the Motor Accidents Compensation Act 1999.

Participant means a person who is an interim or lifetime participant in the Lifetime Care and Support Scheme.

A reference to an interested party in these Guidelines includes multiples of parties or multiple parties to any application or request to refer a dispute.

A reference in these Guidelines to a section "X" is a reference to a section of the Motor Accidents (Lifetime Care and Support) Act 2006 (NSW).

Any reference to an assessor in this section of the Guidelines may also include the Principal Claims Assessor.

2 Reckoning of time

- 2.1 Any period of time fixed by these Guidelines for the doing of any act or in connection with any dispute or assessment, or directed by the Authority or an assessor, shall be reckoned in accordance with 2.2, 2.3 and 2.4 below.
- 2.2 Where a time of one day or a longer time is to be reckoned by reference to a given day or event, the given day or the day of the given event shall not be counted.
- 2.3 Where the period in question, being a period of five days or less, would include a day on which the Authority is closed for the lodgement of the request, that day shall be excluded.
- 2.4 Where the last day for lodgement is a day on which the Authority is closed, the lodgement may be done on the next day on which the Authority is open.

3 Abridgement or extension of time

- 3.1 The Authority may, if the circumstances justify, and on terms, abridge or extend any time limit fixed by these Guidelines, including any time limit affecting the Authority or an assessor.
- 3.2 The Authority may extend time after the time expires, whether or not an application or request is made before the time expires or at all.

4 Service

- 4.1 For the purposes of delivery or sending of documents to the Authority, the postal address is:
Lifetime Care and Support Authority
Level 21, 580 George St
Sydney NSW 2000

DX box 1517 SYDNEY
- 4.2 Where a party notifies, in any document lodged, an address for delivery or receipt of documents, then leaving a document at that address or sending a document to that address shall be taken to be received by the person as follows:
 - 4.2.1 in the case of a physical address, on the day the document is left at that address, or
 - 4.2.2 in the case of a physical or postal address, on a day five days after the document is sent, or
 - 4.2.3 in the case of a DX box, leaving a document addressed to the addressee in that DX box or in another DX box for transmission to that DX box, two days after the document is so left,
 - 4.2.4 in the case of an email address, on the day the email or email attachment is sent if sent before 4.30pm, or on the day after the email or email attachment is sent if sent at or after 4.30pm,
 - 4.2.5 in the case of a facsimile number, on the day the facsimile is sent if sent before 4.30pm, or on the day after the facsimile is sent if sent at or after 4.30pm, or
 - 4.2.6 in the case of internet transfer, on the day the internet transfer is sent if sent before 4.30pm, or on the day after the internet transfer is sent if sent at or after 4.30pm.

5 Interpreters

- 5.1 Interpreters accredited by NAATI (National Accreditation Authority for Translators and Interpreters) should be used during the course of an assessment if an interpreter is required.
- 5.2 In the absence of a NAATI interpreter, a non-NAATI interpreter may be used at the discretion of the assessor as long as that person is not a person accompanying the injured person to an examination or assessment.

6 Parties to a dispute and legal representation

- 6.1 Any reference to an injured person in these Guidelines is a reference to the injured person's legal guardian.
- 6.2 The following shall be regarded as parties to a dispute in relation to motor accident injury disputes:
- 6.2.1 the applicant, being the person or party making the dispute application, if the applicant is not the injured person; and
 - 6.2.2 the injured person who is the subject of the Authority's decision on eligibility, whether or not they are a participant of the Scheme at the time that the dispute application is made.
- 6.3 An insurer shall be regarded as a party to a motor accident injury dispute when and not before a claim has been made. For the purposes of these Guidelines this is the date that the claim was received by the insurer.
- 6.4 If a person is a party to a dispute, they are entitled to:
- 6.4.1 receive a copy of the request to refer a dispute, and any other documents related to the dispute submitted to the Authority in relation to that dispute; and
 - 6.4.2 receive a copy of the Authority's decision on eligibility, and any documents related to that decision submitted to the Authority, including the application form for eligibility to the Scheme; and
 - 6.4.3 make a written submission or submissions in relation to the dispute or issues in dispute, which may be in response to any information in the request to refer a dispute by the applicant or any documents attached to that request; and
 - 6.4.4 receive written reports from the panel of claims assessors in relation to the dispute, including the certificate of determination; and
 - 6.4.5 attend an assessment conference with the panel of claims assessors.
- 6.5 If a person is not a party to the dispute, then no information will be provided to that person in relation to the dispute without the injured person's written consent.
- 6.6 If a legal practitioner or agent represents the injured person or any other interested person or party in respect of the dispute:
- 6.6.1 it is sufficient notification for the Authority, an assessor or an insurer to send any document required to be sent to the injured person or party to their legal practitioner or agent; and
 - 6.6.2 the Authority or an assessor may, notwithstanding that the injured person has legal or other representation, contact the injured person directly in relation to any aspect of a dispute or assessment if required in the course of the assessment.

7 Documentation and other supporting material

- 7.1 All documents and other material submitted to the Authority or an assessor in support of an application, submission or request to refer a dispute must be copies of documents and not original documents.
- 7.2 If documents or other material are submitted to the Authority, the Authority shall give a copy of any documents or information provided to the other party.
- 7.3 All correspondence to and communication with an assessor in relation to an assessment, either in respect of a current or concluded assessment, must, unless the Authority directs otherwise, be directed to the assessor, care of the Authority.

8 Jurisdiction

- 8.1 An application may be made to the Authority for referral of a dispute as to whether an injury is a motor accident injury. Such a dispute can only arise after the Authority has notified the injured person in writing as to the Authority's decision on eligibility to the Scheme under section 9 (1) of the Act and Part 1 of the Lifetime Care and Support Guidelines.

- 8.2 Any request for the Authority to refer a dispute must be received within 28 days of receipt of the Authority's decision on eligibility.

9 Requests to the Authority to refer a dispute

- 9.1 Any request for the Authority to refer a dispute must include any information relevant to the dispute as per the Authority's requirements.
- 9.2 The Authority is to consider the request and send a written acknowledgement of this request to the sender within 5 days of receipt.
- 9.3 When a request is made, the Authority will consider the request and attached information to determine:
- 9.3.1 the eligibility of the dispute for assessment; and
 - 9.3.2 whether further information or documentation is required that would assist the Authority or the panel of claims assessors in their determination.

10 Further information or documentation required

- 10.1 If the Authority is satisfied that further information or documentation is required or is likely to assist in the resolution of the dispute, the Authority may:
- 10.1.1 request that the person requesting assessment of the dispute provide further information or documentation within a period of 20 days; or
 - 10.1.2 proceed with referral of the dispute in the absence of the requested further information or documentation, but only after the passing of any period of time specified for the submission of that further information or documentation.
- 10.2 The Authority is to ensure that within 10 days of the acknowledgment date by the Authority, the parties are advised of the outcome of their request to refer the dispute.

11 Rejecting requests to refer a dispute

- 11.1 The Authority may reject any such request if the Authority is satisfied that:
- 11.5.1 the request does not establish that it relates to a motor accident injury dispute outlined in 8. Jurisdiction;
 - 11.5.2 the request has not been made by an interested person within the meaning of 20(2) of the Act; or
 - 11.5.3 the request has not been made within the time frame outlined in 8.2.

12 Referral to Principal Claims Assessor

- 12.1 Within 10 days of advising the parties that the matter is to be referred to a panel of claims assessors, the PCA will convene a panel of 3 assessors to undertake an assessment from the current list of claims assessors, having regard to the location of the assessor and the injured person, and any other relevant matter.
- 12.2 The PCA will arrange for a chairperson of the panel to be appointed, which may be the PCA.
- 12.3 The PCA is to advise the parties and the Authority of the arrangements for the assessment within 5 days of the convening of the panel, including the names of the allocated assessors.
- 12.4 Any party or the Authority may, within 10 days of the date of sending of notification of the names of the assessors on the assessment panel, apply to the PCA to have the dispute re-allocated to a different assessor. Such an application must be made in writing and be accompanied by a detailed statement of factual matters and/or reasons as to why the assessor might be unsuitable.
- 12.5 The PCA shall within 5 days make a decision on such an application under 12.4 and may convene a new panel if satisfied that there are reasonable grounds for believing that the assessor might be unsuitable. If this occurs the PCA is to notify both parties and the Authority, in writing, within 5 days.
- 12.6 The PCA shall arrange for copies to be sent to each member of the assessment panel of the request for the Authority to refer the motor accident injury dispute for assessment and any

accompanying documentation; any additional information or documentation requested under 10.1.1, and the Authority's original eligibility determination and reasons.

13 Preliminary conference

- 13.1 The panel of claims assessors is to conduct a preliminary conference within 10 days of the date the panel was convened.
- 13.2 A preliminary conference may be conducted by way of a three-way telephone conversation (teleconference) or a face to face conference between the panel of claims assessors.
- 13.3 At the first preliminary conference, the panel of claims assessors will decide which member of the panel will certify in writing the determination and reasons on behalf of the panel.
- 13.4 At the preliminary conference and any subsequent conferences, the panel of assessors is to determine how the assessment will proceed, by way of:
- 13.4.1 deciding if there are elements of the dispute which require oral evidence or oral argument from the injured person, the Authority, the applicant, any party to the dispute or any witnesses to the accident;
 - 13.4.2 deciding whether additional information is required in order to make its decision from the injured person, the Authority, the applicant, any party to the dispute or any witnesses to the accident; and
 - 13.4.3 requesting that information be presented in writing from the injured person, the Authority, the applicant, any party to the dispute or any witnesses to the accident.
- 13.5 The panel of claims assessors may hold one or more preliminary conferences in order to determine how the assessment will proceed, but at all times shall act expeditiously.
- 13.6 The chairperson must within 5 days of any preliminary conference, provide a written report to the Authority, the applicant and any party, in writing, on behalf of the panel, advising:
- 13.6.1 the way in which the assessment is to proceed under clause 13.4.1, and
 - 13.6.2 if further documentation or information is required under clause 13.4.2 and 13.4.3, and
 - 13.6.3 of any other decisions made at the preliminary conference.
- 14 External locations**
- 14.1 The panel may, in coming to its decision, visit external locations or hold teleconferences at external locations. In deciding whether to visit external locations the panel shall have regard to:
- 14.1.1 evidence in relation to the circumstances of the motor accident and the presence of any conflicting evidence and reports; and
 - 14.1.2 whether there were any witnesses to the accident; and
 - 14.1.3 the complexity of the case.
- 14.2 In the case of 14.1 where there is to be an external location, and an injured person, witness or any other person is requested to attend, the chairperson will provide notification of the time, date and location to the injured person, the Authority, the applicant and any party to the dispute, providing the panel's reasons in writing as to why the visit is required.
- 15 Dispute determination made at preliminary conference**
- 15.1 The panel of claims assessors may make a determination without conducting an assessment conference, if satisfied that the information before the panel is sufficient to enable a determination to be made in relation to the dispute.
- 15.2 In exercising the discretion not to hold an assessment conference, and make its determination at a preliminary conference, the panel must have regard to:
- 15.2.1 the complexity of the dispute;
 - 15.2.2 whether there are elements of the dispute which require oral evidence or oral argument from the injured person, the applicant, any party to the dispute or any witnesses to the accident;
 - 15.2.3 whether the credit of the injured person or any witness is in issue; and

15.2.4 any submission by the Authority, the injured person or any party as to why an assessment conference is required.

16 Assessment conference

16.1 An assessment conference may be conducted by way of a telephone conversation (teleconference) or a face to face conference between the panel of claims assessors, the injured person (or the injured person's legal representative or agent), and any party (or the party's legal representative or agent).

16.2 Where the chairperson of the panel notifies the Authority and parties of an intention to conduct an assessment conference, the parties must advise the panel chairperson and the other party within 10 days of the notification whether or not they will be represented by an agent or legal practitioner and as far as is practicable the name of the legal practitioner or agent and the extent of the agent's authority, and whether or not an interpreter is required and if so, the language.

16.3 The panel of claims assessors may require the presentation of the respective cases of the parties to be limited to the periods of time that the panel determines are reasonably necessary for the fair and adequate presentation of the cases.

17 Representation at assessment conference

17.1 If a party is legally represented, then the legal representative or agent must, as far as is practicable, be available for the assessment conference. In the case of a party without legal representation such as an insurer, a person with appropriate authority and knowledge of the file must be available for the assessment conference.

17.2 If any party is, without reasonable excuse, unavailable at the time of an assessment conference then the panel of claims assessors may conduct the conference in the absence of the party.

18 Presentation of evidence at assessment conference

18.1 The panel shall determine the manner in which evidence is presented at an assessment conference.

18.2 Each person attending the conference is to be given an opportunity to address the panel on matters relevant to the dispute, and to put to the panel any questions that any party seeks that the panel ask any other person, or any areas that the party wants the panel to explore.

18.3 The examination of parties and witnesses is conducted by the panel, and questions to other parties or witnesses may only be put as directed by the panel.

18.4 The panel may, at the request of a party allow the questioning of a witness or another party, by either party's legal representative or agent, subject to any limitations as determined by the panel.

18.5 The panel may question any party or witness to such extent as the panel thinks proper in order to elicit information relevant to the dispute.

18.6 The panel cannot compel any party or witness to answer any question, but may have regard to the failure of a party or witness to answer a question in the determination of the dispute.

18.7 The panel may adjourn a conference to another time and place at the request of a party or on the panel's own motion.

19 Assessment procedure for assessment conference

19.1 In the case of an assessment involving the presence of the injured person or any other person or party, the assessors are to take such measures as are reasonably practicable to:

19.1.1 ensure that the person involved understands, wherever possible, the nature of the request for assessment and the issues to be considered,

- 19.1.2 ensure that the person involved understands, wherever possible, the role of the panel as a body of independent decision-makers, and the binding nature of the determination that the panel will make; and
- 19.1.3 explain to the person involved any aspect of the procedure of assessment that they do not apparently understand.

20 Persons who may be present at an assessment conference

- 20.1 The panel of claims assessors shall determine who may be present at an assessment conference and the role of that person in giving evidence to the panel.
- 20.2 A parent, legal guardian, carer or other support person may be present during an assessment involving the injured person in order to assist the injured person in any way required.
- 20.3 If an injured person and the person accompanying that person to the assessment under 20.2 is required to be present at an assessment conference, the Authority will pay reasonable costs associated with this attendance for both persons including necessary travel costs.

21 Documentation and other supporting material

- 21.1 The panel of claims assessors may request a party or the Authority to produce documents or information to the panel and:
 - 21.1.1 any such direction must be made in writing by the panel within 5 days of a preliminary conference;
 - 21.1.2 any other party to the assessment must, at the same time, be advised by the panel of the nature of the request;
 - 21.1.3 any documents or information requested are to be provided to the panel within five days of the date of receiving the request, or as the panel requests; and
 - 21.1.4 if documents or information cannot be supplied within that time, the party must as soon as is practicable, apply to the panel for an extension of time, in which case the panel may set a further date.
- 21.2. Subject to the restrictions in 21.3, the panel shall give a copy of any documents or information provided to the other party.
- 21.3. The following documents or information are exempted from the operation of 21.2 above:
 - 21.3.1 material irrelevant to the case of either party and having no adverse effect on either party; and
 - 21.3.2 confidential material where there is a threat to life.

22 Certificate and reasons

- 22.1 Any certificate issued by the panel must be in the form approved by the Authority.
- 22.2 The panel's determination is to be provided within 15 days of the preliminary conference or assessment conference, including:
 - 22.2.1 a certificate that shall certify the panel's determination as to whether an injury is a motor accident injury; and
 - 22.2.2 written reasons for the panel's determination.
- 22.3 The panel will provide the Authority and the parties with the certificate and reasons within 5 days of the determination.

23 Corrections

- 23.1 If a party to an assessment considers that the panel has made an obvious error in the certificate, that party may make an application to the chairperson within 15 days of receiving the certificate to have the error corrected.
- 23.2 Any such application is to be made in writing, setting out details of the obvious error and the terms of the suggested correction.
- 23.3 The chairperson may seek submissions from any party to the dispute and the panel to decide whether there is an obvious error in the certificate.

- 23.4 If the chairperson is satisfied that there is an obvious error in the certificate, the chairperson may approve the panel issuing a replacement certificate.
- 23.5 If the certificate is replaced, the replacement certificate is to be dated the same day as the original certificate and is to be taken to be the decision of the panel.
- 23.6 If the certificate or statement of reasons is replaced, the injured person, the applicant, any party and the Authority must be provided with a copy of the altered certificate or statement of reasons within 5 days of the alteration being made.
- 23.7 Examples of obvious errors in the certificate or statement of reasons include a clerical or typographical error in the certificate, an error arising from an accidental slip or omission, a defect of form or inconsistencies within the certificate.

24 Costs of assessment

- 24.1 Where applicable, the panel of claims assessors will include in its determination a determination of the amount of the reasonable legal costs payable by the injured person, for or in respect of legal services provided to the injured person in connection with the motor accident injury dispute.
- 24.2 The panel's determination of the amount of reasonable legal costs is not assessable, nor payable by the Authority, if the injured person did not receive legal services in connection with the dispute.
- 24.3 In connection with the referral for determination of, and the determination of a dispute, no legal costs are payable by the Authority for or in respect to legal services provided to:
- 14.3.1 the insurer of a claim made by the injured person in respect of the injury;
- 14.3.2 the Nominal Defendant.
- 24.4 The panel's determination in respect to reasonable legal costs pursuant to 24.1 is to be paid to the injured person by the Authority within 28 days of receipt of the panel's determination.

PART 3

Eligibility disputes guidelines

1 Introduction

This Part of the Guidelines is issued under section 58 of the Motor Accidents (Lifetime Care and Support) Act 2006 ("the Act") and applies to disputes about eligibility under Part 3, Division 1 of the Act.

To avoid requirements that might be unreasonable in the circumstances on any person or entity, the Authority may waive observance of any part or parts of these Guidelines.

Definitions

In this Part of the Guidelines:

Act means Motor Accidents (Lifetime Care and Support) Act 2006.

Assessor has the meaning given to it in section 12 of the Act.

Authority means the Lifetime Care and Support Authority.

Certificate means a certificate of the Assessment or Review Panel's determination issued under sections 14(4) or 15(4) of the Act including the reasons for any finding.

Days is a reference to the number of working days.

Dispute means an eligibility dispute which has the meaning given to it under section 14(1) of the Act.

DX box means an exchange box in the Australian Document Exchange Pty Ltd.

Insurer means an insurer of a claim as defined in section 3 of the Act.

Participant means a person who is an interim or lifetime participant in the Lifetime Care and Support Scheme.

Review means a review of an eligibility dispute referred to in section 15 of the Act

A reference to a party in these Guidelines includes multiples of parties or multiple parties to any application or request to refer a dispute.

A reference in these Guidelines to an assessor includes multiples of assessors or multiple assessors conducting an assessment as a panel.

A reference in these Guidelines to a section "X" is a reference to a section of the Motor Accidents (Lifetime Care and Support) Act 2006 (NSW).

2 Reckoning of time

- 2.1 Any period of time fixed by these Guidelines for the doing of any act or in connection with any dispute or assessment, or directed by the Authority or an assessor, shall be reckoned in accordance with 2.2, 2.3 and 2.4.
- 2.2 Where a time of one day or a longer time is to be reckoned by reference to a given day or event, the given day or the day of the given event shall not be counted.
- 2.3 Where the period in question, being a period of five days or less, would include a day on which the Authority is closed for the lodgement of the request, that day shall be excluded.
- 2.4 Where the last day for lodgement is a day on which the Authority is closed, the lodgement may be done on the next day on which the Authority is open.

3 Abridgement or extension of time

- 3.1 The Authority may, if the circumstances justify, and on terms, abridge or extend any time limit fixed by these Guidelines, including any time limit affecting the Authority or an assessor.
- 3.2 The Authority may extend time after the time expires, whether or not an application or request is made before the time expires or at all.

4 Service

- 4.1 For the purposes of delivery or sending of documents to the Authority, the postal address is:
Lifetime Care and Support Authority
Level 21, 580 George St
Sydney NSW 2000

DX box 1517 SYDNEY
- 4.2 Where a party notifies, in any document lodged, an address for delivery or receipt of documents, then leaving a document at that address or sending a document to that address shall be taken to be received by the person as follows:
- 4.2.1 in the case of a physical address, on the day the document is left at that address;
- 4.2.2 in the case of a physical or postal address, on a day five days after the document is sent;
- 4.2.3 in the case of a DX box, leaving a document addressed to the addressee in that DX box or in another DX box for transmission to that DX box, two days after the document is so left;
- 4.2.4 in the case of an email address, on the day the email or email attachment is sent if sent before 4.30pm, or on the day after the email or email attachment is sent if sent at or after 4.30pm;
- 4.2.5 in the case of a facsimile number, on the day the facsimile is sent if sent before 4.30pm, or on the day after the facsimile is sent if sent at or after 4.30pm; or
- 4.2.6 in the case of internet transfer, on the day the internet transfer is sent if sent before 4.30pm, or on the day after the internet transfer is sent if sent at or after 4.30pm.

5 Interpreters

- 5.1 Interpreters accredited by NAATI (National Accreditation Authority for Translators and Interpreters) should be used during the course of an assessment if an interpreter is required.
- 5.2 In the absence of a NAATI interpreter, a non-NAATI interpreter may be used at the discretion of the assessor or the Authority, as long as that person is not a person accompanying the injured person to an examination or assessment.

6 Parties to a dispute and legal representation

- 6.1 Any reference to an injured person in these Guidelines is a reference to the injured person's legal guardian.
- 6.2 The following persons shall be regarded as parties to a dispute in relation to eligibility disputes:
- 6.1.1 the applicant, being the person or party making the dispute application, if the applicant is not the injured person; and
- 6.1.2 the injured person who is the subject of the Authority's decision on eligibility, whether or not they are a participant of the Scheme at the time that the dispute application is made.
- 6.3. An insurer shall be regarded as a party to an eligibility dispute on and not before a claim has been made. For the purposes of these Guidelines this is the date that the claim was received by the insurer.
- 6.4 If a person is a party to a dispute, they are entitled to:
- 6.4.1 receive a copy of the request to refer the dispute, and any other documents related to the dispute submitted to the Authority in relation to that dispute;

- 6.4.2 receive a copy of the Authority's decision on eligibility, and any documents related to that decision submitted to the Authority, including the application form for eligibility to the Scheme;
 - 6.4.3 make a written submission or submissions in relation to the dispute or issues in dispute which will be forwarded to the Assessment Panel or Review Panel; which may be in response to any information in the application or any documents attached to that application; and
 - 6.4.4 receive the Assessment Panel or Review Panel's certificate and reasons.
- 6.5 If a person is not a party to the dispute, then no information will be provided to that person in relation to the dispute without the injured person's written consent.
- 6.6 If a legal practitioner or agent represents the injured person or any other party in respect of the dispute:
- 6.6.1 it is sufficient notification for the Authority, an assessor or an insurer to send any document required to be sent to the injured person or party to their legal practitioner or agent; and
 - 6.6.2 the Authority or an assessor may, notwithstanding that the injured person has legal or other representation, contact the injured person directly in relation to any aspect of a dispute or assessment if required in the course of the assessment.
- 7 Documentation and other supporting material**
- 7.1 All documents and other material submitted to the Authority or an assessor in support of an application, submission or request to refer a dispute must be copies of documents and not original documents.
- 7.2 If documents or other material are submitted to the Authority, the Authority shall give a copy of any documents or information provided to the other party.
- 7.3 All correspondence to and communication with an assessor in relation to an assessment, either in respect of a current or concluded assessment, must, unless the Authority directs otherwise, be directed to the assessor, care of the Authority.
- 8 Jurisdiction**
- 8.1 An application may be made to the Authority for referral of a dispute about whether a motor accident injury suffered by a person satisfies the criteria specified in the Lifetime Care and Support Guidelines for eligibility for participation in the Scheme. Such a dispute can only arise after the Authority has notified the injured person in writing as to the Authority's decision on eligibility for participation in the Scheme under section 9 (1) of the Act.
- 8.2 A dispute application can only be made where the injured person or the insurer disputes the Authority's determination on whether the injured person is a participant or is not eligible for participation in the Scheme.
- 8.3 Any request for the Authority to refer a dispute must be received within 28 days of receipt of the Authority's decision on eligibility.
- 8.4 The Authority may reject any such request if the Authority is satisfied that the request:
- 8.4.1 does not establish that it relates to an eligibility dispute outlined in 8. Jurisdiction;
 - 8.4.2 has not been made by those persons specified in section 14 (2) of the Act; or
 - 8.4.3 has not been made within the time frame outlined in 8.3.
- 9 Dispute application**
- 9.1 Any application to the Authority in relation to a dispute must include any information relevant to the dispute as per the Authority's requirements.
- 9.2 The Authority is to consider the application and send a written acknowledgement of this request to the sender within 5 days of receipt.

- 9.3 When an application is made, the Authority will consider the request and attached information to determine whether:
- 9.3.1 the dispute can be referred for assessment; and
 - 9.3.2 further information or documentation is required that would assist the Authority or the panel of assessors in their determination.

- 9.4 The Authority is to ensure that within 10 days of the acknowledgment date by the Authority as outlined in 9.2, the parties are advised of the outcome in accordance with these Guidelines.

10 Further information or documentation required

- 10.1 In the case of 9.3.2, if the Authority is satisfied that further information or documentation is required or is likely to assist in the resolution of the dispute, the Authority may:
- 10.1.1 request that the parties provide further information or documentation within a period of up to 20 days; and
 - 10.1.2 proceed with processing the application in the absence of the requested further information or documentation, but only after the passing of any period of time specified for the submission of that further information or documentation.
- 10.2 An officer of the Authority may, but only with the consent of the injured person, communicate with any of the injured person's treating health practitioners or service providers in order to clarify the matter or matters in dispute, or to identify the existence of relevant documentation.
- 10.3 The Authority may, at its discretion, communicate with any of the injured person's treating health practitioners in relation to health or physical safety issues noted by an assessor as being of an urgent or serious nature.

11 Assessment Panel

- 11.1 The Authority will, within 10 days of advising the parties that the matter is to be referred to an Assessment Panel:
- 11.1.1 convene an Assessment Panel from the Authority's list of assessors, having regard to the nature of the injury, the location of the assessor, the specialty of the assessor, and any other relevant matter; and
 - 11.1.2 arrange for a chairperson of the Assessment Panel to be appointed.
- 11.2 An officer of the Authority is to advise the parties of the arrangements for the assessment within 5 days of the panel being convened, including names of the assessors allocated.
- 11.3 A party may, within 10 days of the date of sending of notification of the names of the assessors on the Assessment Panel, apply to the Authority to have the matter reallocated to a different assessor. The application must be made in writing and be accompanied by a detailed statement of factual matters and/or reasons as to why any assessor might be unsuitable.
- 11.4 The Authority shall within 5 days make a decision on such an application under 11.3 and may re-allocate the matter if satisfied that there are reasonable grounds for believing that the assessor might be unsuitable.
- 11.5 The Authority shall provide administrative support to the Assessment Panel and in doing so shall arrange for copies to be sent to each member of the panel of:
- 11.5.1 the dispute application and all accompanying documentation;
 - 11.5.2 any additional documentation or information under clause 10.1.1;
 - 11.5.3 the Authority's original determination of eligibility and reasons.
- 11.6 The Assessment Panel is to hold an initial meeting or teleconference within 10 days of the date the panel was convened, and at that meeting is to:
- 11.6.1 decide whether clinical examination of the injured person is required or if the assessment will be completed on the papers provided;
 - 11.6.2 decide whether additional information is required in order to make a decision;
 - 11.6.3 decide which member of the panel will sign any certificates on behalf of the panel;
 - 11.6.4 decide whether a further meeting of the panel is required; and
 - 11.6.5 advise the Authority of any decisions under this clause

- 11.7 In the case of 11.6.1 where there is to be a clinical examination, the Authority will notify the parties in writing of the time, date and location of the clinical examination, and the name and specialty of the assessor or assessors conducting the clinical examination.
- 11.8 In the case of 11.6.1, the Assessment Panel will provide their certificate of determination within 15 days of the clinical examination.
- 11.9 The panel may hold subsequent meetings or teleconferences as required but are to act expeditiously.
- 11.10 Within 15 days of the final meeting of the Assessment Panel, the panel will provide their certificate of determination.

12 Persons present during a clinical examination

- 12.1 The panel of assessors shall determine who may be present at a clinical examination.
- 12.2 A parent, legal guardian, carer or other support person may be present during an examination involving the injured person in order to assist the injured person in any way required.
- 12.3 If an injured person and the person accompanying that person to the assessment under 12.2 is required to be present at a clinical examination, and the examination does not occur at the injured person's home, the Authority will pay reasonable costs associated with attendance for both persons at the clinical examination, including necessary travel costs.
- 12.4 A parent, legal guardian, carer or other support person may attend and provide information to the Assessment Panel during a clinical examination, if the assessor or assessors conducting the clinical examination are satisfied it is reasonable in the circumstances. Assessors may ask any support person to leave the clinical examination room if their presence is deemed to be impeding the assessment process.
- 12.5 Legal, medical or other representatives of the injured person or any other interested party may not be present during a clinical examination unless the Authority gives prior approval and is satisfied that the circumstances warrant it.
- 12.6 During the clinical examination, any person other than the injured person permitted to be present may also be permitted to speak to the assessor or assessors, but only upon questioning and at the discretion of the assessor in accordance with 12.4.

13 Assessment procedure

- 13.1 In conducting an assessment assessors are bound to follow these guidelines for assessment issued by the Authority.
- 13.2 In the case of a clinical examination, the assessor or assessors of an Assessment or Review Panel are to take such measures as are reasonably practicable to:
 - 13.2.1 ensure that the injured person understands the nature of the application and the issues to be considered, the role of the assessors as independent decision-makers, and the conclusive nature of any conclusive certificate that is to be issued; and
 - 13.2.2 explain to the injured person any aspect of the procedure of any clinical examination that they do not apparently understand.

14 Medical documentation

- 14.1 In the case of X-rays, Computerised Tomography (CT or CAT scans), Magnetic Resonance Imaging or other radiological or similar investigations that the applicant or any party intends to rely on, must be listed on the application or otherwise listed in writing.
- 14.2 No original films or scans should be submitted to the Authority.

15 Certificate of determination

- 15.1 The Authority is to ensure that the Assessment Panel to which a dispute is referred gives a certificate that shall certify the panel's decision as to whether injuries suffered by the injured person in the motor accident satisfy the criteria for eligibility for participation in the Scheme. This certificate shall be accompanied by written reasons for the determination in the form approved by the Authority.
- 15.2 A certificate is to be provided to the Authority within 15 days of the assessment, whether a clinical examination was conducted or whether the assessment occurred on the papers provided to the Assessment or Review Panel.
- 15.3 The Authority shall forward a copy of any certificate to the parties within 5 days of receipt.

16 Reviews of Assessment Panel determinations

- 16.1. Any party to a dispute may apply under section 15(1) for review of the determination of an Assessment Panel within 3 months of the receipt of the Assessment Panel's certificate.
- 16.2. An application for review of an Assessment Panel determination must be in writing and specify the applicant's grounds for review listed in section 15 of the Act.
- 16.3. The Authority will consider the application to determine whether there are valid grounds for review, and shall advise the parties as to whether the application is to be referred to a Review Panel or is rejected, supported by a brief statement of reasons, within 5 days of considering the application.

17 Further information or documentation required

- 17.1 If the Authority is satisfied that further information or documentation is required or is likely to assist in the resolution of the dispute, the Authority may:
- 17.1.1 request that further information or documentation be provided within a period of up to 20 days and notify any other party, or
- 17.1.2 proceed with processing the application in the absence of the requested further information or documentation but only after the passing of any period of time specified for the submission of that further information or documentation.

18 Referral to a Review Panel

- 18.1 The Authority will, within 10 days of advising the parties that the matter is to be referred to a Review Panel:
- 18.1.1 convene a Review Panel from the Authority's list of assessors, having regard to the nature of the injury, the location of the assessor, the specialty of the assessor, and any other relevant matter; and
- 18.1.2 arrange for a chairperson of the Review Panel to be appointed.
- 18.2 An officer of the Authority is to advise the parties of the arrangements for the Review Panel assessment within 5 days of the panel being convened, including names of the assessors allocated.
- 18.3 A party may, within 10 days of the date of sending of notification of the names of the assessors on the Review Panel, apply to the Authority to have the matter reallocated to a different assessor. The application must be made in writing and be accompanied by a detailed statement of factual matters and/or reasons as to why any assessor might be unsuitable.
- 18.4 The Authority shall within 5 days make a decision on such an application under 18.3 and may re-allocate the matter if satisfied that there are reasonable grounds for believing that the assessor might be unsuitable.
- 18.5 The Authority shall provide administrative support to the Review Panel, and shall arrange for copies to be sent to each member of the Review Panel, of all the material that was before the original Assessment Panel, the certificate and reasons issued by the Assessment Panel, the review application and any supporting submissions or documents, any additional

documentation or information requested under 17.1.1 and the Authority's original determination of eligibility and reasons.

19 Review Panel assessment

- 19.1 The Review Panel is to hold an initial meeting or teleconference within 10 days of the date the panel was convened and at that meeting, is to:
- 19.1.1 decide whether clinical examination of the injured person is required or whether the assessment can be undertaken on the papers provided;
 - 19.1.2 decide whether additional information is required in order to make a decision;
 - 19.1.3 decide which member of the panel will sign any certificates on behalf of the panel;
 - 19.1.4 decide whether a further meeting of the panel is required; and
 - 19.1.5 advise the Authority of any decisions under this clause.
- 19.2 In the case of clause 19.1.1 where there is to be a clinical examination, the Authority will notify the parties of the time, date and location of the clinical examination.
- 19.3 In the case of 19.1.1 the Review Panel will provide their certificate of determination within 15 days of the clinical examination.
- 19.4 The panel may hold subsequent meetings or teleconferences as required but are to act expeditiously.
- 19.5 Within 15 days of the final meeting of the Review Panel, the panel will provide their certificate of determination.

20 Corrections

- 20.1 If a party to an assessment considers that an Assessment or Review Panel has made an obvious error in a certificate, that party may make an application to the Authority within 30 days of receiving the certificate to have the error corrected.
- 20.2 Any such application is to be made in writing, setting out details of the obvious error and the terms of the suggested correction.
- 20.3 The Authority shall consider the application and, if satisfied that there may be an obvious error, refer the matter to the Assessment or Review Panel concerned. In considering whether or not there may be an obvious error in the certificate the Authority may seek submissions from the parties.
- 20.4 The Assessment or Review Panel may issue a replacement certificate that corrects any obvious error and that will replace the previous certificate.
- 20.5 If a replacement certificate is issued, the replacement certificate is to be titled as a replacement certificate, have the same status as any other certificate, be dated the same date as the date of the original certificate.
- 20.6 If a replacement certificate is issued, the Authority is to provide a copy of the replacement certificate to the parties within 5 days of receiving it.
- 20.7 Examples of obvious errors in the certificate include a clerical or typographical error in the certificate, an error arising from an accidental slip or omission, a defect of form or inconsistencies within the certificate.

21 Costs of assessment

- 21.1 The Authority will pay the reasonable expenses of the injured person and up to one accompanying person as the parent, carer or other support person to assist the injured person, to attend any clinical examination arranged by the Authority.

PART 4

Participant planning in the Lifetime Care and Support Scheme

This part of the Lifetime Care and Support Guidelines is issued under section 58 of the Motor Accidents (Lifetime Care and Support) Act 2006.

To avoid requirements that might be unreasonable in the circumstances on any person or entity, the Authority may waive observance of any part or parts of these Guidelines.

1 Participant planning principles

These principles underpin the development of the Lifetime Care and Support (LTCS) plan and the assessment and provision of treatment, rehabilitation and attendant care for participants in the Scheme.

- The participant is central to all planning and decision making about treatment, rehabilitation and care.
- The aim of treatment, rehabilitation and care is to maximise participation, independence and self determination.
- Plans are developed with the participant in collaboration with their family and in consultation with key service providers.
- Effective rehabilitation and care involves communication and cooperation with the participant, their family, service providers and the Authority.

2 Role of coordinator

The LTCS coordinator is the primary point of contact between the participant, service providers and the Authority.

The LTCS coordinator works collaboratively with participants, family, service providers, and relevant organisations to develop a LTCS plan that meets the participant's ongoing injury related needs. In developing the LTCS plan the coordinator assists the participant to identify and fulfil their life roles.

The LTCS coordinator will have contact with the injured person while in hospital and provide information about the Scheme and assist with completing the application process. They are responsible for the ongoing assessment of the needs of participants and engaging, coordinating and evaluating services to ensure these needs are effectively met.

3 Lifetime Care and Support Plan

The LTCS plan is developed with the participant in collaboration with their family and key service providers. It documents participation goals and specifies the competencies required by the participant and the steps being taken to achieve these goals. This may include current and future treatment, rehabilitation and care. It includes all relevant plans for meeting educational, vocational, recreational, play, rehabilitation, treatment and care needs.

The LTCS plan should assist the participant to:

- maximise independence and participation;
- practice self-determination; and
- achieve enhanced physical and emotional well being.

The LTCS plan should assist the Authority to:

- provide appropriate services based on the participant's need;
- ensure sustainable outcomes for participants; and
- provide quality cost-effective services.

The LTCS plan is the participant's plan; it does not belong to service providers. The planned treatment, rehabilitation or attendant care services should relate to the participant's goals in the LTCS plan.

4 LTCS plan development and review

The participant should take as active a role as possible in developing the LTCS plan. While the LTCS plan will be in place for the lifespan of the participant it will usually be developed in stages, dependent upon:

- age at injury;
- recovery/disability;
- life transition points; and
- social/environmental issues.

Timeframes for reviewing the LTCS plan should be specified in the plan. A review may also occur when new needs or goals are identified or new service options become available.

Development and review of a participant's LTCS plan involves:

- understanding the participant's goals;
- organising a comprehensive assessment of the participant's needs;
- knowledge of the likely sequelae of the injury; and
- planning for expected life transitions.

5 LTCS plan approval and implementation

When approving the services requested in the plan, the Authority will:

- take account of the goals set in the plan;
- consider what is reasonable and necessary for the participant; and
- apply the participant planning principles.

Implementation includes coordinating service delivery, monitoring progress towards the goals in the LTCS plan, and reviewing and adjusting the plan as required.

6 Approved providers and approved assessors

The Authority may approve persons (approved providers) to provide any service in connection with the treatment and care needs of a participant in the Scheme (section 10 (1) a of the Act). When approving providers the Authority will set appropriate selection criteria. Service providers must demonstrate that they meet the Authority's criteria in order to be approved.

The Authority may approve providers to conduct assessments (approved assessors) in connection with the provision of treatment, rehabilitation and care needs of participants.

The Authority may refer to an approved assessor when:

- the participant's existing health team identifies a conflict of interest or reports their objectivity may be compromised;
- the Authority wishes to seek an expert opinion, independent of the participant's existing health team; or
- the participant does not have an existing health team involved.

7 Fees

The fees for medical services is that specified in the current edition of the *List of Medical Services and Fees* published by the Australian Medical Association.

PART 5

Guidelines for decision making about reasonable and necessary treatment, rehabilitation and attendant care services

This part of the Lifetime Care and Support Guidelines is issued under section 58 of the Motor Accidents (Lifetime Care and Support) Act 2006.

To avoid requirements that might be unreasonable in the circumstances on any person or entity, the Authority may waive observance of any part or parts of these Guidelines.

“Reasonable and necessary” criteria

The Lifetime Care and Support (LTCS) Authority will pay the participant's reasonable and necessary treatment, rehabilitation and attendant care expenses related to the motor accident injury. Each request will be dealt with on a case by case basis, and decided taking into account the “reasonable and necessary” criteria below.

That a specific treatment, service or item of equipment is not mentioned in this section of the Guidelines, or is not the subject of a specific policy, does not mean that the Authority will not pay the costs of that service or equipment if it is reasonable and necessary.

Service providers need to give the Authority adequate documentation, outlining the reasons to support their requests, for treatment, rehabilitation and attendant care services. The Authority will use this information to make decisions on whether requests are reasonable and necessary.

A number of factors are considered, including the following:

- Benefit to the participant;
- Appropriateness of the service or request;
- Appropriateness of the provider;
- Relationship of the service or request to the injury sustained in the accident;
- Cost effectiveness considerations.

Answering the following questions will help to identify whether a request is reasonable and necessary.

Benefit to the participant:

What information or benefit to the participant will be gained by the proposed service?

- What is/are the goal(s), expected duration, and expected outcome(s) of the requested service? Has the participant understood and agreed to these?
- How will the proposed service relate to the participant's goals and facilitate participation?
- How will the outcome of the service progress or maintain the participant's recovery/management?
- What would be the outcome of not providing the service?
- Is there any adverse outcome or risk of providing the service?
- Is there sufficient documentation to show the requested service will benefit the participant?

Appropriateness of service or request:

Is the proposed service appropriate for the participant's injury?

- Is the requested service consistent with the participant's current medical or rehabilitation management?
- Does the proposed service relate to the participant's goals in their LTCS Plan?
- Is a similar service currently provided? If so, what is this currently achieving and why is another service required?
- Are the proposed services congruent with other services currently being offered or proposed?
- What related services have been provided in the past and what were the results or outcomes of these services?

- Is the service in keeping with current clinical practice, evidence based practice and/or clinical guidelines (if available)? Is there good evidence that the requested service is not effective?
- Are there any risks and/or contraindications for the service?
- What other services are being provided?
- Could another service or provision of equipment provide an improved or equal outcome?
- Is there another appropriate service available?
- If the service is new or innovative, is there sufficient rationale for offering the proposed service?

Appropriateness of provider:

Is the proposed service provider appropriate?

- Is the provider qualified and appropriately experienced to provide this service?
- Is the provider registered (if applicable)?
- Is the provider appropriate considering the participant's age, ethnicity and any cultural and linguistic factors?
- Are there any conflict of interest issues?
- Is there any reason to suggest the participant would not find this provider acceptable?
- Has the participant chosen an approved service provider or have they expressed a preference?
- Can the participant readily access the proposed service provider?

Relationship to accident:

Is there sufficient evidence to demonstrate that the proposed service relates to the injury sustained as a result of the motor accident?

- How long since the injury? Has the injury stabilised?
- Have there been subsequent accidents, and if so, what is the resulting impact on the participant's function?
- Are there any conflicting diagnoses?
- Are there any pre-existing conditions or accidents to be considered?
- To what extent has the accident exacerbated a pre-existing condition, and what new evidence is there to demonstrate a change in condition?

Cost effectiveness considerations:

Is the proposed service cost effective?

- Has consideration been given to the long term compared to the short term benefits (based on evidence based practice/clinical experience/consensus)?
- Is the cost comparable to those charged by similar providers?
- Are there other services that will achieve comparable outcomes?
- Is the service required because other services or equipment are not available? If so, would it be better to try to provide this other service more speedily?
- If equipment/modifications are required – could alternatives be provided such as lease or rental? Could alternatives be more cost-effective due to technology advances and changes to participant needs?
- Do the expected benefits or outcomes of the service outweigh the costs?

Treatment and Rehabilitation

Policy

The Authority will fund reasonable and necessary treatment and rehabilitation services for participants in relation to the injury sustained in the motor accident. Services should be provided by a qualified health professional.

“Treatment and care” is defined in Section 6 (2) of the Act. For the purpose of this Part of the Guidelines, the phrase “treatment and rehabilitation” is used to mean “treatment and care” as it is defined under the Act.

Rehabilitation and treatment services are included in the hospital inpatient fee, and therefore are not funded separately while the participant is an inpatient.

Rehabilitation is the process of restoring or attempting to restore the participant, through the combined and co-ordinated use of medical, social, educational and vocational measures, to the maximum level of function of which the person is capable or which the person wishes to achieve and includes placement in employment and all forms of social rehabilitation such as family counselling, leisure counselling and training for independent living.

Treatment and rehabilitation services funded by the Authority

The Authority will fund the reasonable and necessary costs of treatment and rehabilitation services where:

- there is clinical justification for services;
- there is evidence that the service is reasonable and necessary in relation to the injury sustained in the motor accident;
- the service is likely to be effective and achieve or maintain a measurable functional improvement; and
- the service promotes progress towards functional independence, participation and self management.

Rehabilitation services are requested as part of the participant's LTCS Rehabilitation and Care plan. All rehabilitation and treatment services require prior approval in writing from the Authority.

Attendant Care

Policy

The Authority will fund reasonable and necessary attendant care services for interim and lifetime participants in relation to the injury sustained in the motor accident.

Background

Attendant care services assist the participant to perform tasks they would normally be able to do for themselves. It is a service provided by an attendant care provider on an agreed rate basis. Attendant care services include personal assistance, domestic assistance, community access, gardening and home maintenance services, child care services and educational and vocational support.

Attendant care services are delivered in such a way as to maximise participant's independence and maintain functional skills and capacities given their age and circumstances. The Authority will fund attendant care where it is identified as being the most age appropriate and least restrictive response to a participant's needs.

In the case of children, the substitution of other assistance in place of attendant care will be considered in order to allow the parent to perform the care. For example, domestic assistance may be substituted in place of attendant care, or child minding for siblings in place of care hours.

Attendant care services can be provided by attendant care providers or organisations that are on the Authority's list of approved attendant care providers. All referrals for attendant care services will be directed to the list of approved attendant care providers, unless otherwise specified in writing by the Authority.

1 Attendant care services funded by the Authority

The Authority's decision on whether the attendant care services are reasonable and necessary will be based on the participant's care needs assessment.

- 1.1 The Authority will fund reasonable and necessary attendant care services to assist and support a participant to perform personal care tasks including:
 - showering, bathing, oral hygiene, dressing and grooming;
 - personal hygiene including bowel and bladder care;
 - nutritional intake;
 - medication use;
 - fitting and use of aids and appliances, hearing and communication devices ;
 - mobility and transfers;
 - health maintenance, for example positioning, application of splints, regular and routine exercises or stretches.
- 1.2 The Authority will fund reasonable and necessary attendant care services to supervise a participant who is assessed as being at risk, having regard to the following factors:
 - whether the participant is assessed as being at likely and significant risk of harm or a medical emergency without supervision;
 - whether electronic communication devices, alarms or environmental control systems are unable to summon help quickly enough, or the participant is unable to use these devices to reduce the participant's exposure to the identified risk;
 - whether appropriate meaningful daytime activities such as open or supported employment, educational and community access programs are available.
- 1.3 The Authority will fund reasonable and necessary attendant care services to assist and support a participant to organise and participate in activities of daily living and instrumental activities of daily living, including:
 - selecting and planning activities;
 - meal preparation and other domestic tasks;
 - caring for dependents;
 - banking and shopping; and

- attending appointments for example, dentist, hairdresser and accessing services such as hospital or medical services.
- 1.4 The Authority will fund reasonable and necessary attendant care services to support and assist a participant to undertake vocational and educational activities, access and use recreational facilities in the community or engage in individual leisure pursuits, for example:
- supporting a participant to return to and maintain employment or school attendance;
 - supporting a participant to participate in a community based course;
 - supporting a participant to attend a school camp;
 - supporting a participant to participate in home and community based leisure pursuits.
- 1.5 The Authority will fund reasonable and necessary attendant care services to ensure that a participant can participate fully in their rehabilitation program. This may include attendant care for approved community based activities and weekend leave while the participant is an inpatient.

The Authority will not fund:

- personal care and nursing services whilst the participant is an inpatient in a hospital, as these services are included in the bed day rate;
- services for an injury, condition or circumstance that existed before a motor accident or that are not a result of a motor accident;
- services that are of no clear benefit to a participant.

2 Attendant care holiday support

The Authority will fund the reasonable and necessary costs of attendant care for interim and lifetime participants while the injured person is on holidays.

2.1 Request for attendant care holiday support

Attendant care holiday support does not require prior approval in writing when:

- no additional attendant care hours are being requested for the duration of the participant's holiday; or
- the participant will be using the same provider engaged for their regular weekly attendant care program.

Attendant care holiday support requires prior approval when:

- additional attendant care hours are being requested for the duration of the participant's holiday; or
- funding of attendant care worker travel or accommodation costs are being requested; or
- the participant will use a different attendant care provider than the one engaged to provide their regular weekly attendant care program.

2.2 Attendant care holiday support funded by the Authority

Where attendant care is assessed as being required because of the participant's level of function, accommodation environment, unfamiliar surroundings or access to equipment the Authority will fund:

- the reasonable cost of shared holiday support to enable a client to access a group holiday, OR the reasonable cost of an attendant care program for a maximum of 28 days per calendar year;
- the reasonable additional cost of accommodation incurred by a participant due to an attendant care worker staying in the same room as the participant or a separate room from the participant, for a maximum of 28 days per calendar year. This additional cost of accommodation will only be considered when a participant is assessed as needing support to travel to and from the holiday destination beyond that provided by airlines, boat or rail systems.
- the reasonable additional attendant care worker costs incurred by a participant in relation to the holiday;
- one return fare (economy) per year to a destination within Australia for the attendant care worker (air, train or boat fare) in cases where the participant cannot travel without an attendant care worker present.

All services require prior approval in writing.

The Authority will only fund the cost of approved shared or individual attendant care holiday support actually provided. The Authority expects participants to use an attendant care provider at the holiday destination, except where a participant is assessed as needing support to travel beyond that provided by airlines, boat, bus/coach or rail systems.

2.3 Equipment hire while a participant is on holidays

Where it is not practical to transport equipment from the participant's home to the holiday destination, the Authority will fund the hire of equipment required for personal care or mobility. The Authority will not fund the cost of any recreation equipment hired on holiday, but will fund the additional cost of equipment hire required as a result of the participant's motor accident injury.

2.4 School holiday programs for children

The Authority will fund reasonable and necessary school holiday programs, child care, family day care, before or after school care programs, camps and support for the child participant to participate in community based sport groups, recreation programs or council based activities.

The Authority will not fund:

- services for an injury, condition or circumstance sustained before a motor accident or that is not a result of a motor accident;
- services that are of no clear benefit to a participant;
- attendant care worker travel costs to accompany a participant to and from the holiday destination, where a participant is assessed as being able to travel with the support provided by airlines, boat or rail systems;
- attendant care holiday support services for persons other than the participant;
- the participant's personal holiday costs such as travel, meals and accommodation;
- the cost of the participant's entry to tourist attractions or the cost of participating in holiday activities;
- business or first class air, rail or boat fares; or
- travel insurance or any other costs associated with changes to travel plans for participants or attendant care workers.

3 Attendant care - family and friends as paid attendant care workers

Policy

Family members or friends will only be employed to provide attendant care services when it is determined by the LTCS coordinator and attendant care service provider, with input from the participant and their family, to be in the best interests of the participant. This will only occur when all other alternative options to provision of attendant care have been considered.

Employment of family members or friends is not encouraged by the Authority but may be necessary in some circumstances, for example, in rural and remote areas where access to attendant care may be limited.

3.1 Principles

The Authority will consider the following principles when considering the provision of paid attendant care services by a family member or friend:

- The needs of the participant will be the primary criteria for considering the use of a family member or friend as a paid attendant care worker, and will be considered in accordance with the objectives of the Scheme to maximise participation.
- The provision of paid care services by a family member should not jeopardise a participant's ability to reach their maximum independence or maintain functional skills or capacities.
- A family's need for an additional income source is never an appropriate justification for the provision of paid care services by a family member.

- The provision of attendant care services by a friend or family member should not put the overall functioning of the family unit, or an existing friendship, at risk. The needs of other family members, especially children, should be taken into account.
- Recruitment of family and friends as attendant care workers is only an option when all other alternatives to attendant care service provision have been considered.
- The decision to allow the family member to work as a paid member of the attendant care team will be regularly reviewed, depending on the circumstances of the participant and family.
- The decision to allow the family member to work as a member of the attendant care team will be reviewed at least annually when the participant is aged 12 or older.

3.2 Alternative options and issues to be considered

The family and LTCS coordinator should explore alternative options to employing family and friends as paid attendant care workers, including:

- the availability and nature of existing attendant care workers in the participant's local area;
- any factors impacting on the choice of attendant care provider, e.g. whether the participant's choice of provider from the Authority's list of approved attendant care providers is limited due to cultural, religious or geographical circumstances specific to the participant;
- the nature and complexity of the required care tasks, such as assistance with toileting or bathing, tracheostomy care, or the method of nutritional intake;
- whether the decision to recruit family or friends as attendant care workers would cause the participant distress that would contribute to health deterioration of the participant or family member.

3.3 Requirements for funding family and friends as attendant care workers

The Authority will only fund reasonable and necessary attendant care provided by a family member as an attendant care worker, as a member of the wider team of service providers, when the following requirements are met:

3.3.1 Attendant care needs approved by the Authority

- The participant has been assessed as requiring attendant care by either the LTCS coordinator or an approved assessor, and the Authority has approved the care.
- The LTCS coordinator provides written justification for the provision of care by the family member, outlining why it is in the best interest of the participant, and how all other viable alternatives have been considered in making this recommendation.

3.3.2 Participant agrees to arrangement

- The participant is aware of the plan for attendant care provision by the family member or friend as a paid attendant care worker, is aware of the alternatives, and supports the arrangement. Where a participant does not have capacity, their guardian supports the arrangement.

3.3.3 Requirements for the family member or friend

- The family member is employed by an approved attendant care provider and has met that provider's criteria with the demonstrated skills, knowledge and attitude necessary to provide the required level of attendant care to the participant.
- The family member is able to meet the attendant care provider's standards for service delivery, and comply with Occupational Health and Safety guidelines and other legislated standards.
- The family member is able to meet the ongoing training requirements of the attendant care provider.
- There is no obvious conflict of interest arising from attendant care provided by a family member or friend as a paid attendant care worker that may impact on the participant's ability to maximise their independence or maintain functional skills or capacities.

- The LTCS coordinator has discussed the proposed arrangements with the participant, family, treating health team and attendant care provider to identify any issues or potential barriers associated with the provision of paid care by the family member or friend.
- An appropriate back up service is identified and utilised in case of the employed family member's illness, annual/recreational leave or days off.

The Authority will not fund attendant care services that are provided by family or friends and payment for the services is requested from the Authority, where the Authority has not approved the need for care, or the care provided is not part of the care plan.

Education support services

Policy

The Authority will fund the reasonable and necessary cost of additional education and training support services that are required as a result of the motor accident injury. These services are additional to those services the participant is entitled to under applicable state or federal legislation, administered by the NSW Department of Education, NSW Association of Independent Schools and the Catholic Education Commission of NSW.

Background

The Authority may support the participant's commencement at or return to appropriate educational settings within:

- preschool;
- childcare, including before and after school care;
- primary, secondary and special schools; or
- higher and vocational education.

Education and training support services assist in maximising a participant's involvement in an education program and aim to minimise the impact of the injury, taking account of the participant's pre-accident status. They are part of a participant's overall rehabilitation program and will be based upon measurable learning and development outcomes. The Authority considers the education provider to be responsible for the provision of educational and training support services appropriate to the participant's development and capabilities.

Education support services will be reviewed regularly. The Authority will regularly consult with service providers to review education or training support services to ensure they continue to meet the student's changing needs. The type and amount of services that the Authority funds may change when:

- the participant's needs change;
- their education setting or program changes; or
- the service funded is no longer the most appropriate response to the participant's needs.

Approval of funded education support services

The Authority will fund education and training support services for a participant whose ability to engage in an education program, appropriate for their age and developmental abilities, has decreased as a result of their motor accident injury.

The Authority is not responsible for the funding of any service to which the participant is entitled under the applicable state or federal legislation, including services and programs provided in schools or other educational settings to which the participant is already entitled. This includes modifications to schools or other educational premises, which will be funded by the Authority only if they are reasonable and necessary and are not the responsibility of the state or federal governments.

To determine whether a participant is eligible for education and training support and training services, the Authority may consider:

- the participant's pre-accident development and learning history;
- services which the participant accessed, was on the waiting list for, or was assessed as requiring prior to the motor accident;
- measurable changes in the participant's ability to engage in education and training as a result of their motor accident injury;
- assessment by an independent therapist, special educator, or other specialist professionals in child education and development; and
- existing education and training support that the participant is able to access.

The support services may include:

- tutorial support;
- teacher's aides/assistants;
- transitional support;

- professional support specific to the participant;
- equipment (refer to the Equipment policy);
- specialist support, such as therapists, special education or other professionals.

The Authority will fund additional education and training support to:

- cover a participant's learning missed during an absence from school or tertiary/vocational studies that is a result of motor accident injuries, for example due to a long hospital admission or continued absences due to an outpatient rehabilitation program; or
- consolidate a participant's learning where an injury-related learning need has been identified.

A suitably qualified provider must recommend that the service is the most appropriate service for the participant to achieve measurable learning outcomes or the service will enable the participant to return to their pre-accident level of academic achievement, or a level consistent with their motor accident injury.

The Authority expects that an education or training provider will incorporate and implement recommendations in collaboration with the specialist provider into a participant's individual plan.

The Authority will not fund:

- services that are of no clear benefit to a participant;
- services for a condition that existed before a motor accident or that is not a result of a motor accident;
- services that the participant accessed, was assessed as needing or was on the waiting list for prior to the motor accident;
- education expenses levied by the educational institution including school fees, fees for excursions or school camps, stationery and uniforms that are the responsibility of the parent or guardian. The Authority will fund the additional expenses that are required as a result of the motor accident.

Equipment

Policy

The Authority will fund equipment for participants where it is assessed as reasonable and necessary to meet a medical, rehabilitation or care need in relation to the injury sustained in the motor accident, including requests for equipment not specifically mentioned in this policy.

Equipment may be provided to:

- increase independence;
- improve mobility;
- aid communication;
- relieve pain or discomfort;
- return to vocational, educational, or leisure activities; or
- increase the safety of the participant, their family, carers or attendant care workers.

1 Eligibility to receive equipment

The Authority will fund the reasonable and necessary costs of equipment for a participant whose motor accident injury has caused an impairment to function in any of their activities of daily living, instrumental activities of daily living, mobility or participation.

The Authority requires written justification for the requested equipment from the participant's treating medical practitioner or therapist on the equipment request form.

2 Obtaining equipment

The Authority will order equipment from the equipment suppliers on behalf of the participant, except for continence equipment/products and small stock items under \$300 (per item).

Providers/hospitals may directly order up to \$300 per item of equipment from the following list of items to facilitate participants' smooth discharge from hospital. The person must be verified as a participant of the Scheme before orders can be made by hospitals from the list:

- dressing aids (e.g. long handled sponge/shoehorn, toe wiper, sock aids, button hooks, elastic shoelaces);
- bath board;
- shower stool/chair;
- kitchen and meal preparation equipment;
- bed pole;
- adaptive cutlery/eating aids;
- over toilet frame;
- grab rails and installation;
- non-slip mat;
- crutches/walking stick;
- hand held shower;
- urinal;
- kitchen stool;
- toilet surrounds;
- commode bucket and hygiene products;
- thermoplastics/splints; and
- low technology (non electronic) communication aids.

A guide to equipment needs for participants with a spinal cord injury can also be found in the Motor Accidents Authority's publication *Guidelines for levels of attendant care for people who have spinal cord injury and can claim under the New South Wales Motor Accidents Scheme*.

4 Provision of equipment over \$500

The Authority may require the participant or their guardian to enter into an agreement that details the conditions of use, maintenance, insurance and ownership of customised equipment or equipment exceeding a value of \$500.

5 Environmental control equipment

The Authority will fund the reasonable and necessary cost of equipment for the purpose of environmental control. This includes equipment that requires physical or structural modification to the participant's home, which is detailed in the Home Modifications policy.

6 Ownership of Authority funded equipment

Equipment funded by the Authority remains the property of the Authority unless an agreement is made with the participant regarding ownership. The equipment will be made available to the participant for their sole use for as long as the participant needs the item.

7 Partial liability for equipment

Participants may be required to contribute to the cost of equipment in cases where the equipment is only partially related to the participant's motor accident injury, or the item requested is beyond what is reasonable and necessary in relation to the participant's motor accident injury.

Where a participant makes a reasonable financial contribution towards the purchase of the equipment, for example, more than 30% of the purchase price, the participant will be the owner of the equipment.

8 Maintenance and repair of the equipment

The Authority will fund the reasonable and necessary cost of:

- maintenance and repairs to equipment funded and owned by the Authority, resulting from normal wear and tear;
- adjustments to equipment due to growth, or other change in the participant's need;
- repairs where the Authority has accepted partial liability for the purchase or modification of equipment, consistent with the level of the Authority's contribution to the purchase or modification of the equipment.

9 Replacement of worn or damaged equipment

The Authority will replace equipment that has worn as a result of normal use over a reasonable period of time, if it is still required by the participant or to accommodate changed needs related to participant growth.

The Authority will fund the replacement of any injury-specific modifications or extras that cannot be transferred from old equipment where it is a normal item of household or recreation equipment, such as a bed or modified recreation equipment.

10 Equipment for recreation/sporting purposes

The Authority will fund the reasonable and necessary costs of specialised adaptations to equipment to return a participant to a pre-accident recreational activity, to substitute a pre-accident recreational activity for another recreational activity or to commence a developmentally appropriate activity. Such costs can include:

- hire of recreation equipment adapted for the participant's needs while the participant trials the activity as part of an approved rehabilitation plan; or
- purchase of recreation equipment adapted to the participant's needs once a successful trial has taken place and a demonstrated commitment has been made to continue participation in the activity. The Authority defines "demonstrated commitment" as, for example, club membership, regular venue booking, or other evidence of regular participation.

The Authority will not fund large capital items or recreational vehicles.

11 Personal computer equipment

The Authority will fund the reasonable and necessary cost of personal computer equipment to:

- increase the participant's independence in communication;
- enable the participant to return to work;
- enable the participant to participate in a return to work program;
- enable the participant to access education; or
- increase the participant's independence in instrumental activities of daily living such as shopping, banking and bill paying.

The Authority will fund the reasonable and necessary cost of computer equipment when:

- the participant's need for the equipment has been assessed as related to the motor accident injury;
- a recommendation is made by a person with specialist knowledge and experience in the application of computer equipment to achieving independence goals for people with a disability (e.g. occupational therapist or speech pathologist);
- the participant does not own or have access to a computer that meets their needs related to the injury.

The Authority will fund the reasonable and necessary cost of a basic hardware and operating system when the participant does not currently own or already have access to computer equipment.

Consideration will be given to the participant's likely percentage of injury-related use of the computer where it will be used by people other than the participant, or for purposes other than those outlined above.

11.1 Communication

Where a participant has a substantially reduced capacity with speech, writing or reading as a result of their motor accident injury, the Authority will fund the reasonable cost of:

- upgrades to the participant's existing hardware or software that are required to run specialist or adaptive software or peripherals;
- specialist or adaptive software;
- specialist or adaptive peripherals;
- installation of the above noted computer hardware, software and peripherals.

The Authority will fund an upgrade to a participant's personal computer equipment when their independence in communication changes and the current equipment, including hardware, software or peripherals, no longer maximises the participant's independence in communication. The Authority will also fund an upgrade to the computer equipment when the equipment is no longer serviceable and the participant still has an injury-related need.

11.2 Return to work

The Authority will fund the reasonable and necessary cost of hardware and software required to enable the participant to work remotely and an internet connection and subscription to enable a participant to work remotely until they can access their workplace, where a participant:

- is an inpatient in a hospital or is unable to access their pre-accident place of employment as a result of their motor accident injury;
- does not own or have access to computer equipment that would enable them to work while at home or in hospital;
- the participant's employer agrees to them working remotely.

11.3 Vocational retraining program

Where the use of a computer is a requirement of a Authority funded vocational retraining program and a participant is not able to access the computer facilities provided by the vocational retraining provider or does not own or have access to suitable computer equipment, the Authority will fund the reasonable and necessary cost of:

- hardware and software, including adaptive software and peripherals, required to enable the participant to complete the requirements of the funded vocational retraining program;
- an internet connection and subscription for the duration of the vocational retraining program, where this is a requirement of the program.

11.4 Education

The Authority will fund the reasonable and necessary cost of personal computer equipment where a participant:

- is enrolled in distance education, or school or tertiary education that is able to provide remote learning;
- is unable to access their educational institution, including the computer facilities of the educational institution;
- does not own or have access to suitable computer equipment.

While the participant is unable to access their educational institution, the Authority will fund:

- hardware and software, including adaptive software and peripherals, required to enable the participant to participate in distance education; and
- an Internet connection and subscription.

11.5 Instrumental activities of daily living

The Authority will fund the reasonable and necessary cost of personal computer equipment to increase a participant's functional independence in their instrumental activities of daily living such as shopping and money management when a participant:

- lives in a remote location;
- has a severe physical impairment; or
- has some other motor accident related condition that inhibits the participant's access to the community, such as physical disfigurement or incontinence.

In such instances, the Authority will fund:

- hardware and software, including adaptive software and peripherals, required to enable the participant to utilise online banking and shopping services; and
- an Internet connection and subscription.

11.6 Request for personal computer equipment

Computer equipment may be recommended by an occupational therapist, speech pathologist or education specialist who has experience in computers for people with communication or physical disabilities.

11.7 Internet access for short term programs

Except for those participants that meet the criteria under 11.5, the Authority will only fund the reasonable and necessary cost of Internet access for short-term programs such as:

- a hospital inpatient unable to temporarily access their workplace;
- a short-term return to work program; or
- an educational program.

The Authority will not fund:

- Internet subscriptions, unless specifically noted in sections 11.5 and 11.7;
- computer games or games consoles (such as Playstation or Xbox) or games controllers (such as joysticks or steering wheels);
- equipment that is available without cost (such as virus protection software);
- the additional cost of software, hardware or peripherals where this is the participant's personal preference and is not required to maximise a participant's independence (for example, a mirrored hard drive or LCD monitors);
- the additional cost of software upgrades where this is the participant's personal preference, and is not required to ensure that the participant's computer remains serviceable or maximise a participant's independence in computer use;
- the cost of an additional phone line for Internet access.

12 Other electronic equipment

The Authority will fund the reasonable and necessary costs associated with the purchase of electronic equipment recommended by a therapist, including modifications to electronic equipment, that are required for rehabilitation purposes, or to increase the participant's independence.

Examples of electronic equipment that may be funded include:

- personal alarms;
- environmental control units;
- communication devices;
- electronic organisers such as personal digital assistants (PDAs).

For the Authority to fund the reasonable and necessary costs associated with the purchase of electronic equipment, the:

- equipment must be recommended by a person with specialist knowledge and experience in the application of such equipment;

- equipment must meet a rehabilitation need and/or assist a participant with achieving independence goals;
- monitoring and assessment procedures of the equipment are outlined, including any associated training requirements are listed.

12.1 Modifications to electronic equipment

The Authority will fund the reasonable and necessary cost of upgrading or modifying of electronic equipment that was owned by a participant prior to the motor accident, to enable the participant to access the equipment. However, in circumstances where the cost of modification of existing equipment exceeds the cost of purchase and the equipment is reasonable and necessary, the Authority will fund the purchase of new equipment.

13 Beds/mattresses

The Authority will fund the reasonable and necessary cost or contribution to the cost of the purchase of a bed where:

- the need for the replacement mattress/bed is due to the participant's motor accident injury;
- a suitably qualified health provider makes the recommendation;
- a participant's motor accident injury requires them to have ongoing in-home care and support needs that require a hospital-type adjustable bed and/or pressure relief mattress; and
- an approved physical assessment and home assessment of the participant's bed is made by a suitably qualified health provider, who recommends the participant's current mattress and/or bed be replaced by a commercially available mattress and/or bed due to the participant's motor accident injury.

In deciding whether the Authority will fund the total cost of a bed or, to determine the extent of contribution toward the reasonable cost of a bed, the Authority will consider:

- the age of the participant's current bed;
- the condition of the participant's current bed; and
- the extent to which the motor accident injury is related to the need for a new bed.

13.1 Size/type of replacement bed/mattress

The Authority will fund the reasonable cost of a replacement mattress and/or bed of a size and type similar to the participant's pre-accident bed, e.g. a single bed/mattress would replace a single bed/mattress.

If a participant requires a bed of a different size/type than their pre-accident bed, due to the injury sustained in the motor accident, the Authority will fund the reasonable difference in cost between the participant's pre-accident bed and the cost of the new size/type of bed.

13.2 Purchase of a bed for non-accident related injuries

The Authority will not fund mattresses and/or beds where the need arises from any pre-existing injury or disability, unless the injury has been aggravated by the motor accident.

The Authority will not fund antique bed replacements or repairs, waterbeds or waterbed heaters.

14 Wheelchairs, scooters, walking frames and other mobility aides

The Authority will fund the reasonable and necessary cost, including the replacement cost, of wheelchair, scooter, walking frame and other mobility aides to enable participants to safely access their home, their workplace and the community.

The Authority requires walking frames and other mobility aides to be prescribed by a rehabilitation physiotherapist, and wheelchairs and/or scooters to be prescribed by a specialist seating clinic or other suitably qualified and experienced therapist. The therapist recommending the equipment will need to confirm that the:

- participant has been assessed as requiring the equipment to safely access their home, workplace and/or community;
- mobility equipment is the safest and most functional option for the participant given their lifestyle requirements;

- wherever possible, the participant has successfully trialled the wheel chair or scooter or a similar variety in their place of residence, work and/or community; and
- the participant and their carer or guardian have been instructed as to the correct use of the wheelchair or scooter.

15 Hoist

The Authority will fund the reasonable and necessary cost of a hoist to enable participants to safely transfer. The Authority requires hoists be prescribed by an occupational therapist or physiotherapist who can confirm that:

- the participant has been assessed as requiring the equipment to safely transfer within their home;
- a hoist is the safest and most functional option for the participant, their family and attendant care workers;
- a hoist has been successfully trialled where possible and safely transferred the participant in a variety of situations;
- an occupational therapist has conducted a home assessment and the hoist is suitable for the participant's environment; and
- the participant and their carer or guardian have been instructed as to the correct use of the equipment.

16 Ventilation, tracheostomy and other ostomy equipment

The participant or their guardian may order ventilation, tracheostomy or other ostomy equipment directly from the supplier where the Authority accepts that the ongoing provision of this equipment is due to the participant's motor accident injuries. This equipment does not require prior approval from the Authority. The Authority will provide telephone numbers and other contact details, for ordering purposes, to those participants who require this equipment.

17 Continence equipment

Where the Authority accepts that the ongoing provision of this equipment is due to the participant's motor accident injury, the Authority will fund continence equipment for a participant where the continence equipment prescription and order form is completed by a suitably qualified clinical nurse consultant, clinical nurse specialist or specialist medical practitioner.

The Authority is unable to fund continence equipment where the participant is an inpatient, or where a bed fee includes the provision of this equipment.

The nurse or specialist medical practitioner prescribing the continence equipment must indicate the period for which the prescription applies. A new continence equipment prescription and order form will be required once the existing prescription has expired. This process will involve review by a continence nurse and/or a suitably qualified specialist medical practitioner.

If an item is ordered by a participant and has not been prescribed, is not considered reasonable and necessary, or is in excess of the quantity prescribed, the equipment supplier will need to notify the Authority who will consider whether the Authority is liable to fund this equipment.

18 Functional Electronic Stimulation (FES)

The Authority will pay the reasonable and necessary cost of FES and associated procedures required for the participant's motor accident injury. The Authority will pay for FES subject to a participant being assessed and endorsed by a medical specialist authorised to perform the procedure. The Authority will only pay for FES if prior approval was obtained.

The Authority will only approve an FES surgical procedure for a participant who is evaluated by the medical specialist and satisfies the strict clinical criteria. These criteria include the participant:

- having high motivation to participate in the entire program of care;
- being in good health;
- having skeletal maturity - approximately sixteen years or older;
- having tetraplegia, due to a clinically complete traumatic cervical spinal cord injury, leaving a C5 or C6 functional motor level; and
- being at least one year post-injury.

The Authority will pay the reasonable and necessary cost of hospitalisation, and any medical or surgical services associated with the FES procedure. The Authority will pay the reasonable cost of the receiver-stimulator device.

19 Transcutaneous Electrical Nerve Stimulation (TENS)

Transcutaneous Electrical Nerve Stimulation (TENS) units use electrical impulses to alleviate both chronic and acute pain conditions. The Authority will fund the reasonable and necessary cost of a TENS unit when prescribed by a medical practitioner as treatment for the motor accident injury.

The Authority requires confirmation from the participant's physiotherapist that they recommend the use of the TENS equipment and why it is reasonable and necessary.

The Authority will not pay TENS suppliers for consultations charged for fitting of a TENS unit. The Authority will reimburse the reasonable and necessary cost of accessories required to use a TENS unit, for example, gel, replacement pads and electrodes.

20 Room temperature control equipment

The Authority will fund room temperature control equipment if the participant is unable to self regulate their body temperature as a result of a motor accident, or the lack of room temperature control causes secondary care complications.

For example, for a complete spinal cord lesion at or above the level of T6, the Authority will fund the reasonable and necessary cost of the provision and installation of an air conditioning or evaporative cooling unit or a heater.

Information required by the Authority

For clients with a complete spinal cord lesion at or above the level of T6, the Authority requires documentation that this injury was sustained as a result of the motor accident injury. For all other clients, clinical evidence of the client's impaired or absent ability to regulate their body temperature such as documented changes in the client's function in hot weather, from a suitably qualified specialist, to consider a request for a heating or cooling unit.

Areas of the home the Authority will fund room temperature control equipment

Where the medical need for cooling of the thermal environment has been certified by a suitably qualified specialist, the Authority will determine the areas of the client's home that it is reasonable to heat or cool having regard to the following factors:

- the main areas of the house that the client is required to access for substantial periods of time;
- the structure and layout of the client's home, e.g. a house with a second storey that the client cannot access ;
- the amount of time that the client spends or is likely to spend at home as part of their regular weekly routine.

To determine the reasonableness of the request for areas of the client's house to be heated or cooled, the Authority may require an independent assessment and report by an occupational therapist with qualifications and experience in accessible housing or a person specialising in building modifications.

The Authority will not fund:

- room temperature control equipment where there is no clinical evidence that the client is unable to self regulate their body temperature as a result of the motor accident injury;
- room temperature control equipment for areas of a client's home that the client is unable to access or is not required to access on a daily basis such as a second bathroom or second lounge room.

In considering any requests to fund room temperature control equipment for areas other than the client's home, the Authority will consider the following:

- the participant's family situation (e.g. child participants who spend time at both places of residence of their parents who do not live together);
- the participant's employment status;

- frequency of visits and length of time spent per visit to the area that room temperature control equipment is requested;
- benefit to the participant from funding room temperature control equipment as requested; and
- alternatives and any consequences of the service not being provided.

Conditions imposed on the purchase of room temperature control equipment

For room temperature control equipment that costs more than \$5000, the Authority may request a client or their representative to sign a capital services agreement. The capital services agreement will include information regarding:

- ownership and maintenance of the equipment;
- subsequent equipment purchases;
- changes of ownership; and
- frequency of modifications and changes of ownership.

Operation, maintenance and repair costs for room temperature control equipment

The Authority may contribute to the costs associated with the operation, maintenance and repair of room temperature control.

Operating costs

Operating costs may include the cost of electricity or gas and consumable items such as lubricating oil and filters. The Authority will only consider a contribution to the cost of electricity or gas where an increase in the total consumption can be shown to relate directly to the running of the room temperature control equipment. The equipment may have been purchased by the Authority or owned by the client and now required more frequently.

To calculate the amount of electricity or gas for which the Authority is liable for the difference in pre- and post-accident electricity or gas, costs must be demonstrated by the production of accounts or account summaries. The Authority will calculate additional electricity or gas costs based on the increase in kilowatt hours or cubic metres multiplied by the cost per unit, rather than the gross dollar increase, which may be related to increases in other costs for which the Authority is not liable.

The Authority will calculate the costs associated with the operation of room temperature control equipment having regard to the following factors:

- the equipment to be operated, e.g. air-conditioner or heater;
- the number and size of rooms to be heated/cooled;
- whether the room temperature control equipment is used by the participant alone and the mutual benefit for other household members;
- the proportion of the pre-accident utility accounts related to the participant's usage; and
- eligibility for energy concessions such as the pensioner concession card.

Any change of domestic circumstances or prolonged absence from home will require a reassessment of contribution rate.

Maintenance and repair costs

Maintenance and repair costs may include servicing, preventative maintenance and repairs. The Authority will fund a contribution to the reasonable costs of servicing, preventative maintenance and repairs of room temperature control equipment.

The Authority will negotiate this contribution having regard to the following factors:

- the equipment to be operated, e.g. air-conditioner or heater;
- the number and size of rooms to be heated or cooled; and
- whether the room temperature control equipment is used by the participant alone and the mutual benefit for other household members.

Any change of domestic circumstances or prolonged absence from home will require a reassessment of contribution rate. To reimburse the approved contribution to gas or electricity costs, the Authority requires a copy of the gas or electricity account showing the calculation of cost for utility consumption and evidence of payment of the account.

Home modifications

Policy

The Authority will fund the reasonable and necessary cost of home modifications for a participant who, in the long term, is residing in a new home or returning to their existing home.

Background

The Authority recognises that some participants, as a consequence of their motor accident injury, may require home modifications in order to access their homes and live safely.

The Authority will fund home modifications following advice on all residential options. All reasonable options will be considered when addressing a request for home modifications inclusive of installation and provision of equipment, structural alterations and relocation.

All home modifications require prior approval in writing by the Authority.

Definitions

Home – a domestic structure which is a participant's usual place of residence, for example a house, unit or flat.

Home modification – partial change, alteration made to a participant's home

Relocation costs – costs directly related to moving from one home to another

Rental property – a home lived in by a participant whereby rent is paid to a private owner, Department of Housing, or Community Housing Association.

Semi-detachable portable unit – a building that can be moved, primarily in one piece

Approval of home modifications

Approval of home modifications is determined by the extent of physical injury and/or permanent loss of physical functioning/mobility that a participant has experienced as a result of their motor accident injury. In some instances, approval may also be determined by the extent of cognitive/behavioural impairment. Factors for consideration may include:

- impaired mobility;
- wheelchair dependence/partial or total ability to transfer ;
- impairment to arm and/or hand function;
- impaired thermo regulation;
- cognitive and behavioural impairment such as impulsiveness, lack of awareness or insight, poor judgement; and
- safety of the participant, their family and attendant care workers.

The Authority will fund the reasonable and necessary cost of home modifications based on the completion of:

- an assessment and report on the home modification needs, by an occupational therapist with qualifications and experience in disability housing; and/or
- in the case of major modifications a report, prepared by a building modifications project manager.

The report of the occupational therapist or building modification project manager must take into account:

- disability building standards;
- general building regulations;
- consultation with the participant or their guardian; and
- the social integration needs of the participant.

Participant owns a home that is suitable for modifications

If a participant and/or their family own a home that can be modified, the Authority will fund reasonable and necessary:

- structural modifications, for example, door widening, bathroom modification, construction of an additional room;
- changes to fittings or layouts, for example, installation of rails, installation of portable ramps, provision of equipment; and
- installation of safety devices to gas, electricity or water supplies and appliances.

Participant does not own a home suitable for modifications

If a participant does not own a home suitable for modification, the Authority will fund the reasonable and necessary contribution to the reasonable cost of a semi-detachable portable unit, or contribution to the participant's reasonable relocation costs to another home.

Suitability of a home to be modified

A builder or architect with experience in building modifications for people with disabilities will assess and make recommendations regarding the suitability of a home to be modified, having regard for the following factors:

- occupational therapist recommendations;
- age of dwelling;
- materials;
- design and structure of the dwelling;
- size of the dwelling;
- local planning regulations;
- surrounding terrain; and
- any relevant Australian Standards.

Factors that may impact upon the reasonableness of home modifications

Factors taken into account when deciding if a home modification is reasonable include:

- structural constraints, for example, size, surrounding terrain and condition of the dwelling
- ownership of the property;
- permission of the owner, Department of Housing or body corporate to temporarily or permanently undertake modification to the dwelling;
- local planning regulations;
- building permits;
- length of lease of a rental property;
- anticipated period of occupancy of the dwelling to be modified;
- the scale of the proposed modifications when considered in conjunction with alternative residential options; and
- the Authority's ability to negotiate any necessary agreement or consent required on modifications with the Department of Housing.

Modifications are deemed to be reasonable and necessary to enable the participant to access:

- the physical dwelling;
- a bathroom;
- a bedroom;
- a living area; and
- a kitchen or basic cooking facilities for participants who fully or partially prepare their own food or beverages.

Home is not suitable for modification

If relocation is considered the most appropriate option, the Authority will fund the reasonable costs of:

- assistance to locate an appropriate home, this may include an assessment and report by an occupational therapist, building modification project manager or an appropriately qualified third party approved by the Authority;
- real estate agent fees;
- bank fees;
- stamp duty; and
- furniture removal.

The Authority may fund minor home modifications when needed to enable a participant to have reasonable access to the home to which they are relocating.

Semi-detachable portable unit

The Authority will fund a semi-detachable portable unit, where it is not possible to modify the home in which the participant lives. Wherever possible, the semi-detachable portable unit must be located near the main dwelling and attached by a covered walkway, so that the participant is able to access other facilities within the main dwelling.

The semi-detachable portable unit will only include facilities specifically utilised by the participant, which cannot be accessed or modified within the main dwelling.

Home modification for a secondary home that is lived in concurrently

The Authority will fund the reasonable cost of basic access, for example, ramps, rails, doorway widening and minor bathroom modifications for a secondary residence which is lived in concurrently by a participant, for example: where a parent who is not the primary carer, has joint custody or agreed regular overnight access visits of a child participant in an agreement ratified by the Family Court or agreed to in writing by both parents.

If modifications to a secondary residence are requested, the Authority will consider the nature and extent of any previous home modifications approved by the Authority, along with the anticipated amount of time that the participant is expected to spend in the secondary residence and the potential social benefit of modifying the secondary residence.

Changes of residence

It is reasonable that the participant and/or guardian consider the participant's individual needs as related to the motor accident injury prior to any change of residence. It is not reasonable that a participant with significant functional limitations move to a home where substantial modifications need to be undertaken to allow the participant to have access.

The Authority may fund professional assistance in order to identify suitable residential options.

More than one home modification

There are some circumstances where it is considered reasonable to fund more than one home modification. Such circumstances may include:

- if a participant who was a child leaves the family home to live independently, or other significant changes in the participant's personal circumstances;
- deterioration in the participant's health as a direct result of injury sustained in the motor accident; or
- participants who may need to relocate in order to access employment or services more readily.

If additional home modifications are requested, the Authority will consider the nature and extent of any previous home modifications undertaken by the Authority.

Air conditioning/evaporative cooling or heating

The Authority will fund the reasonable and necessary cost of air conditioning/evaporative cooling. The Authority will also fund room temperature and control equipment if the participant is unable to self regulate their body temperature as a result of a motor accident injury, which is detailed in the Equipment policy.

The Authority will not fund:

- home modifications where the owner, body corporate or other responsible authority has not given permission for the modifications;
- home modifications over \$5000 where the capital service agreement is not signed by the owner and/or participant;
- contribution to, or the purchase price of a residence;
- home modifications unrelated to a participant's motor accident injury;
- upgrades of any materials required for home modifications;

- items or labour not included in the final contract for modifications agreed to by the Authority, unless prior approval has been obtained from the Authority;
- home modifications required as a result of a condition that existed before a motor accident or that are not a result of a motor accident;
- home modifications that provide no clear benefit to a participant;
- insurance of the modifications or the home in which the modifications have been installed;
- the cost of removing any modifications no longer required;
- the cost of returning a home to its former state if the participant no longer occupies it;
- any loss of value of any home resulting from any modifications to, or removal of modifications from, the home; or
- repairs or replacement if the home or modifications are not insured and are damaged.

Modifications to a motor vehicle

Policy

The Authority will fund the reasonable and necessary costs of modifications to a motor vehicle where a participant reasonably requires modifications to access, travel as a passenger or drive a motor vehicle as a result of the motor accident injury.

Background

The Authority recognises that some participants may reasonably require modifications to a motor vehicle as a consequence of the motor accident injury. In order to fund motor vehicle modifications, the Authority will obtain advice on all suitable transport options, including costing of identified options.

Eligibility for modifications

Participants eligible for modifications to a motor vehicle:

- have a physical, sensory and/or cognitive disability as a result of a motor accident which prevents them from safely driving, accessing or travelling as a passenger in an unmodified motor vehicle,
- own or have access to a motor vehicle on a regular basis; and
- have been assessed by a driver trained occupational therapist as requiring modifications to a motor vehicle.

Participants may require certification in writing from their medical practitioner that they are medically fit and competent to drive in order to satisfy RTA requirements to obtain or retain a driver's licence. The Authority will only fund modifications to a motor vehicle for the participant who intends to obtain or retain their licence when the participant's medical practitioner or treating team have confirmed in writing their medical fitness for driving, and suitability for driving assessment.

Motor vehicle modifications funded by the Authority

All services require prior approval in writing. The Authority will fund the cost of the process of motor vehicle modifications when:

- the participant's doctor or a member of the treating health care team has confirmed in writing their suitability to drive;
- assessment has been completed by a driver trained occupational therapist; and
- modifications have been completed and certified by an RTA recognised signatory.

The Authority will fund the reasonable and necessary cost of:

- assessment conducted by a driver trained occupational therapist;
- modifications to a motor vehicle assessed as necessary by a driver trained occupational therapist and an RTA recognised signatory;
- the costs of obtaining a 'blue slip' required for major modifications;
- training the driver in the safe and correct use of vehicle modifications once fitted;
- maintaining, repairing, transferring and replacing modifications; and
- any additional insurance costs which are directly related to the participant's needs as a result of the motor accident injury.

When considering motor vehicle modifications, the safety of the participant and driver or passenger/s of the vehicle is paramount. The Authority will not fund modifications to a motor vehicle that do not comply with the applicable Australian Standards, Australian Design Rules or RTA regulations.

The Authority will fund the reasonable and necessary modifications to:

- the participant's own motor vehicle,
- the guardian's motor vehicle, in the case of a dependant child,
- a shared-use motor vehicle where, prior to the accident, the use and costs of a motor vehicle were shared with a spouse or family member, or
- a work motor vehicle if, prior to the motor vehicle accident, the participant had the use of a work motor vehicle, and the participant has returned to work post-accident and requires the use of the work motor vehicle, subject to the Authority receiving written permission from the owner of the motor vehicle.

The Authority will consider funding modifications to more than one motor vehicle, if assessed as being reasonable and necessary.

Minor modifications

Minor modifications are changes that do not alter the structure or safety of the motor vehicle and do not require certification by an RTA recognised signatory. They may be temporary or permanent changes. Examples include a seatbelt buckle cover to enable a participant to travel safely in a vehicle or panoramic mirrors and fish eye mirrors.

Major modifications

Permanent changes that alter the structure of the motor vehicle are classified as major modifications and require certification by an RTA recognised signatory. Examples include alternative controls for brake and accelerator, wheelchair hoist system, wheelchair restraining devices or wheelchair access ramp.

The Authority will only fund modifications to a motor vehicle that are commercially available features, for example, automatic transmission or electric windows when required as a result of the motor accident injury and the participant's motor vehicle does not already have this feature.

Vehicles modified under this policy must continue to comply with the requirements of the Road Transport (Vehicle Registration) Regulation 1998 to be accepted for continuing registration in NSW. This includes continuing compliance with all applicable Australian Standards originally certified for the vehicle by the vehicle manufacturer.

Maintenance of motor vehicle modifications

The modified motor vehicle remains the property of the owner. All costs normally associated with motor vehicle ownership, including running costs and servicing, are the owner's responsibility.

The Authority will only fund the reasonable and necessary cost of additional maintenance, repair and replacement of those motor vehicle modifications required or installed as a result of the motor accident.

Frequency of funding modifications to a motor vehicle

If the owner of a motor vehicle which has previously been modified wishes to purchase a replacement motor vehicle, then the Authority considers it reasonable to transfer the modifications that are not commercially available to this replacement motor vehicle if appropriate. The Authority considers it reasonable to fund modifications to a motor vehicle not more often than every 8 years, unless there is a change in the participant's medical condition, which prevents the participant accessing the previously modified motor vehicle or there are innovations in design that increase the participant's safety.

When considering frequency of funding modifications to a motor vehicle the Authority will consider:

- the participant's needs as a result of the motor accident injury;
- suitability of the vehicle for modification; and
- the participant's current and future transport needs.

The Authority will not fund:

- any costs normally associated with motor vehicle ownership including running costs, registration and insurance. The Authority will only fund additional costs related to the motor vehicle modification such as the difference in insurance costs.
- modifications to a motor vehicle for a circumstance or condition that existed before a motor vehicle accident or that is not a result of a motor vehicle accident;
- modifications to a motor vehicle that are of no clear benefit to a participant; or
- the outright purchase of a motor vehicle.

Respite

Policy

The Authority will fund the reasonable and necessary cost of respite where it can be demonstrated that respite will enhance the functioning of the family unit and enhance sustainability of the regular care or support routine. Respite is intended to provide a relief to facilitate the continuation of the primary informal support relationship between the family or carer and the participant.

Respite funded by the Authority

The aim of respite will be to support and enhance the sustainability of the family unit. Respite may be taken in the form of:

- accommodation in a supported residential facility or hospital;
- participation in a school holiday program, camp, or day program;
- 1 to 1 support in a participant's home; or
- services for the participant and family.

All respite is subject to prior written approval.

Amount of respite

The amount of respite to be provided in any given calendar year is to be determined after considering each of the following criteria:

- the ongoing support needs of the participant;
- the reasonableness of the amount of respite requested, in relation to the ongoing support needs of the participant;
- the hours and duties undertaken, within a participant's approved support program; and
- normal parental responsibilities, in the case of parents of a participant who is a child.

Respite services may be provided to a participant who receives other support services e.g. attendant care. If regular respite services are requested to undertake a particular task then the Authority may review the participant's support needs as an alternative to funding respite services.

Respite for children

The Authority will fund respite for a participant who is a child. The Authority will take into account normal parental responsibility and the additional support that the participant now requires due to their motor accident injury. For example, if additional respite services are requested over a school holidays period, it may be necessary to ensure that the request for respite is solely related to the participant's accident related needs, and to explore what other options may have been put in place during previous school holiday periods.

The Authority will explore other support options as an alternative to one to one care for a participant who is a child in order to maximise age appropriate social interaction.

The Authority will not fund

- respite services in relation to circumstances that existed before a motor accident or that are not a result of a motor accident;
- additional costs incurred as a result of the participant, family or carer choosing a respite service option which offers a higher level of support than is required to meet the participant's needs. For example, the Authority will not fund the extra cost where a participant does not require nursing care and the family choose this option. Similarly, the Authority will not fund the cost of a high level support facility, if a participant's needs can be met in a low level support facility.

Participants living overseas

Policy

The Authority will reimburse the reasonable costs of care incurred by a participant who resides overseas who is a participant in the Lifetime Care and Support Scheme.

The reasonable maximum cost which can be reimbursed for overseas care will be determined by reference to the amount of care not exceeding that amount that the Authority has assessed as reasonable and necessary, and the cost of care the client would have required had the care provision occurred in New South Wales, Australia.

The Authority's approval confirms the total cost in Australian dollars that the Authority will provide to the participant, on either a half-yearly or yearly basis, for all care to be provided during this period.

PART 6

Assessment of treatment, rehabilitation and care

This Part of the Lifetime Care and Support Guidelines is issued under section 58 of the Motor Accidents (Lifetime Care and Support) Act 2006.

To avoid requirements that might be unreasonable in the circumstances on any person or entity, the Authority may waive observance of any part or parts of these Guidelines.

1 Purpose

These Guidelines are to be used by the following personnel when making an assessment of a participant's rehabilitation or care needs:

- qualified health professionals working within a rehabilitation unit or in the community;
- approved assessors contracted by the Authority;
- disputes Assessors when reviewing decisions about reasonable and necessary rehabilitation or care.

"Treatment and care" is defined in Section 6 (2) of the Act. For the purpose of these Guidelines, the phrase "treatment, rehabilitation and attendant care" will be used in lieu of the phrase "treatment and care".

2 Definitions

The following definitions apply to the application of these Guidelines.

Approved assessor: A qualified health professional who is approved by the Authority to conduct assessments of treatment, rehabilitation or care needs of participants under section 10(1)(a) of the Act.

Attendant care workers: Providers of care on a fee-for-service basis.

Carers: Family and/or friends of the participant who provide unpaid care.

Attendant care services assist the participant to perform tasks they would normally be doing for themselves. These services help people with everyday tasks and include personal assistance, domestic assistance, community access, gardening and home maintenance services, child care services and educational and vocational support. They enable individuals to live independently in the community.

Overnight care is defined in the following ways:

Inactive sleepover includes up to two wake ups in an 8 hour period over night with each wake up being for a maximum of 30 minutes. Where there are three or more wake ups, the time spent assisting the participant will be recorded and paid at the standard hourly rate (pro rata) beyond the first hour for the actual time spent attending to the participant, for up to 4 hours total activity.

Active sleepover is defined as an inactive sleepover where the attendant care worker is called to active duty for more than three wake ups and the time spent assisting the participant is in excess of four hours. In these cases the sleepover shift will be paid as an active shift, at the standard hourly rate for personal care and the inactive sleep over shift fee is not payable. An active sleep over may also be a night shift where activity is required over the entire eight hour shift.

Participation is the involvement in a life situation such as going to work, school or other educational facility, recreational activities and maintaining relationships.

Rehabilitation means the process of restoring or attempting to restore the participant, through the combined and co-ordinated use of medical, social, educational and vocational measures, to the maximum level of function of which the person is capable or which the person wishes to achieve and includes placement in employment and all forms of social rehabilitation such as family counselling, leisure counselling and training for independent living.

Twenty-four hour care is care provided for a participant 24 hours a day, seven days a week. This may take the form of one-to-one care or access to 24-hour care e.g. in a transitional living unit and may also include inactive sleepover (see overnight care). Twenty-four hour care may be provided for participants who are considered not safe without such care because of their medical conditions, physical, cognitive or behavioural impairments or psychosocial factors.

Twenty-four hour care also includes situations when more than 24 hours of care is provided in any 24-hour period.

3 Assessment

The assessment process is determined by the assessment purpose. Assessments will involve the application of clinical reasoning to synthesise information from a variety of sources including:

- an interview of the participant;
- interviews with family and other relevant people such as doctors, treating therapists, school teachers and attendant care workers;
- objective assessment measurers; and
- medical and therapy reports.

The assessment should take account of the participant's goals identified in the LTCS plan and the functional abilities required to achieve these goals. The assessment should consider the participant in their home and community, not just in the clinical environment.

The forms for the assessment and reporting of rehabilitation and care needs approved by the Authority and the associated procedures should be used.

3.1 Factors that may influence treatment, rehabilitation and care needs

Many factors affect the level of care and support required by a person following injury, and these needs often fluctuate over time. It is not possible to list all factors that may affect an individual's support needs but some common factors for participants with brain injury and spinal cord injury are listed later in this document. These factors should be reviewed and where appropriate documented to provide justification for service requests.

A number of factors are specific to children and adolescents with traumatic brain injury (TBI). It should be recognised that support needs often increase with time after the TBI as deficits become more apparent as the child develops, for example during adolescence when greater independence is expected.

3.2 Rehabilitation assessment

Rehabilitation under the Scheme aims to restore function or develop new functional skills in all aspects of the participant's life. As such, the rehabilitation assessment should measure the participant's ability to mobilise, perform activities of daily living and instrumental activities of daily living, and to participate in a variety of life situations. The rehabilitation assessment should also take into account the communication and cognitive skills required to undertake these activities.

The goals developed with the participant should be specific, measurable, achievable and time limited. The timing of the rehabilitation assessment will depend on the individual goals and plans of the participant and the review times agreed to by the Authority in the plans.

When reviewing the rehabilitation plan, progress towards achieving the rehabilitation goals should be described or, if they have not been achieved, why they have not been achieved. The outcome of each goal can be rated using the following scale:

- 1 goal not achieved
- 2 goal partly achieved
- 3 goal achieved
- 4 goal achieved above expectation
- W goal withdrawn

3.3 Care assessment

Qualified rehabilitation staff of the rehabilitation unit or an Approved assessor will conduct an assessment of the participant's care needs just prior to discharge into the community. Assessment of

the participant's care needs will occur at least three months after initial discharge from hospital, at six monthly intervals for the first five years after discharge, and annually thereafter. A review of care requirements may be initiated at an earlier point if there is a recognised need (e.g. a report from an attendant care service indicates a problem in the levels of care provided or in anticipation of a major transition such as leaving school).

A comprehensive care assessment should provide evidence of the participant's functional abilities and support needs in the domains listed in the Table 1.

When assessing care needs, it is important to note that activity limitation (disability) within the domains may be the result of a cognitive, behavioural, psychological or physical impairment or a combination of impairments. The type of impairment may also affect the type of support required. For example, a requirement for aide time for supervision or prompting may be as vital for a participant's safety and independence as a requirement for physical assistance.

Table 1

Adults		Children	
Domain	Core Areas	Domain	Core Areas
Mobility	Transfers Walking/ Using wheelchair Climbing stairs Running	Mobility	Transfers Walking/ Using wheelchair Climbing stairs Running Playground access
Activities of daily living	Feeding Grooming Sleeping Bathing Dressing Toileting Continence Managing medication	Activities of daily living	Feeding Grooming Sleeping Bathing Dressing Toileting Continence Managing medication Recreational movement
Instrumental activities of daily living	Using telephone Shopping Food preparation Chores/ housekeeping Laundry Transportation Money management Information technology	Instrumental activities of daily living (this domain not applicable to pre-school age group)	Using telephone Shopping Food preparation Chores/ housekeeping Laundry Transportation Money management Information technology
Participation	Vocational activities Recreational/avocational activities Interpersonal skills Social interactions Living in the community Functioning within the family Parenting skills Getting on with people	Participation	Day care, pre-school, school, work Recreational activities/ self improvement activities Living in the community Play Social interactions Functioning within the family Getting on with people

Cognitive Impairment may affect memory, learning, language and communication, orientation, attention, processing speed, problem solving, planning, organising, reasoning, decision-making, flexibility and thought processes.

Behavioural Impairment may affect self regulation (impulsivity, disinhibition, anger management), drive, initiative, social interactions, awareness and insight.

Psychological Impairment may include anxiety, depression, adjustment issues and symptoms of post-traumatic stress.

Physical Impairment may affect muscle function, posture, range of motion, gait, balance, sensation, tone, power, handgrip and coordination.

The care needs assessment should:

- cover the participant's overall care needs, regardless of who will provide the care to the participant or whether paid care is being requested;
- document any unpaid care that is being provided, such as care provided by a friend or family member and provide reasons for any changes in paid care being requested since the last plan. That is, identify if there is a change in the participant's actual care need or if there is a change in circumstances;
- describe and substantiate the level and type of assistance required for each core area, e.g. physical assistance, supervision or prompting;
- describe the primary reason for the assistance (cognitive, behavioural, physical and psychological impairment);
- consider and comment on behaviours or situations that place the participant or others at risk. Describe the potential for harm and whether there is likely and significant risk to the participant if the recommended level of care is not provided. For example, vulnerability/risks associated with telephone use, internet use, interactions in the community, ability to access support services when required and response to novel or emergency situations;
- document whether care needs are likely to change in the foreseeable future. For example, document the impact of ongoing rehabilitation, change in medication or imminent surgery;
- provide clinical rationale for why the care needs described are reasonable and necessary.
- describe the alternatives to direct care provision that have been considered and ruled out. For example, a personal alarm system was not recommended because the participant's memory difficulties meant it was unlikely they would remember to use it in an emergency;
- include the results of the specified outcome measures and attach the results to the report;
- indicate whether 24-hour care is required. Refer to the definitions and requirements for 24-hour care; and
- describe recommended services and competencies of the worker required to undertake the service and identify if any specific training is required for the attendant care worker or family

3.4 Care assessment for participants with a spinal cord injury

The *Guidelines for levels of attendant care for people who have a spinal cord injury and can claim under the New South Wales Motor Accidents Scheme* (2001) published by the Motor Accidents Authority of NSW should be considered with these Guidelines when assessing the care needs of participants with a spinal cord injury. *Guidelines for levels of attendant care for people who have a spinal cord injury and can claim under the New South Wales Motor Accidents Scheme* can be found on the MAA website at www.maa.nsw.gov.au

3.5 Attendant care worker competencies

At the time of assessment, consideration should be given to the competencies the attendant care worker requires, for example, whether a particular task should be undertaken by a registered nurse or an attendant care worker. The Motor Accidents Authority's document *Matching client needs to support worker skills in the NSW Motor Accidents Scheme* may be referred to for guidance. The Support Worker Competencies form at appendix A of the document may be attached to the care assessment when specific competencies are required. *Matching client needs to support worker skills in the NSW Motor Accidents Scheme* can be found on the MAA website at www.maa.nsw.gov.au

3.6 Assessing alternatives to 24-hour care

A decision to recommend 24-hour care should only be made after other alternatives have been considered and discounted. Assessing the potential for harm to the participant or to others is a critical component of the assessment process for 24-hour care. An assessment of the participant's individual circumstances and identification of suitable management strategies will clarify whether 24-hour care is

required. The Motor Accidents Authority's document *Who needs 24-hour care in the CTP scheme?* may be referred to for guidance. The Assessing 24-hour Care Form at appendix 1 of the document may be attached to the care assessment when 24-hour care is being recommended. *Who needs 24-hour care in the CTP scheme?* can be found on the MAA website at www.maa.nsw.gov.au

3.7 Assessing the need for equipment

Assessment of rehabilitation and care needs should include the need for any equipment, aides or appliances that will assist the participant to maximise their independence and participation. When assessing the need for equipment/aides/appliances, the following factors are to be considered:

- the current functional status of the participant;
- the LTCS plan or rehabilitation goals;
- the long-term versus short-term benefit of particular equipment/aides and appliances;
- the participant's lifestyle and environment; and
- whether the equipment has been trialled and compared against other options to ensure the most appropriate option is identified for each individual.

3.8 Approved assessors

In most instances it is appropriate for a participant's case manager or treating therapist from their treating health team to undertake the rehabilitation and care assessments. However, from time to time there may be circumstances where the Authority will request an approved assessor to undertake the assessment.

4 The Authority's assessment in writing

The Authority will certify in writing as to its assessment of the treatment and care needs of the participant and what the Authority agrees to fund. This is called the certificate. The certificate will include any requests for services that the Authority has declined to fund, including the reasons. The Authority's certificate and reasons will be provided to the participant and LTCS coordinator.

5 Dispute resolution

From time to time, participants within the Scheme may disagree with the Authority on whether rehabilitation or care services are reasonable and necessary and relate to the injury resulting from the motor accident. In these circumstances the participant may initiate a dispute with the Authority.

In the first instance, participants are encouraged to discuss their concerns with the LTCS coordinator who can liaise with the Authority to provide any additional information available in order to demonstrate how the requested service is reasonable and necessary.

Alternatively, the participant is encouraged to contact the Assessments Manager within the Authority to discuss their concerns. The Assessments Manager will liaise with the individual who conducted the assessment, the LTCS coordinator, other treating health professionals and the participant to obtain further information about the requested service. If the additional information satisfies the Assessments Manager that the requested service is reasonable and necessary the Authority will approve the service immediately.

Where the service is still not considered reasonable and necessary, the Assessments Manager will attempt to negotiate a solution with the participant that seeks to address their concerns while still meeting the reasonable and necessary criteria.

Under section 24 (1) of the Motor Accidents (Lifetime Care & Support) Act 2006, the participant may also choose to initiate a dispute.

6 Factors that may influence treatment, care and rehabilitation requirements

Factors to consider during the assessment process

- Fatigue: most assessment tools are not sensitive to fatigue. Assessments are often conducted at a time when the individual will perform at an optimum level, thereby giving an overly positive picture of their "typical" level of function
- Positive and negative effects of current medications on performance
- Hearing loss, visual field impairments, sensory impairments, pain, headache and dizziness, which the participant may not report

- Comparisons may be needed with pre-injury performance and/or with family/community expectations for siblings/peers, where normative data is not available for children

Factors that may increase or reduce care needs

- Specific situations such as: immediately following discharge until established in a home routine; following hospitalisation, surgery or post acute treatments
- Increased independence from rehabilitation
- Major life transitions, e.g. loss of employment, school to work, relationship difficulties, illness, loss of informal support system, death/separation/divorce or retirement
- Adjustment over time to the injury
- Medication, including the administration and side effects of medication
- The participant's role within the family pre/post injury: activities undertaken, time needed and level of responsibility
- The household situation (e.g. whether there are other children being cared for).
- The participant's pre-injury and post-injury responsibilities and lifestyle: Roles of the participant (e.g. worker, homemaker, spouse, parent, friend) including activities performed, frequency, time taken and level of responsibility, need for greater flexibility in hours
- Leisure interests and activities
- Access such as transportation, community services, banks, schools, health services and leisure activities
- Size, style and geographical location of current accommodation
- Use of assistive technology and/or modified equipment (may increase or decrease needs)
- Usual lifestyle of peers/community standards (particularly relevant for young adults with the expectations of increased independence in social activities and time spent independently away from the family, e.g. late night partying and just hanging around with friends)
- Fluctuation of medical or functional status over days/weeks
- Holiday periods
- Cultural considerations may affect expectations and the subsequent level of care required e.g. the age at which children are expected to be independent for different tasks may vary between cultures and between families
- Expectations (eg parents/partners) may have changed as a result of the injury
- Safety issues such as the ability to be left unsupervised, vulnerability (e.g. risks associated with telephone and internet use, people coming to the door, interactions with people in the community) and response to novel or emergency situations
- Whether the appropriate level of support can be provided by the facility/organisation at work or study
- Age at time of injury. A participant injured later in life may have different support requirements than a younger participant with the same level of injury
- Co or pre-existing complications, injury, disease or medical conditions, e.g. epilepsy, arthritis, obesity, depression, spasms, contractures, spasticity, diabetes, gastric reflux

Factors that may change the levels of care required over time

- Changes in the individual's circumstances or in informal support systems
- Adjustment to the disability may lead to reduced levels of care e.g. a mutual tolerance for a degree of risk by the individual, their family and professionals
- Changed functional capabilities e.g. improvements in the first years following injury, age related changes or secondary illness/injury related to the primary diagnosis
- Major life changes and transitions, such as puberty, leaving school, moving to a new home, changes in family relationships e.g. marriage, separation, divorce
- Pregnancy - and the resultant provision of services for participant's with parenting responsibilities
- Ageing – general and specific factors related to the disability. For example, a participant who has been independent in transfers and has used a manual wheelchair may over time develop early onset of arthritis because of the additional strain on their arms
- Improvements in assistive technology and/or modified equipment (may increase or decrease needs)
- Changes in living situation e.g. the move from a highly modified/supported environment to a shared household may either increase or decrease care needs
- Change of function from cessation of services
- Illness, hospitalisation or surgery

- Transition periods e.g. hospital to home, recommencing employment or vocational studies or moving to independent accommodation
- A change in recreation or leisure activities may require a change in transport or attendant care
- Changes in medication may influence performance and support needs
- Injury specific complications e.g. pressure sores, spinal syndromes, or poorly controlled neuropathic bowel dysfunction

Factors to consider in the educational setting

- Requirements in areas such as: classroom/playground behaviour, classroom/playground participation, compliance with school rules, school excursions, academic progress, work experience, school social activities, transition between classes and between breaks, travel between home and school
- Whether the appropriate level of support can be provided by the facility
- Support needs often increase during the transition to high school and in later school years as the adolescent is expected to become more independent
- Psychological impairment resulting from the injury may affect what the child is able to do (e.g. they may be physically able to catch public transport home from school but unable due to anxiety)
- The skills and competencies required when recommending who should provide the care (e.g. teacher aide, teacher, tutor, behaviour support worker, integration support worker, behaviour consultant).

Factors to consider in the delivery of care

- Availability of local care providers and type of care provided
- Personal and family preferences about who provides support services (e.g. paid attendant care workers, family members)
- Different privacy requirements: some families do not cope well with extensive periods of attendant workers providing care. This is related to loss of privacy and intimate family time. A variation in care hours/provision of time alone may result in improved behaviour and family relationships
- Geographical location of the participant injured, e.g. increased travel time to specialist appointments and access to community facilities

PART 7

Treatment and care needs disputes guidelines

1 Introduction

This Part of the Guidelines is issued under section 58 of the Motor Accidents (Lifetime Care and Support) Act 2006 ("the Act") and applies to disputes over an assessment or any aspect of an assessment by the Authority of the treatment and care needs of a participant under Part 4 of the Act.

To avoid requirements that might be unreasonable in the circumstances on any person or entity, the Authority may waive observance of any part or parts of these Guidelines.

Definitions

In this Part of the Guidelines:

Act means Motor Accidents (Lifetime Care and Support) Act 2006.

Assessor has the meaning given to it in section 22 of the Act.

Authority means the Lifetime Care and Support Authority.

Certificate means a certificate issued under sections 23(4) or 25(4) of the Act including the reasons for any finding.

Days is a reference to the number of working days.

Dispute means an eligibility dispute which has the meaning given to it under section 23 of the Act.

DX box means an exchange box in the Australian Document Exchange Pty Ltd.

Participant means a person who is a participant in the Lifetime Care and Support Scheme

Review means a referred to in section 25 of the Act

A reference in these Guidelines to an assessor includes multiples of assessors or multiple assessors conducting an assessment as a panel.

A reference in these Guidelines to a section "X" is a reference to a section of the Motor Accidents (Lifetime Care and Support) Act 2006 (NSW).

2 Reckoning of time

- 2.1 Any period of time fixed by these Guidelines for the doing of any act or in connection with any dispute or assessment, or directed by the Authority or an assessor, shall be reckoned in accordance with 2.2, 2.3 and 2.4.
 - 2.2 Where a time of one day or a longer time is to be reckoned by reference to a given day or event, the given day or the day of the given event shall not be counted.
 - 2.3 Where the period in question, being a period of five days or less, would include a day on which the Authority is closed for the lodgement of the request, that day shall be excluded.
 - 2.4 Where the last day for lodgement is a day on which the Authority is closed, the lodgement may be done on the next day on which the Authority is open.
- #### 3 Abridgement or extension of time
- 3.1 The Authority may, if the circumstances justify, and on terms, abridge or extend any time limit fixed by these Guidelines, including any time limit affecting the Authority or an assessor.

- 3.2 The Authority may extend time after the time expires, whether or not an application or request is made before the time expires or at all.

4 Service

- 4.1 For the purposes of delivery or sending documents to the Authority, the postal address is:
Lifetime Care and Support Authority
Level 21, 580 George St
Sydney NSW 2000

DX box 1517 SYDNEY

- 4.2 If an address for delivery or receipt of documents is specified in any document lodged at the Authority, then leaving a document at that address or sending a document to that address shall be taken to be received by the person as follows:
- 4.2.1 In the case of a physical address, on the day the document is left at that address;
 - 4.2.2 In the case of a physical or postal address, on a day five days after the document is sent;
 - 4.2.3 In the case of a DX box, leaving a document addressed to the addressee in that DX box or in another DX box for transmission to that DX box, two days after the document is so left;
 - 4.2.4 In the case of an email address, on the day the email or email attachment is sent if sent before 4.30pm, or on the day after the email or email attachment is sent if sent at or after 4.30pm;
 - 4.2.5 In the case of a facsimile number, on the day the facsimile is sent if sent before 4.30pm, or on the day after the facsimile is sent if sent at or after 4.30pm; or
 - 4.2.6 In the case of internet transfer, on the day the internet transfer is sent if sent before 4.30pm, or on the day after the internet transfer is sent if sent at or after 4.30pm.

5 Interpreters

- 5.1 Interpreters accredited by NAATI (National Accreditation Authority for Translators and Interpreters) should be used during the course of an assessment if an interpreter is required.
- 5.2 In the absence of a NAATI interpreter, a non-NAATI interpreter may be used at the discretion of the assessor or the Authority, as long as that person is not a person accompanying the injured person to an examination or assessment.

6 Legal representation

- 6.1. Any reference to a participant in these Guidelines is a reference to the participant's legal guardian.
- 6.2 If a participant has made an application in relation to a dispute over treatment and care needs, they are entitled to make a written submission or submissions in relation to any aspect of the dispute or issues in dispute which will be forwarded to the assessor or Review Panel.
- 6.3 If a legal practitioner or agent represents the participant in respect of the dispute:
- 6.3.1 it is sufficient notification for the Authority or an assessor to send any document required to be sent to the participant to their legal practitioner or agent, and
 - 6.3.2 the Authority or an assessor may, notwithstanding that the participant has legal or other representation, contact the participant directly in relation to any aspect of a dispute or assessment if required in the course of the assessment.

7 Documentation and other supporting material

- 7.1 All documents and other material submitted to the Authority or an assessor in support of an application, submission or request to refer a dispute must be copies of documents and not original documents.
- 7.2 If documents or other material are submitted to the Authority in relation to the dispute, the Authority shall give a copy of any documents or information provided to the assessor or Review Panel.

- 7.3 All correspondence to and communication with an assessor in relation to an assessment, either in respect of a current or concluded assessment, must, unless the Authority directs otherwise, be directed to the assessor, care of the Authority.

8 Jurisdiction

- 8.1 An application can be made to the Authority for assessment of a dispute where the participant disputes an assessment or any aspect of an assessment that has been conducted by the Authority under section 23 of the Act in relation to the treatment and care needs of the participant that are reasonable and necessary in the circumstances and relate to the motor accident injury in respect of which the person is a participant.
- 8.2 Such a dispute can only arise after the Authority has notified the injured person in writing as to the Authority's assessment of the treatment and care needs of the participant under section 23(4) of the Act.
- 8.3 An application for the Authority to refer the dispute must be made by the participant within 28 days of receipt of the Authority's certificate of assessment of the treatment and care needs of the participant.
- 8.4 An officer of the Authority may reject an application if satisfied that the application does not establish that:
- 8.4.1 it relates to the dispute outlined in 8.1; or
 - 8.4.2 the application has not been made within the time frame as outlined in 8.3.

9 Lodgement of dispute application

- 9.1 Any application to the Authority in relation to a dispute must include any information relevant to the dispute as per the Authority's requirements.
- 9.2 The Authority is to consider the application and send a written acknowledgement of this request to the sender within 5 days of receipt.
- 9.3 When an application is made, the Authority will consider the request and attached information to determine:
- 9.3.1 the eligibility of the dispute for assessment;
 - 9.3.2 whether further information or documentation is required that would assist the assessor or Review Panel in their determination.
- 9.4 The Authority is to ensure that within 10 days of the acknowledgment date by the Authority as outlined in 9.2, the participant is advised of the outcome in accordance with these Guidelines.

10 Further information or documentation required

- 10.1 If the Authority is satisfied that further information or documentation is required or is likely to assist in the resolution of the dispute, the Authority may:
- 10.1.1 request further information or documentation be provided within a period of up to 20 days; and
 - 10.1.2 proceed with processing the application in the absence of the requested further information or documentation, but only after the passing of any period of time specified for the submission of that further information or documentation.
- 10.2 An officer of the Authority may, but only with the consent of the participant, communicate with any of the participant's treating health practitioners or service providers in order to clarify the matter or matters in dispute, or to identify the existence of relevant documentation.
- 10.3 The Authority may, at its discretion, communicate with any of the participant's treating health practitioners in relation to health or physical safety issues noted by an assessor as being of an urgent or serious nature.

11 Informal dispute resolution

- 11.1 With the consent of the participant, the Authority may arrange to meet the participant to discuss or clarify any issues in dispute, or explore other avenues for resolution of the dispute.

If this occurs the Authority will notify the participant of the proposed time, date and location of any meeting.

- 11.2 With the consent of the participant, the Authority may arrange to meet or communicate with any of the participant's treating health practitioners or service providers in order to discuss or clarify any issues in dispute and assist in the informal resolution of the dispute.

12 Referral to an assessor

- 12.1 The Authority will, within 10 days of advising the participant that the matter is to be referred to an assessor:

12.1.1 allocate an assessor to undertake an assessment of the dispute from the Authority's list of treatment and care needs disputes assessors, having regard to the nature of the injury, the location of the assessor, the specialty of the assessor, and any other relevant matter; and

12.1.2 advise the participant of the arrangements for the assessment within 5 days, including the name of the allocated assessor.

- 12.2 The participant may, within 10 days of the date of sending of notification of the name of the assessor, apply to the Authority to have the matter reallocated to a different assessor. Such an application must be made in writing and be accompanied by a detailed statement of factual matters and/or reasons as to why the assessor might be unsuitable.

- 12.3 The Authority shall within 5 days make a decision on such an application under 12.2 and may re-allocate the matter if satisfied that there are reasonable grounds for believing that any assessor might be unsuitable.

- 12.4 When referring a dispute to an assessor, the Authority shall determine the way in which an assessment is to proceed and may:

12.4.1 request the participant attend an assessment (clinical examination) with an assessor or other health professional in accordance with section 27 of the Act; or

12.4.2 request that the assessor assess the dispute on the documentary material provided; or

12.4.3 with the consent of the participant, communicate with any other treating health practitioner or service provider if appropriate, to clarify any issues in dispute.

- 12.5 The Authority may determine that a matter be assessed without a clinical examination of the participant if the Authority is satisfied that a clinical examination is considered unnecessary or impractical.

- 12.6 In the case of clause 12.4.1 where an assessment will take the form of a clinical examination, the Authority shall:

12.6.1 refer the dispute to an assessor from the Authority's list of treatment and care disputes assessors, having regard to the nature of the injury and any continuing disabilities, the nature of the dispute, the location of the participant, the location of the assessor, and any other relevant matter;

12.6.2 make arrangements with the assessor for the time, date and place of the assessment; and

12.6.3 notify the participant of the name of the allocated assessor and the time, date and location of the assessment.

- 12.7 Whenever an assessment is conducted, regardless of whether by clinical examination or on the documentary material provided, the Authority will provide the assessor with:

12.7.1 a copy of the application and any supporting documents;

12.7.2 a copy of the Authority's certificate of assessment of the treatment and care needs of the participant, and any documentation by the Authority in relation to this certificate.

13 Persons who may be present during clinical examinations

- 13.1 The assessor shall determine who may be present at a clinical examination.

- 13.2 A parent, legal guardian, carer or other support person may be present during an examination involving the participant in order to assist the participant in any way required.
- 13.3 If a participant and the person accompanying that person to the assessment under 13.2 is required to be present at a clinical examination, and the examination does not occur at the participant's home, the Authority will pay reasonable costs associated with attendance for both persons at the clinical examination, including necessary travel costs.
- 13.4 A parent, legal guardian, carer or other support person may attend and provide information to the assessor or Review Panel during a clinical examination, if the assessor or assessors conducting the clinical examination are satisfied it is reasonable in the circumstances. An assessor may ask any support person to leave the clinical examination room if their presence is deemed to be impeding the assessment process.
- 13.5 Legal, medical or other representatives of the participant may not be present during a clinical examination unless the Authority gives prior approval and is satisfied that the circumstances warrant it.
- 13.6 During the clinical examination, any person other than the participant permitted to be present may also be permitted to speak to the assessor or assessors, but only upon questioning and at the discretion of the assessor in accordance with 13.4.

14 Assessment procedure

- 14.1 In conducting an assessment assessors are bound to follow these guidelines for assessment issued by the Authority.
- 14.2 In the case of a clinical examination, the assessor or Review Panel is to take such measures as are reasonably practicable to:
- 14.2.1 ensure that the participant understands the nature of the application and the issues to be considered, the role of the assessor as an independent decision-maker, and the conclusive nature of any conclusive certificate that is to be issued; and
- 14.2.2 explain to the participant any aspect of the procedure of any clinical examination that they do not apparently understand.

15 Medical documentation

- 15.1 In the case of X-rays, Computerised Tomography (CT or CAT scans), Magnetic Resonance Imaging or other radiological or similar investigations that the participant provides in relation to the dispute must be listed on the application or otherwise listed in writing.
- 15.2 No original films or scans should be submitted to the Authority.

16 Certificate of determination

- 16.1 The assessor shall give a certificate that shall certify the determination and set out the reasons for any finding on which the determination is based. This certificate shall be accompanied by written reasons in the form approved by the Authority.
- 16.2 A certificate is to be provided to the Authority within 15 days of the assessment conducted by the assessor, whether a clinical examination was conducted or whether the assessment occurred on the papers provided to the assessor or Review Panel.
- 16.3 The Authority shall forward a copy of any certificate to the participant within 5 days of receipt.

17 Reviews of the assessor's determination

- 17.1 The participant or the Authority may apply under section 25(1) for review of the determination of an assessor within 3 months of the receipt of the assessor's certificate.
- 17.2 An application for review of an assessor's determination must be in writing and specify the applicant's grounds for review outlined in section 25 of the Act.

- 17.3 The Authority will consider the application to determine whether there are valid grounds for review, and shall advise the participant as to whether the application is to be referred to a Review Panel or is rejected, supported by a brief statement of reasons, within 5 days of considering the application.
- 18 Further information or documentation required**
- 18.1 When considering the application under 17.3, if the Authority is satisfied that further information or documentation is required or is likely to assist in the resolution of the dispute, the Authority may:
- 18.1.1 request that further information or documentation be provided within a period of up to 20 days; and
- 18.1.2 proceed with processing the application in the absence of the requested further information or documentation but only after the passing of any period of time specified for the submission of that further information or documentation.
- 19 Referral to a Review Panel**
- 19.1 The Authority will, within 10 days of advising the participant that the matter is to be referred to a Review Panel:
- 19.1.1 convene a panel of 3 assessors from the Authority's list of assessors, having regard to the nature of the injury, the location of the assessor, the specialty of the assessor, and any other relevant matter; and
- 19.1.2 arrange for a chairperson of the Review Panel to be appointed.
- 19.2 An officer of the Authority is to advise the participant of the arrangements for the Review Panel assessment within 5 days of the panel being convened, including names of the allocated assessors.
- 19.3 A participant may, within 10 days of the date of sending of notification of the names of the assessors on the Review Panel, apply to the Authority to have the matter reallocated to a different assessor or assessors. Such an application must be made in writing and be accompanied by a detailed statement of factual matters and/or reasons as to why any assessor might be unsuitable.
- 19.4 The Authority shall within 5 days make a decision on such an application under 19.3 and may re-allocate the matter if satisfied that there are reasonable grounds for believing that any assessor might be unsuitable.
- 19.5 The Authority shall provide administrative support to the Review Panel, and shall arrange for copies to be sent to each member of the Review Panel, of:
- 19.5.1 all the material that was before the original assessor;
- 19.5.2 the certificate and reasons issued by the assessor;
- 19.5.3 the application for review and any supporting submissions or documents;
- 19.5.4 any additional documentation or information requested under 18.1.1.
- 20 Review Panel assessment**
- 20.1 The Review Panel is to hold an initial meeting or teleconference within 10 days of the date the panel was convened and at that meeting, is to:
- 20.1.1 determine whether clinical examination of the participant is required or whether the assessment can be undertaken on the papers provided;
- 20.1.2 determine whether additional information is required in order to make a decision;
- 20.1.3 determine which member of the panel will sign any certificates on behalf of the panel;
- 20.1.4 determine whether a further meeting of the panel is required; and
- 20.1.5 advise the Authority of any determinations under this clause.
- 20.2 In the case of 20.1.1 where there is to be a clinical examination, the Authority will notify the participant of the time, date and location of the clinical examination.
- 20.3 In the case of 20.1.1 the Review Panel will provide their certificate of determination within 15 days of the clinical examination.

20.4 The Review Panel may hold subsequent meetings or teleconferences as required but are to act expeditiously.

20.5 Within 15 days of their final meeting, the Review Panel will provide their certificate of determination to the Authority. This certificate will be forwarded to the participant within 5 days of receipt.

21 Corrections

21.1 If a participant considers that an assessor or Review Panel has made an obvious error in a certificate, the participant may make an application to the Authority within 30 days of receiving the certificate to have the error corrected.

21.2 Any such application is to be made in writing, setting out details of the obvious error and the terms of the suggested correction.

21.3 Examples of obvious errors in the certificate include a clerical or typographical error in the certificate, an error arising from an accidental slip or omission, a defect of form or inconsistencies within the certificate.

21.4 The Authority shall consider the application and, if satisfied that there may be an obvious error, refer the matter to the assessor or Review Panel concerned. In considering whether or not there may be an obvious error in the certificate the Authority may seek submissions from the participant.

21.5 The assessor or Review Panel may issue a replacement certificate that corrects any obvious error and that will replace the previous certificate. If a replacement certificate is issued, the replacement certificate is to:

21.5.1 be retitled as a replacement certificate;

21.5.2 have the same status as any other certificate; and

21.5.3 be dated, and is to be effective from, the same date as the date of the original certificate.

21.6 If a replacement certificate is issued, the Authority is to provide a copy of the replacement certificate to the participant within 5 days of receiving it.

22 Costs of assessment

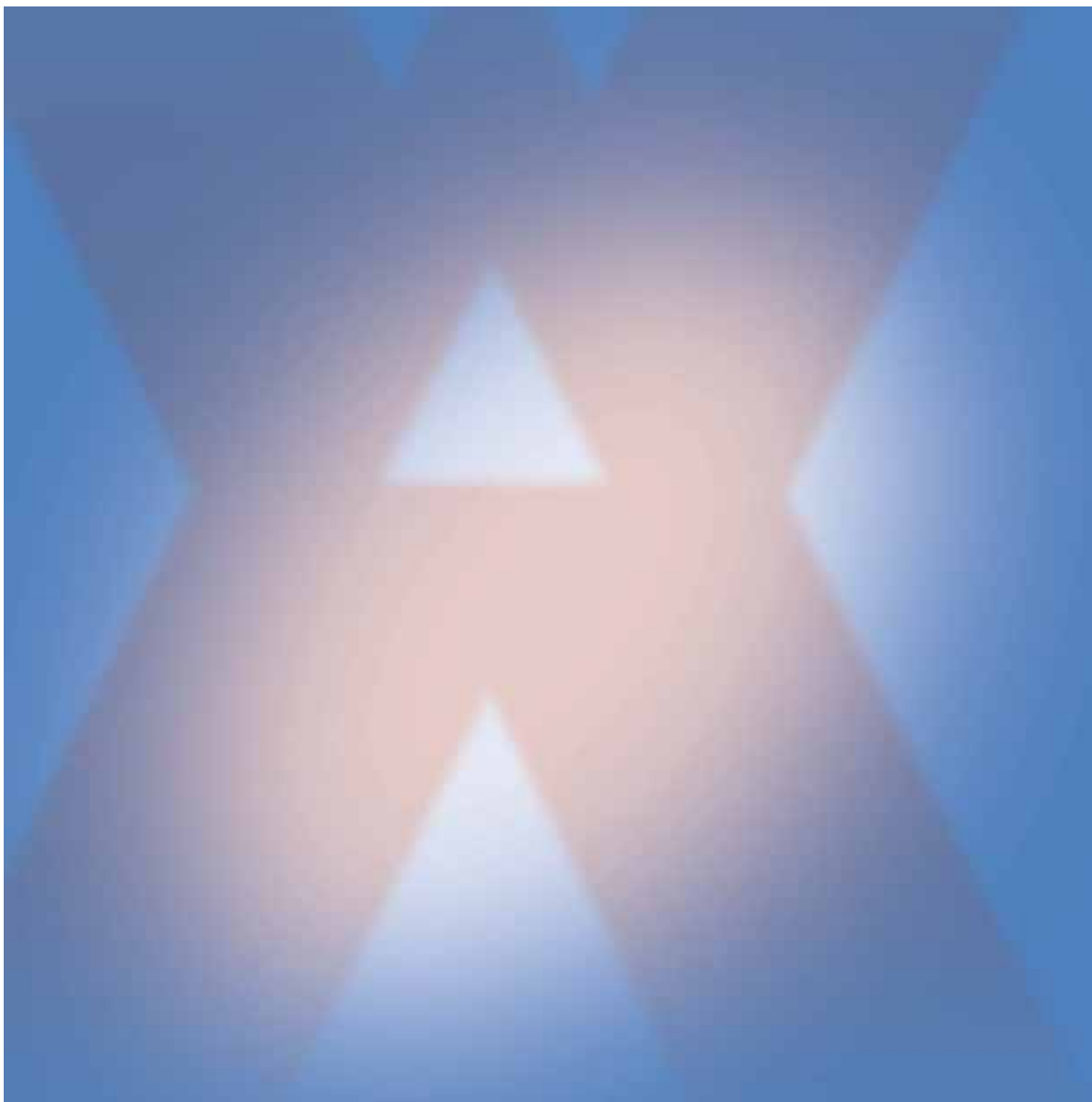
22.1 The Authority will pay the reasonable expenses of the participant and up to one accompanying person such as the parent, carer or other support person to assist the participant to attend any clinical examination arranged by the Authority.

22.2. No legal costs are payable by the Authority for or in respect to legal services provided to the participant in connection with a dispute assessed by an assessor or Review Panel, in accordance with section 29(1) of the Act.



SAFE USE

OF BULK SOLIDS CONTAINERS AND FLATBED STORAGE INCLUDING SILOS, FIELD BINS AND CHASER BINS



WorkCover. **Watching out for you.**

Disclaimer

This publication contains information regarding occupational health and safety, injury management or workers compensation. It includes some of your obligations under the various workers compensation and occupational health and safety legislation that WorkCover administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

This publication may refer to WorkCover NSW administered legislation that has been amended or repealed. When reading this publication you should always refer to the latest laws. Information on the latest laws can be checked at www.nsw.gov.au or contact (02) 9238 0950 or 1800 463 955 (NSW country only).

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WHAT IS AN APPROVED INDUSTRY CODE OF PRACTICE?

An approved industry code of practice is a practical guide to employers and others who have duties under the *Occupational Health and Safety Act 2000* (the OHS Act) and the *Occupational Health and Safety Regulation* (OHS Regulation) with respect to occupational health, safety and welfare.

An industry code of practice is approved by the Minister administering the OHS Act. It comes into force on the day specified in the code or, if no day is specified, on the day it is published in the *NSW Government Gazette*. An approved industry code of practice may be amended from time to time (or it may be revoked) by publication in the Gazette.

An approved industry code of practice should be observed unless an alternative course of action that achieves the same or a better level of health, safety and welfare at work is being followed.

An approved industry code of practice is intended to be used in conjunction with the requirements of the OHS Act and the OHS Regulation but does not have the same legal force. An approved industry code of practice is advisory rather than mandatory. However, in legal proceedings under the OHS Act or OHS Regulation, failure to observe a relevant approved industry code of practice is admissible in evidence concerning an offence under the OHS Act or OHS Regulation.

A WorkCover Authority inspector can draw attention to an approved industry code of practice in an improvement or prohibition notice as a way of indicating the measures that could be taken to remedy an alleged contravention or non-compliance with the OHS Act or OHS regulation. Failure to comply with an improvement or prohibition notice without reasonable excuse is an offence.

In summary, an approved **industry code of practice**:

- ✓ gives practical guidance on how health, safety and welfare at work can be achieved
- ✓ should be observed unless an alternative course of action that achieves the same or a better level of health, safety and welfare in the workplace is being followed
- ✓ can be referred to in support of the preventive enforcement provisions of the OHS Act or OHS Regulation
- ✓ can be used as evidence to support a prosecution for failing to comply with or contravening the OHS Act or OHS Regulation.

FOREWORD

Bulk storage containers, such as silos, field bins and chaser bins, and their ancillary bulk handling equipment, are important to operations in a range of industries including agriculture. Bulk containers are used in many industries to store a range of substances such as cement dust, blue metal, plastic pellets, farm products and fertilizer. However they can also be the source of many injuries. Examples are deaths caused by falls, entrapment in grain, asphyxiation, fires and explosions.

This code of practice is intended to help prevent injuries in the use of bulk storage containers and flatbed storage. It outlines typical hazards associated with such storage, and describes means of eliminating or controlling the risks arising from those hazards. Experience has shown that risks are associated with structural collapse, access and entry into a bulk container, lack of fall protection, electrical safety, and the dangerous nature of the stored substance. Risks also arise from the use of ancillary plant, such as augers. The code shows how to deal with these issues through a planned risk management approach, in a manner relevant to each particular work situation.

This will help users of bulk containers comply with their obligations under the *Occupational Health and Safety Act 2000* and the *Occupational Health and Safety Regulation 2001*.

Persons implementing this code of practice should take into account the varying needs for bulk containers and storage areas of different size and construction when applying risk management principles. For example, many on-farm silos are smaller, made of steel and filled by augers, while the concrete silos used at grain terminals are larger, may have several work levels, stairways and bucket conveyors. Risks that vary with the nature of the stored substance will also need to be considered. For example, experience has shown that fires and explosions are a risk in the seed oil and stock feed industry.

This code of practice does not cover health and safety during the actual work of manufacturing, constructing or installing bulk containers, nor the safety and legal requirements when field and chaser bins are towed on public roads.

Advice on safe design is provided in the *Code of practice: Safety aspects in the design of bulk solids containers, including silos, field bins and chaser bins*, which replaces the 1991 *Code of practice: Safety aspects in the design, manufacture and installation of on-farm silos and field bins*, which has been revoked.

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CHAPTER 1 – Establishment

1.1 Title

This is the *Code of practice for the safe use of bulk solids containers and flatbed storage including silos, field bins and chaser bins*.

1.2 Purpose

The purpose of this Code of practice is to prevent injuries by providing practical guidance for the safe use of all types of bulk containers (including silos, field bins, and chaser bins), flatbed storage, and ancillary plant.

1.3 Scope

1.3.1 Matters included

This Code of practice applies to the use of any bulk container, flatbed storage, and ancillary plant, used for the storage or handling of a solid substance (such as an industrial material or product, crop, forage, or stock feed), at all places of work (except mines) in NSW.

This code of practice applies to the following:

- bulk containers exceeding 4 tonne or 4 cubic metre capacity;
- flatbed storage exceeding 40 tonne or 40 cubic metre capacity.

Silos, field bins, chaser bins and hoppers are examples of bulk containers where they exceed the above capacities.

1.3.2 Exclusions

This code of practice does not apply to the following:

- Bulk containers used to contain fluids
- Health and safety during the process of manufacture, construction, installation of a bulk container or making an electrical connection
- Bulk containers used primarily for transport on public roads, by rail, air or sea
- Bulk containers of coal.

1.3.3 Additional relevant standards for dangerous goods storage

Advice for the storage of dangerous goods (other than class 4.2) is provided in Australian Standards specific to the class and type of dangerous goods.

1.4 Authority

This is an industry code of practice, approved by the Minister for Commerce under section 43 of the *Occupational Health and Safety Act 2000*, on the recommendation of the WorkCover Authority.

1.5 Commencement

This code takes effect on 29 December 2006; three months after the day of publication in the *Government Gazette*.

1.6 Repeal of 1991 code of practice

The *Code of practice: Safety aspects in the design, manufacture and installation of on-farm silos and field bins*, published in the *Government Gazette* on 2 August 1991, and which commenced on 2 August 1992, has been revoked as provided by section 45 of the *Occupational Health and Safety Act 2000*. The design, manufacture and supply of bulk containers is covered by the *Code of practice: Safety aspects in the design of solids bulk containers including silos, field bins and chaser bins*.

1.7 Definitions

The following definitions are mostly taken from the OHS Act or the OHS Regulation, or from other relevant legislation or Australian Standards. Where a definition was developed specifically for this code of practice, this is indicated in a note.

The following terms used in this code of practice have these meanings:

auger means a screw type conveyor.

bulk means more than 4 tonne (net), or more than 4 cubic metre of a substance, not in individual packages.

Note: this definition has been developed for this specific code of practice.

chaser bin means a mobile bulk container that has all of the following features:

- usually towed by a hauling vehicle when being loaded
- primarily used for receiving mechanically harvested crops
- normally unloaded by mechanically tilted means or by an auger.

Note: this definition has been developed for this specific code of practice.

competent person for any task means a person who has acquired through training, qualification or experience, or a combination of them, the knowledge and skills to carry out that task.

confined space, in relation to a place of work, means an enclosed or partially enclosed space that:

- (a) is not intended or designed primarily as a place of work, and
- (b) is at atmospheric pressure while persons are in it, and
- (c) may have an atmosphere with potentially harmful contaminants, an unsafe level of oxygen or stored substances that may cause engulfment, and
- (d) may (but need not) have restricted means of entry and exit.

Examples of confined spaces are as follows:

- (a) storage tanks, tank cars, process vessels, boilers, pressure vessels, silos and other tank like compartments,
- (b) open topped spaces such as pits or degreasers,
- (c) pipes, sewers, shafts, ducts and similar structures,

- (d) shipboard spaces entered through a small hatchway or access point, cargo tanks, cellular double bottom tanks, duct keels, ballast and oil tanks and void spaces (but not including dry cargo holds).

Note: The interiors of other types of bulk containers may be confined spaces depending on the contents and atmosphere.

container means any type of container intended for the storage or handling of a solid substance in bulk (such as an industrial material or product, crop, forage, or stock feed), usually fitted with a discharge outlet; and includes a silo, field bin, or chaser bin, but does not include flatbed storage.

Note: this definition has been developed for this specific code of practice.

conveyor means an apparatus or equipment operated by any power other than manual power, by which loads are raised, lowered, or transported, or capable of being raised, lowered, or transported or continuously driven by:

- a) an endless belt, rope or chain or other similar means, or
- b) buckets, trays or other containers or fittings moved by an endless belt, rope, chain or other similar means, or
- c) a rotating screw, or
- d) rollers;

and includes the related supporting structure and auxiliary equipment used in connection with the conveyor.

Note: This includes an auger, and a vibration or walking beam.

dangerous goods has the same meaning as in the *Australian Code for the Transport of Dangerous Goods by Road and Rail* approved by the Australian Transport Council and published by the Australian Government from time to time.

Note: Sections 10.2.4 and 10.2.5 provide more information on relevant dangerous goods classifications.

field bin means a temporarily located bulk container that has all of the following features:

- intended for the storage of substance such as granular crops and stock feed
- equipped with discharge outlets
- capable of being emptied by gravity, mechanical or pneumatic means
- equipped with fixed, retractable or removable wheels for the purpose of towing it from one location to another.

Notes: Field bins are also called relocatable, moveable or portable silos. Tip trucks are excluded by the operation of the scope section 1.3.2, which excludes containers primarily designed for road transport. This definition has been developed for this specific code of practice.

flatbed storage means a single level building or other structure designed for the storage of solids in bulk of more than 40 tonnes.

Note: this definition has been developed for this specific code of practice.

guard means a device that prevents or reduces access to a danger point or area.

hazard means anything (including work practices or procedures) that has the potential to harm the health or safety of a person.

hatch means a cover or a door over an opening in a bulk container.

individual packages means any form of package or container of less than 4 tonnes and less than 4 cubic metres, and includes bags, cartons and drums.

Note: this definition has been developed for this specific code of practice, for the purpose of defining scope.

manufacture plant includes assemble, install, or erect plant.

manufacturer of plant includes an employer or self-employed person who manufactures plant for his, her or its own use at work.

Note: Importers must ensure that the duties of the manufacturer and designer are met for the containers they import.

manufacturer's instructions means the manufacturer's, designer's or importer's instructions, recommendations and specifications, provided by the supplier.

Note: Where any of these instructions, recommendations or specifications are not available, they should be drawn up by a competent person. Suppliers have a duty to pass this information on to users of plant.

must indicates a mandatory requirement (that is, a requirement of an Act or Regulation).

OHS Act means the *Occupational Health and Safety Act 2000*.

OHS Regulation means the *Occupational Health and Safety Regulation 2001*.

place of work means any place where persons work.

Note: Relevant examples include any premises, any installation on land or any moveable structure where people work.

plant includes any machinery, equipment or appliance.

Note: Relevant examples of plant include silos, field bins, chaser bins, augers, bucket elevators, electrical devices, conveyors, and aerating and drying equipment.

reasonably practicable – see advice in appendix 4, section A4.7.

risk means the likelihood of an injury or illness occurring and the likely severity of the injury or illness that may occur.

should indicates a recommendation.

Note: Such recommendations are evidence in any proceedings for an offence against the OHS Act or OHS Regulation in accordance with section 46 of the OHS Act.

silos means a container that has all of the following features:

- located in a fixed position
- equipped with discharge outlets
- capable of being emptied by gravity, mechanical or pneumatic means.

Notes: This definition has been developed for this specific Code of practice. Relocatable, moveable or portable silos are referred to as field bins for the purposes of this code of practice.

storage means the containment of any substance in any manner, such as in a container or other form of storage such as flatbed storage.

Note: This definition has been developed for this specific code of practice.

use in relation to a bulk container or flatbed storage, means all aspects of use and storage, and includes (without limitation) to work from, operate, maintain, inspect, clean and use as storage.

Note: This definition has been developed for this specific code of practice.

CHAPTER 2 – Planning to manage risks

A summary of legal duties is provided in Appendix 4, including how the law applies to various parties. This chapter focuses on applying risk management principles and planning to work with containers and in storage areas.

2.1 Risk Management principles with bulk containers and storage

'Risk management' is a way of organising your efforts to determine safe systems of work. Following this procedure will help you identify safety issues unique to the nature of your particular workplace. Checklists are provided in appendix 2 to assist with this process.

2.1.1 Steps in risk management

To carry out risk management, go through the following steps:

1. Identify all hazards associated with work processes, plant, substances, work environment, layout and condition, and any other factors that may affect safety. This includes the dangerous goods classification (if any) of the container contents, and any dust or gas hazards that may arise from the nature of the stored substance.
2. Assess the risks, which is a combination of the likelihood and the severity of any harm that the hazards might give rise to. It helps to prioritise them so that the most serious ones can be addressed first. This should include an evaluation of the existing control measures.
3. Eliminate or reduce the risk(s) identified in step 2, applying the hierarchy of control measures (detailed below in section 2.2).
4. Monitor and review the control measures to ensure they are working, and to respond to changes in work practices or other conditions in the workplace. Supervision is essential to ensure workers follow correct practices.

The first 3 steps must be carried out before work commences – this Code will help you do this. Employers must consult with employees when carrying out these steps – see 2.1.3 below.

Use this approach when applying this code of practice and developing safe systems of work.

2.1.2 Key risks to assess with bulk containers and storage

Experience indicates that the possibility of the following risks should be included in the risk assessment, where relevant to the type of storage:

- falls from heights (including falls into the container)
- engulfment or entrapment by stored substance
- entry into confined spaces
- fires and explosions resulting from the nature of the stored substance
- structural collapse of the container
- electrical shocks (eg from faulty equipment, proximity to overhead power lines)
- ancillary bulk handling facilities, plant and equipment (such as augers or conveyors)
- associated delivery of the substance to be stored in relation to the movement of transport (eg trucks or loaders) and other plant (such as augers or loaders)

- entrapment and other hazards due to the lack of safe isolation procedures for plant and processes
- children playing on or near plant or equipment.

The above list is not exhaustive and all risks must be considered (eg manual handling risks). Note that if the contents are classified as dangerous goods or hazardous substances then specific provisions of the OHS Regulation will also apply.

An analysis of the hazards and risks with the particular type of bulk containers in your workplace will indicate which sections of this code of practice are relevant. For example, some aspects of this code may not be relevant to flatbed storage. A systematic application of risk management should indicate relevant control measures, using this code as a guide.

With flatbed storage, this would include factors relating to:

- wall strength
- self-heating leading to fires
- fire fighting measures
- access to storage areas
- using associated plant such as front end loaders.

If monitoring and reviewing indicates ongoing problems, this could indicate a need to redesign the relevant aspect of the container or storage area.

Hazards and risks as identified and reasons for selecting controls should be written down in a suitable form, including the reasons why it is not reasonably practicable to apply ones higher in the hierarchy of control. The lists in *Appendix 2* are checklists that will help with some common hazards and risks, and the possible control measures. These lists are not exhaustive – you may find other risks that are relevant in your workplace.

Further guidance on risk management can also be found in WorkCover's *Workplace Safety Kit*, *Small Business Safety Starter Kit*, and in general terms in the *Code of practice on Risk Assessment*.

2.1.3 Consulting with employees about risk management and implementing this code of practice

Whenever employers undertake a risk assessment or consider the control measures that can be adopted to eliminate or minimise risks, they must consult with employees as part of this process and take their views into account.

As examples, consultation should take place when carrying out the following:

- Evaluating the safety issues as part of the process of purchasing and installing a bulk container. This includes such matters as the safety features of the container, its location and compatibility with other plant or equipment in the workplace.
- Developing safe work procedures for related work tasks such as loading, unloading and using bulk handling equipment.
- Developing inspection and maintenance procedures.
- Developing emergency procedures to address risks such as fires, explosions or entrapment.
- Investigating accidents or safety incidents (such as 'near misses') that may arise.
- Considering modifications to the container or ancillary plant.
- Considering any other changes based on implementing this code of practice.
- Assessing training needs.

When undertaking consultation employers should share all relevant safety information with employees, including:

- safety information provided by the manufacturer or supplier
- health and safety issues that may arise from the installation and use of bulk containers
- how you intend to address safety issues.

Employees should be given sufficient time to consider this information and discuss any issues they may have with their employer.

Examples of particular topics to discuss during consultation include the following:

- Selection of suitable Personal Protective Equipment (PPE), when determined to be a control measure.
- Best ways of communicating health and safety information (including providing information to contractors or other workers at the site).
- Effective ways of providing signage.
- Establishing administrative procedures such as hazard and accident reporting.
- Accessing emergency response procedures for the site.
- Coordination with contractors and other workers at the site (eg vehicle drivers loading or unloading).

A suitable method of consultation must be put in place. Further advice on consultation with employees and setting up suitable arrangements is provided in the *WorkCover Code of practice: OHS consultation*. Legal obligations are summarised in appendix 4, section A4.2.

2.2 Preventing injury – elimination of risks and the hierarchy of controls

After identifying the hazards and assessing the risks, the safeguards or work systems that will keep people safe need to be determined. As indicated above, employers must involve employees when making these decisions.

The control measures, including those described in this code of practice, must be considered in terms of the 'hierarchy of control', described in sections 2.2.1 and 2.2.2 below.

2.2.1 Eliminating the risk

The first consideration is to keep people from being exposed to a hazard in the first place. This is called eliminating the risk.

For example, the electrocution risk associated with overhead power lines can be eliminated by either:

- Locating the storage container to eliminate the need to use mobile augers near overhead power lines.
- Installing fixed conveyors rather than using mobile augers.

Elimination of the risk gives the best level of safety, and must be adopted unless it is not reasonably practicable. If elimination is not practicable, then the following hierarchy of controls must be considered. The term 'reasonably practicable' is explained in appendix 4, section A4.7.

2.2.2 Controlling the risk

In the following 'hierarchy of control', the control measures are listed in the order they must be applied. Work thorough the following sequence, starting with (a) which represents the highest level. Select from the highest level where reasonably practicable and develop each control measure for each risk identified.

- (a) Substituting the system of work, substance or plant for something less hazardous (eg installing indicators that show the level of substance stored and that can be observed from ground level).
- (b) Isolating the hazard (eg restrict access to an area by the use of barriers or guard rails).
- (c) Introducing an engineering control (eg lockable catches to prevent access, guarding on augers, remote control levers).
- (d) Administrative controls adopted as part of a safe system of work – examples are:
 - modifying the system of work (eg cleaning the container from lower levels rather than from the top);
 - developing a safe system of work and written safe working procedures;
 - hazard warning signs (eg 'Lower auger before travelling') and specific training and work instructions.
- (e) Personal protective equipment (PPE), such as fall arrest devices, eye, respiratory and hearing protection.

In some situations a combination of control measures may be needed.

Administrative measures require frequent monitoring to ensure they are used. Training of workers about each control measure is needed so that workers know how to implement these.

The use of personal protective equipment (PPE) is the least effective measure. PPE should only be used when other control measures are not reasonably practicable, or when after implementing other controls, a residual risk remains. Advice on the selection of PPE is provided in chapter 16.

Any new control measures should be evaluated to ensure that they are effective and that new hazards are not introduced (directly or indirectly).

2.3 Site selection, preparation and installation – silos, field bins and flatbed storage

Installation, erection and commissioning (putting into operation) must be undertaken by a competent person at a suitable location (OHS Regulation, subclauses 135 (b) and (c)).

When selecting a site for a silo or field bin consider the following factors when complying with the manufacturer's instructions and guidelines on installation:

- (a) Drainage throughout the site – for example, building up silo and field bin sites will help to ensure good drainage.
- (b) Ensure that the foundation on which the container or flatbed storage is to be installed is in accordance with the manufacturer's instructions, and is safe and stable, including the capacity of the foundation, footings, plinth or ground to support the loads. Inadvertent movement of plant (including the container) must be prevented (OHS Regulation clause 135(d)).
- (c) Truck and wagon access, and the ability to safely load and unload trucks or wagons. Examples are the risk of touching overhead power lines when tipping, and the risk of trucks overturning when tipping or turning if the ground is not sufficiently level and even.

- (d) Access to public roads should facilitate safe movement of vehicles and containers such as field bins.
- (e) Locate the container, flatbed storage and loading facilities away from overhead power lines, taking into account the possibility of contact from the movement of mobile equipment such as augers and tip trucks, and the use of cleaning and measuring poles or rods (see also chapter 12). Alternatively, locate powerlines under ground. You may need to consult your energy supplier about appropriate clearance distances from overhead and underground services.
- (f) For silos with provision for inert gas injection as a fire control measure, provide adequate space for access, including vehicles carrying the gas supply, such as bulk tankers, where necessary.
- (g) Provide sufficient space from adjacent buildings, plant, services (eg underground power or gas), roads or rail services, to allow safe work and access, and adequate separation distances for fumigation.

2.4 Preparation for work

If buying or building a new container, check that the manufacturer or supplier of the container confirms that the design is consistent with WorkCover's *Code of practice safety aspects in the design of bulk containers including silos field bins and chaser bins*. Some of the control measures described in this code of practice will have been incorporated by the designer and manufacturer.

Ensure that a suitable manual ('manufacturer's instructions') and all relevant information are provided that clearly describe safety measures, and that the safety measures are incorporated into the design. Ensure that the supplier will provide adequate manufacturer's instructions and guidelines for installation and commissioning.

Preparation should be based on implementing the manufacturer's instructions. Preparation should also include identification and assessment of the following factors:

- (a) Climatic and environmental conditions that could affect recommended control measures.
- (b) Safe access to and from the work areas, including areas where cleaning or maintenance is required (see also chapters 5, 6 and 7)).
- (c) Requirements for regular inspection, cleaning and maintenance (see chapter 3 and preoperational safety checks for structural integrity in section 4.2)).
- (d) Specific instructions and training for employees on maintaining health and safety (see chapter 17).
- (e) Appropriate signage to display (see section 2.7).
- (f) Suitability of plant and equipment for the intended use, and its proper maintenance.
- (g) Provision of personal protective equipment, where this has been identified as an appropriate control measure (see chapter 16).
- (h) The location of overhead and underground services (eg electric power lines, underground gas pipes) to ensure work is carried out safely with regard to its location.
- (i) Establishing emergency, evacuation and rescue procedures in the event of an incident, injury or other emergency, including the means of rescuing people, and arrangements to protect any other people in the vicinity (see section 2.5 below and chapter 7).
- (j) The nature of the substance stored, including its dangerous goods classification and the hazardous nature of any dusts or gases that may be evolved, and the size and type of structure of the container (see chapters 7, 9, 10 and 11).

- (k) Risks associated with loading and unloading the container and the coordination of safe procedures with the person responsible for receipt or delivery of a load. Plan to ensure safe movements of vehicles such as trucks and wagons.
- (l) Any associated handling and storage of dangerous goods, such as solvents (eg hexane), fuels (eg LP Gas), acid or alkali, in terms of the dangerous goods classification, and checking to ensure storage and handling is in accordance with the appropriate Australian Standard.
- (m) The need for lightning protection of the container (AS 1768 *Lightning protection* provides advice).
- (n) Safe lifting method and lifting points where necessary for lifting plant or bins (eg during maintenance or replacement).
- (o) Proper site selection for relocatable containers such as field bins (see chapter 4).

When preparing for filling, discharge, cleaning, or any other work, check that all controls, identified through the risk assessment process, have been put in place.

2.5 Planning to deal with serious incidents – emergency procedures, fires and confined spaces

The need for emergency procedures, such as rescue from a confined space and fire fighting, must be identified and effective measures planned.

The fire risks of combustible substances should be identified, especially those related to the dangerous goods classification of the contents (further advice is provided in chapter 10). All confined spaces should be identified and have signs – see section 2.7.

The following matters should be considered when planning to deal with emergencies and controlling fires:

- (a) developing a site emergency plan, including procedures for alerting the fire brigade and cooperation with the fire brigade;
- (b) provision of injection points on the container for inert gases to control fires, and access to these where provided;
- (c) fire, heat and smoke detection systems;
- (d) appropriate location of fire fighting equipment;
- (e) maintenance of fire fighting equipment and provision of an adequate water supply;
- (f) safe isolation and emergency stop procedures;
- (g) control of access to the container and work areas during the emergency;
- (h) extra equipment and procedures for entry into a confined space, for rescue or other purposes (see chapter 7);
- (i) procedures and means for rescue of persons trapped in containers, confined spaces or hanging on fall arrest devices.

The above measures need to be included in staff training and instruction (see chapter 17).

2.6 Control of contractors and other persons working at the site

In order to adequately ensure both the protection of contractors or other visitors who occasionally work at the site, and to ensure contractors protect others, it is important to adopt procedures such as the following:

- (a) permit to work systems, for example for entry into hazardous areas, entry into confined spaces, or hot work permits (for work creating an ignition source such as cutting, welding or grinding);
- (b) isolation and tagging procedures to prevent inadvertent starting or energising of plant;
- (c) providing adequate information and training about working with the container, ancillary plant and equipment; and the relevant hazards and risks, and emergency systems established (such as fire alarms);
- (d) providing induction training for contractors, including safe working procedures.

2.7 Information and signage

Signage is an important way of providing health and safety information.

2.7.1 Mandatory signage

The OHS Regulation requires signage for the following risks:

- (a) Where there is a risk of an unsafe atmosphere or atmospheric contaminants, the area must be isolated and appropriate warning signs put in place (Clause 54 of the OHS Regulation). Chapters 9 and 11 give further information on atmospheric contaminants such as dusts or gases. If PPE is selected as a control measure, areas where it must be used are to be clearly identified (OHS Regulation, clause 15(1)(g)).
- (b) Clause 75 of the OHS Regulation requires that appropriate signs are displayed at the entry points to confined spaces. The following warning signs are suggested as examples of administrative controls to be applied, where relevant to the safe system of work and control measures applied:
 - Adjacent to access openings: DANGER – CONFINED SPACE ENTER ONLY WHEN CONTAINER EMPTY – CONFINED SPACES SAFETY PROCEDURE MUST BE FOLLOWED
 - or alternatively, where controls to prevent discharge are in place: DANGER – RESTRICTED ENTRY – CONFINED SPACES SAFETY PROCEDURES MUST BE FOLLOWED
 - At all other openings not designed for access but where a person could enter: DANGER – CONFINED SPACE– DO NOT ENTER (or DO NOT ENTER UNLESS AUTHORISED)
- (c) If the contents are dangerous goods, signs relating to the classification must be displayed.
- (d) All relevant information on emergency procedures relating to plant must be displayed in a manner that can be readily observed by persons who may be exposed to risks arising from the operation of the plant (OHS Regulation, clause 144(2)).
- (e) A legible notice specifying the rated capacity (safe working load) of any lifting machinery, including conveyors, must be affixed in a conspicuous place on the lifting machinery. The rated capacity must be specified in appropriate metric units (OHS Regulation, clause 142(1)).

2.7.2 Other risks that may need signage

Other signs that may be appropriate for controlling risks include the following:

- (a) The allowable loads on ladders.
- (b) A visible sign at each outward opening door or hatch (if applicable), displaying the warning: DANGER OF STREAMING MATERIAL – OPEN WITH CAUTION.
- (c) Warning signs for fire fighters, including information concerning the proper fire extinguishing techniques, visible from a safe fire fighting position; such as a warning prohibiting directing water or foam to extinguish the fire through the top openings, where relevant to the contents.
- (d) Include information on the nature of the contents so fire fighters are aware of the particular hazards, if the contents are combustible.
- (e) Indication of the nature of the type of container (eg whether it is a sealed container or an oxygen limiting silo) so fire fighters can use appropriate methods.
- (f) Signs warning of a fumigation process and the danger of presence of toxic gas following fumigation.

CHAPTER 3 – Regular safety checks, cleaning and maintenance of containers and plant

3.1 Risk reduction

Risks can be reduced through regular safety checks, inspection, maintenance and cleaning programs. All plant must be subject to appropriate checks, tests and inspections necessary to minimise risks to health and safety (OHS Regulation clause 136(3)(m)).

Ensure that inspection and maintenance schedules recommended by the manufacturer are kept, or a schedule is developed by a competent person where necessary (OHS Regulation, clause 137(1)(b)). Keeping records of maintenance, inspections, cleaning and repairs will help to ensure the maintenance and cleaning programs are carried out regularly.

It is recommended that a visual safety inspection is carried out on all containers at least once every three months if in continuous use, or at the beginning of each season or work period if the container is not in continuous use.

Arrange for a comprehensive and detailed examination of the container by a competent person at intervals recommended by the manufacturer, or more frequently in harsh environments such as near seawater, or where factors such as the corrosive nature of the stored substance could cause corrosion, to ensure that it is safe for use. If the container or any other item of plant is not safe for use, it must not be used (OHS Regulation clause 136(3)(n)). This examination should be carried out by a competent person at least every 10 years. An inspection report should be kept until the next inspection.

Faults that could cause heat or sparks, such as over heated bearings or slipping drive belts need immediate attention if the stored substance is combustible.

3.2 Key areas for inspection and maintenance

Examine the container and all ancillary equipment in accordance with the manufacturer's instructions (operator's manual), or instructions developed by a competent person if the manufacturer's instructions are not available, to ensure it is in safe operating condition. This should be done prior to first using it and on a regular basis. If the container is used only on a seasonal or periodic basis, an inspection should take place at the beginning of each season or work period. Intervals for comprehensive inspection will also be determined by the type of product stored and any external environmental factors.

The following areas should be considered in an inspection and maintenance program, where relevant to each particular container:

- (a) structural integrity of the container and ancillary plant – see the list in 3.3 below;
- (b) filling devices, unloading and discharge equipment (eg augers and conveyors), including guarding;
- (c) guarding of platforms, ladders and other means of access;
- (d) safety devices, including a safety line or harness if used as a control measure (see section 5.3);
- (e) where pneumatic transfer or dust suppression is used – air or dust filters, and dust control system for operation, cleanliness and integrity (including dust tightness), pressure relief valves for correct operation; operation of any warning devices and high level detection systems;
- (f) visual inspection of electrical equipment, including leads and cables for damage;

- (g) warning signs and labels for wear and fading;
- (h) operation of hatches and control mechanisms;
- (i) sealing devices and pressure testing a sealed silo in accordance with the manufacturer's instructions to ensure integrity and efficiency of fumigation.

A preoperational safety check is outlined in section 4.2.

3.3 Structural integrity

Structural integrity checks should include a visual inspection of the following:

- (a) metalwork, such as damage, surface corrosion, integrity of bolts or welds;
- (b) damage to support struts;
- (c) footings, foundations, slab or exposed plinths – problems may be indicated by evidence such as settlement, cracking, spalling or other damage to concrete;
- (d) ladders, stairs, handles, platforms and other access points, including the attachment points, for corrosion and integrity;
- (e) hatches and latches;
- (f) dust tightness of any relevant items and the integrity of dust control systems;
- (g) fall prevention barriers or attachment points;
- (h) bulging of the container such as the barrel of a silo or field bin.

Note that paint could hide defects such as corrosion or cracking.

A checklist is provided (number 4 in Appendix 2). Arrange for remedial work to be carried out by a competent person if any fault is observed (see below).

3.4 Remedial work

All maintenance and repair work must be carried out by a competent person, having regard to the manufacturer's instructions, including the time periods for inspection and maintenance (OHS Regulation clause 137). Ensure that all electrical work is carried out only by qualified and licensed persons. Repairs carried out must keep the container within its design limits – if modified see section 3.6 below.

3.5 Cleaning

Cleaning reduces hazards and risks arising from dusts, moulds and corrosion. Risks also arise if the substance being stored deteriorates with time, or tends to stick to or corrode the walls of the container.

A regular cleaning program should include the following:

- removing dust deposits from any exposed surfaces (starting equipment may release accumulated dust and create an inhalation or explosion hazard)
- internal cleaning, if accumulated substance presents a hazard inside the container, such as corrosion, fire or explosion hazard, affecting proper discharge of the contents, or changes to the structural load
- general 'housekeeping' to ensure the workplace is clean and free of additional hazards, such as obstructions that could cause slips, trips and falls.

Dust hazards and explosion risks may arise during cleaning, and any equipment used should be suitable for use in such an atmosphere (see chapter 9 on dusts and moulds and chapter 10 on dust hazards and controls).

When plant or equipment is being cleaned, it must be isolated to prevent operation, unless this is not reasonably practicable (OHS Regulation clause 137(2)). A 'tag out' system may be necessary to provide signage to others that the plant cannot be started. Safe work procedures should be established for cleaning or clearing any attached conveyor or auger.

3.6 Modifications to the container

Consult the manufacturer or supplier, or an appropriately qualified engineer, before carrying out structural modifications to a container. A record of modification should be kept for the life of the container.

If you modify a design, you take on the legal obligations of a designer and manufacturer. Further advice is provided in the *Code of practice for safety aspects in the design of bulk containers including silos, field bins and chaser bins*.

CHAPTER 4 – Structural collapse

4.1 Hazards and risks

Structural collapses have sometimes resulted in fatalities. People must be kept safe from risks associated with such a collapse.

Different stored substances have different densities, internal angles of friction and corrosive behaviour. For example, a container that is designed for low density substance is likely to become overloaded if a higher density substance is stored. Manufacturers and suppliers will usually impose restrictions on the manner of loading and unloading substance, and the characteristics of and limitations on, the type of substance that can be stored.

A container may collapse when the stored substance, such as crusted grain, falls internally to the base, creating a vacuum that causes the container to implode (fold in and collapse).

Uneven settlement of foundation or footings is another cause of failures (see maintenance checks in Chapter 3 and remedial work in section 3.4).

Wind forces and the potential for a vacuum to be formed inside the container when doors or hatches are opened should be considered.

4.2 Control measures

When in use, a daily preoperational safety check should be carried out before filling, emptying, climbing or using the container, and in the case of a field or chaser bin, before towing or transporting. Consult the manufacturer's instructions and implement the following measures where relevant to minimise the risks of structural collapses:

- (a) Check that the stored substances are within the manufacturer's or supplier's specification.
- (b) Avoid overloading. Do not impose additional loads on it (eg supporting other equipment) unless specifically allowed by the manufacturer, supplier, or a competent person such as a qualified engineer.
- (c) Load and unload at rates within the specifications of the manufacturer or supplier. Off centre loading or unloading can produce uneven loads on the structure.
- (d) Where vehicle movements present a risk, protect the container or structure and support struts or legs from damage by moving equipment and vehicles by providing suitable barriers or vehicle stops.
- (e) Before placing a field bin for filling, the site should be assessed to ensure that it is structurally adequate to support the full load of the bin, and that the bin is supported on level surfaces.
- (f) Field bins should only be transported or towed on firm and even ground, and only when they are empty and within towing limits of the towing vehicle, and with a rigid linkage. When stationary, secure the bin from unintended movement.
- (g) Where high winds may create a hazard, keep hatches closed.
- (h) Do not use rails, ladders or other points as an anchorage point for a fall arrest system unless approved by the manufacturer of the container or structure, or determined to be suitable by a competent person.

CHAPTER 5 – Falls from heights

5.1 Hazards and risks

Falls from a container roof or ladder, or from a surrounding work area or platform, can result in serious injuries or death. Risks of falling must be eliminated or controlled to protect people working at any height. This includes the risk of falling into the container.

The OHS Regulation in subclause 56(1) provides that:

An employer must ensure that risks associated with falls from a height are controlled by the use of the following measures:

- (a) provision and maintenance of:
 - (i) a stable and securely fenced work platform (such as scaffolding or other form of portable work platform), or
 - (ii) if compliance with subparagraph (i) is not reasonable practicable – secure perimeter screens, fencing handrails or other forms of physical barriers that are capable of preventing the fall of a person, or
 - (iii) if compliance with subparagraph (ii) is not reasonably practicable – other forms of physical restraints that are capable of arresting the fall of a person from a height of more than 2 metres,
- (b) provision of a safe means of movement between different levels at the place of work.

Consider the risks of gaining access to the roof of a container, or surrounds of a below ground container, for work such as:

- opening and closing the roof hatch or cover, or access for loading or unloading;
- fumigating, inspecting, sampling, temperature measurement or servicing;
- determining the amount of substance stored;
- maintenance and cleaning;
- work near pits such as boot pits.

The more frequent the need for access, the higher the risk. This risk can be aggravated by fatigue from frequent climbing of stairs or ladders.

5.2 Control measures for work at heights – applying the hierarchy of control

A safe method of working at heights and moving between different levels must be determined.

Reducing the need for access to heights is the key to implementing control measures. Examine the methods of access and consider applying the following measures where reasonably practicable to control the risk of falls:

- (a) Minimising the need to gain access to elevated areas such as the roof by providing and using measures such as the following:
 - a system that conveys substances to the container that is accessible from ground level, such as through a filler pipe or a bucket elevator;
 - a remote lever to open and close the roof filling cover, operated from ground level;
 - sight gauges or weight indicators visible from ground level to show the storage level;

- ground level access hatches (eg to allow cleaning);
 - extension poles to clean the inside of the container.
- (c) Substitute a less hazardous means of access. For example, using an inclined ladder (at a gradient between 70° and 75° to the horizontal) instead of a vertical ladder where access is necessary, if reasonably practicable.
- (d) Use fall protection such as barriers, guardrails and ladder safety cages, where reasonably practicable. AS 1657 *Fixed platforms, walkways, stairways and ladders – design construction and installation* provides further advice.
- (e) Use a safety harness and fall arrest equipment, in conjunction with structurally adequate anchorage points (see section 5.3 below). This option should be considered only if all other means (b, c and d above) are not reasonably practicable.
- (f) Prevent unauthorised access to ladders by either:
- blocking the base of the ladder safety cage with a lockable or fixed barrier;
 - adding a lockable cover to the access ladder up to a height of 2 metres;
 - folding up or sliding up the lower two metres of the ladder;
 - using a detachable ladder up to a height of 2.5m. When not in use, such a ladder should be secured away from the container to prevent access by unauthorised persons.
- (g) Where a ladder is used as a means of access, it should not be used as a work platform. The narrow rungs do not provide adequate ergonomic support for prolonged use.
- (h) Provide warning signs about the hazards associated with access.

Further advice on applying the hierarchy of control to falls is provided in section 1.5, figs 1.1 and 1.2, of AS 1891.4 – 2000 *Industrial fall-arrest systems and devices – Part 4: Selection, use and maintenance*.

5.3 Use of fall arrest devices

5.3.1 Legal requirements

If a fall arrest device is provided, the OHS Regulation in subclause 56(2) has the following requirements:

- (a) all anchorage points must be inspected by a competent person before first use and on a regular basis so they are capable of supporting the design loads;
- (b) if the load bearing capacity of an anchorage point is impaired, the anchorage is immediately made inoperable so as to prevent its use;
- (c) any harness, safety line or other component of the device that shows wear or weakness to the extent it may cause the device to fail is not used;
- (d) all persons using the device have received training in the selection, assembly and use of the system; and
- (e) adequate provision is made for the rescue of a person whose fall is arrested by a fall arrest device.

5.3.2 Practical guidance on fall arrest devices and anchorage points

Practical guidance is provided in AS/NZS 1891.4 – 2000 *Industrial fall-arrest systems and devices – Part 4: Selection, use and maintenance*. This standard is an approved industry code of practice in NSW.

This part also provides advice on anchorage points for fall arrest devices. Anchorage points must be sufficiently strong to withstand potential forces. The force exerted on an anchorage point when arresting a person is considerable. It is as much as 110kN, which is the equivalent to suspending a large station wagon from the anchor. Fall arrest devices are not appropriate if suitable attachment points are not available. For example, existing ladders may not have sufficient strength.

When using a fall arrest device, a person should not work alone or unmonitored. Serious health problems, or even death, can result from a person left suspended in a harness for as little as 20 minutes.

When selecting a system, confirm with the supplier that it complies with AS/NZS 1891 *Industrial fall-arrest systems and devices* (all parts of this standard are approved industry codes of practice in NSW).

5.4 Infrequent, occasional or temporary access to heights

Occasional access to heights may be necessary for infrequent tasks such as inspection or maintenance. Consider using a stable and securely fenced work platform, such as scaffolding or a boom-type elevated work platform.

CHAPTER 6 – Entrapment in grain or other flowable substances

6.1 Hazards and risks

One common cause of death is suffocation as a result of engulfment in a flowing substance such as grain. Often the victim has entered a silo of flowing grain unaware of the dangers.

Flowing grain is hazardous because it acts like quicksand. It can take four to five seconds to be trapped up to knee level and less than 20 seconds to become submerged. Once trapped knee deep in the grain, a person is helpless to escape due to the immense force the flowing grain exerts on the body.

For example, to rescue a 25kg child caught in knee deep grain, an adult would have to be able to lift 32 kg. If the same child were shoulder deep in grain, it would require a force of 110 kg.

Sometimes appearances can be deceiving. Grain may crust over and look solid, but a cavity can develop underneath the crust. Someone walking on top of the crust can break through and become submerged in the grain.

The collapse of vertically crusted grain usually occurs in a partially emptied grain silo when spoiled grain remains stuck against the wall. As the worker attempts to dislodge it at the base, the wall of grain can give way and bury the worker.

Emergency rescue of a trapped person may be necessary. Because of the danger of engulfment and other hazards, a silo is classified as a confined space and special entry procedures are required (see chapter 7).

Examine the need to enter containers and eliminate or minimise the occasions when entry is necessary.

Consider applying the measures in sections 6.2 and 6.3 below where reasonably practicable, applying the principles of the 'hierarchy of control' (as explained in section 2.2).

6.2 Eliminating risks

Prevent entry unless it is absolutely necessary (for entry procedures see chapter 7). Instead, observe procedures such as the following:

- (a) Break up crusted grain or substance from the outside of the container by either:
 - Using a long pole inserted through the roof door or hatch. If there is any risk of the pole coming into contact with or within proximity of overhead power lines use non-conductive poles (such as wood or plastic)
 - Using a weighted line thrown from the roof door or hatch
 - Using rotating flails operated from outside the container.
- (b) Do not enter a container from the bottom if the grain or substance is vertically crusted. Vibrate the sides of the container to break the crust.
- (c) When unloading flatbed storage, persons should not enter the areas of overhang left after loaders have removed the stored substance.

6.3 Minimizing risks

To minimise risks, consider applying the following precautions:

- (a) Make sure no one is inside the container before operating the loading or unloading equipment (unless the presence of a person is essential for the operation and adequate safety procedures are in place).
- (b) Prevent people from entering openings above the maximum height of stored substance. This may be done by any of the following means:
 - Ensuring openings do not exceed an area the equivalent of 150 mm diameter;
 - Providing hatches with fixed guards that require tools to dismantle or keys to unlock. Such guards should not have openings that exceed an area the equivalent of 150 mm diameter, or
 - Cover hatches with permanent steel mesh.
- (c) Lock access doors and covers and store the keys in a secure place to prevent unauthorized access.
- (d) Collect samples from outside the container.
- (e) Place safety signs by the access points such as ladders, so other persons will be aware of the dangers of entrapment.
- (f) Adopt safe working procedures where entry is essential for operation, including confined spaces procedures – see Chapter 7 below.
- (g) Plan for emergency procedures should a person become entrapped in substance (see sections 7.2(g) to (i)). Further advice on rescue is provided in Appendix 3.

CHAPTER 7 – Entry into a container – confined spaces procedures

7.1 Hazards and risks of confined spaces

A confined space is described in the definition (see section 1.7). Containers, such as bins and silos, are potentially confined spaces due to the risks such as an unsafe atmosphere, engulfment by the stored substance or entrapment in an auger. Flatbed storage is not usually a confined space if sufficiently open to the atmosphere. All confined spaces at the workplace should be identified so that appropriate work procedures and control measures can be implemented.

Work procedures should avoid the need for entry. Entry of unauthorised persons into a confined space must be prevented by appropriate barriers and signs (OHS Regulation, clauses 54, 69 and 75).

Control measures are needed if the need to enter a confined space cannot be entirely eliminated under all circumstances. Entry is governed by the safety requirements specified in clauses 66–78 of the OHS Regulation. An entry permit system is required (clause 72). If a person enters a confined space, the employer must prevent the introduction of any harmful materials, contaminants, agents or conditions, and prevent the activation or energising of equipment or services that may pose a risk (eg floor augers that could entangle).

If the atmosphere is flammable or combustible, then potential ignition sources need to be controlled.

The risk assessment may need to include an evaluation of oxygen deficiency, the evolution of toxic or flammable gases, the presence of dusts, or the presence of fumigants – see advice in chapters 9, 10 and 14 to identify these hazards. Exposure to atmospheric contaminants or an unsafe level of oxygen must be controlled (OHS Regulation clauses 50–55). Grain dust is classified as hazardous. Spoiled grain gives off carbon dioxide, which may displace the oxygen in the container – see chapter 11.

When planning for each entry, make sure emergency contact phone numbers are made readily available to workers.

7.2 Procedures for entry into a confined space

Before a person enters a container, including for emergency rescue, the following precautions should be observed:

- (a) Make sure that all ancillary equipment (eg augers) has been locked out and tagged to prevent unintentional starting. Do not permit any person to enter the container if loading or unloading equipment is running.
- (b) To ensure that the atmosphere within the container is safe, it may need to be tested for the presence of combustible gases, vapours, dusts, toxic agents, fumigants and for oxygen content. Testing may be done with suitably calibrated chemical detector tubes or portable electronic meters, and test results should be recorded. Ventilation of the container may be necessary to remove contaminants and establish the normal level of oxygen. Ongoing ventilation may be necessary to ensure the atmosphere remains safe.
- (c) If the oxygen level is less than 19.5% or more than 23.5%, if a flammable gas, combustible vapour or dust, or a toxic agent is present, ensure that the container is ventilated until safe levels of oxygen, or lower levels of gas, dusts or other contaminants are below exposure limits or explosive limits. However, respiratory protection may still be needed – see (e) below.

- (d) Continue the ventilation as long as there is a possibility that the unsafe condition may recur while someone is in the container, and ensure that the ventilation provides enough oxygen for the worker inside. Pure oxygen, or air with a concentration of over 21% oxygen, must not be used for purging ventilation.
- (e) If toxicity or oxygen deficiency cannot be eliminated by ventilation, anyone entering the container must wear a self-contained breathing apparatus. This is essential if there is an oxygen deficiency and/or to control toxicity. This will be necessary if gas continues to be evolved or if dusts are disturbed by the entry or work in the container.
- (f) Airborne particles may cause difficulty in breathing. Anyone working in a container, especially for the purpose of cleaning the container, may need to wear an appropriate respirator or breathing apparatus. Further advice on dusts and exposure standards is provided in chapter 9.
- (g) Workers should wear properly attached safety harnesses and lanyards equipped with properly fastened lines that will arrest falls, and keep them above the stored substance in case of a fall. Such harness and lines will also be necessary for rescue purposes (see point (i) below). This equipment needs to be appropriate for the task undertaken.
- (h) Position at least one standby person, appropriately trained, outside the container to initiate in rescue if someone becomes trapped or overcome by toxic gas or lack of oxygen (OHS Regulation, clause 73). These people must be trained in rescue procedures and in safety procedures for confined spaces. Effective communications systems and procedures must be in place for these circumstances.
- (i) Ensure that lifting equipment and a harness lifeline arrangement is conveniently available at all times for emergency rescue, and suitable attachment points are available.
- (j) Where explosive atmospheres may be present, ensure that adequate measures are taken to prevent fires and explosions (the hazards are described in section 10.2 on Dust and Gas Explosions). Ignition sources should not be introduced. For example, during entry, ensure appropriate protective clothing is used, such as anti-static and anti-sparking shoes. Special procedures may be necessary if potential ignition sources are to be used, such as mobile phones, two-way radios, flashlights, electrical tools or lighters, for example during maintenance.

Further guidance on working in confined spaces can be found in Australian Standard AS 2865 *Safe working in confined spaces*.

CHAPTER 8 – Children and other visitors

8.1 Hazards and risks

The potential presence of children and other visitors should be taken into account and the risks assessed.

Children are naturally attracted to bright, noisy equipment and to areas where adults are working, even when the equipment is not in use. This is an important risk factor on farms. Accident reports show that children have been killed or maimed in augers, or have suffocated in containers when flowing grain has trapped them.

The best way to protect children and others is to anticipate potential problems and put measures into place to ensure that they will be safe. Simply telling a child to keep out of the area doesn't guarantee that a curious child won't enter – adults should make sure that children are protected.

8.2 Control measures

Consider the likely or possible movements of visitors and children at the workplace and the need for fencing and guarding. Entry to confined spaces must be restricted (see chapter 7 above).

Keep children away from grain handling areas and ancillary equipment such as augers and conveyors. Educate children about the hazards. Supervise them at all times they are near an area of risk. On farms, if children may be present this may be achieved by using safe play areas – guidance is available from Farmsafe Australia www.farmsafe.org.au or phone 02 6752 8210).

Consider the following additional measures to protect children and others:

- (a) In locations where the risk assessment indicates a risk due to relatively large numbers of children or visitors, to guard against unauthorised access to the work area and storage area, fence off the work (eg with railing at least 1.2 metre high and a childproof gate with a latch over 1.5 m height).
- (b) Prevent unauthorised access to ladders, using one of the options described in section 5.2 (f).
- (c) Prevent access to hatches by the means described in sections 6.3 (b) and (c).

CHAPTER 9 – Dust and Moulds

9.1 Health hazards and risks from dusts or moulds

Many tasks, such as shovelling grain or cleaning out structures, have the risks of exposing workers to airborne dust and to moulds from spoiled organic products (such as grain or fibres), especially when working in an enclosed area.

When inhaled through the nose and mouth, mould spores can produce irritation of sensitive tissue. If significant quantities of bacterial or fungal spores, and related byproducts such as endotoxins, are inhaled they can induce respiratory reactions. This is similar to that caused by inhalation of grain dusts ('grain fever' and 'farmers lung').

The symptoms are easily mistaken for bronchitis or pneumonia, and may not be noticed for several hours after exposure to the dust. Irreversible lung damage and sometimes death can result when the disease is not diagnosed and treated in the early stages. A symptom of the disease is shortness of breath, which requires the worker to take frequent rest periods and severely limits the amount of work that can be accomplished. If the symptoms persist, medical advice should be sought.

The nature of the substance stored should be assessed to determine its health risks arising from dusts. Grain dust is classified as a hazardous substance and worker exposure to airborne concentrations of grain dust must not exceed 4 mg per cubic metre (over an 8 hour period). Protection may be also needed from other dusts, which should be identified from the classification of the contents of the container. Maximum exposure limits for some other substances, provided in the NOHSC standard *Exposure Standards for Atmospheric Contaminants in the Occupational Environment*, must not be exceeded (OHS Regulation, clause 51).

Gas risks are covered in Chapter 11. The fire and explosion hazards of dusts are covered in Chapter 10.

9.2 Controlling dust and mould risks

If there is a risk of respiratory problems from dusts or moulds, control measures may include the following:

- (a) Store only dry grain and dry well cured forages and hay to prevent the development of moulds.
- (b) Use aerating equipment to dry moist grain.
- (c) Adopt techniques that prevent aeroionization and inhalation of micro-organisms from stored fodder such as wetting down the top layer of silage when container caps are removed.
- (d) Handle dusty substances mechanically if this creates less dust or reduces people's contact with the dust.
- (e) Reduce the amount of dust by enclosing conveyer belts, installing dust collectors and making sure the ventilation system is maintained in good working order.
- (f) Remove accumulated dusts in a safe manner (eg with an industrial vacuum cleaner where practicable and where dust removal would generate dust hazards)
- (g) Use an appropriate breathing apparatus. Select respirators that conform to AS/NZS 1716:1994 – *Respiratory Protective Devices*. Such equipment should be selected and used in accordance with AS/NZS1715: 1994 – *Selection, use and maintenance of respiratory protective devices*.

Health risks from gases evolved during storage are covered in chapter 11.

CHAPTER 10 – Fires and explosions

10.1 Severity

Fires and explosions can cause severe injuries and deaths, as well as structural collapse of the container. This is a serious risk that needs to be assessed and controlled. The first step is the identification of risks associated with the stored substance, including combustible dust hazards. Advice is provided below and appropriate controls indicated. Health hazards are covered in chapters 9 and 11.

Clause 62 of the OHS Regulation requires employers and self-employed persons to eliminate or control the risks of fire and explosion, and to remove accumulated waste substances such as dust (for details of clause 62 see appendix 4, section 4.8).

10.2 Explosion hazards and risks

10.2.1 Identifying the hazards

The nature of the stored substance should be assessed, including any likely combustible dusts and any dangerous goods classification that may apply.

Because of the substantial risks of fires or explosions under certain conditions or with certain substances, identification and prevention of such conditions in bulk storage are critical. Loading and unloading areas, processing areas and associated storage (eg flatbed) need to be included in the risk assessment, especially as these could provide sources of ignition. Fire fighting risks are covered in section 10.5.

Fire and explosion risks of any associated plant or substances also need to be assessed. Consider the risks from the use and storage of solvents (eg for seed oil extraction), fuels, (eg LP Gas for heating and drying) and gas or electrical fuelled appliances (eg dryers) where relevant. .

10.2.2 Causes of fires and explosions

Grain and organic dusts, metal dusts and other substances can become explosion hazards. Examples where combustible dusts may occur include the following:

- food processing such as flour milling, dried powder production, sugar processing and the spray drying of milk or coffee, has an explosion risk due to the small particle size of the product
- metals (eg in the form of dross, such as aluminium, magnesium, zinc, iron)
- natural organic material (eg cotton lint, grain)
- synthetic organic substances (eg plastics, pigments, pesticides).

Examples of the way explosive atmospheres can be created are:

- Gases generated within containers (including those generated by rotting or decomposition);
- Airborne dust generated during loading or unloading;
- Dust deposits on surfaces can be stirred by mechanical action or air drafts and become airborne;
- Certain bulk solids emit flammable gases during storage, creating a potential fuel for gas explosions.

Visible dust clouds during loading or unloading may indicate a risk.

The identification of potential dust hazards generated by the stored substance is essential. Dust layers can smoulder creating an ignition source for a subsequent explosion. Explosions can occur through ignition of either a layer of dust or a dust cloud. Dust deposits on surfaces can be stirred by mechanical action or air drafts creating an explosive mixture. Consequently dust deposits need to be controlled (see also section 3.5 on cleaning).

Explosions can occur when an ignition source comes into contact with a combination of air and fuel, so it is important to ensure that dust cannot come into contact with an ignition source. Consequently, potential sources of ignition must be identified and controlled (OHS Regulation clause 62). Common ignition sources are: flames, welding, cutting operations, electrical arcing, mechanical arcing, static electricity, heat from friction, and equipment for heating or drying.

Self-heating is also a risk. For example, bacterial action in silage causes heating, and if oxygen is available then spontaneous ignition is possible. Oily substances are prone to self-heating and combustion (see 10.2.4 below).

10.2.3 Sealed and oxygen limiting containers

Sealed containers can be designed to have all their openings sealed to prevent oxygen from entering or to allow fumigation. The top and bottom openings are normally sealed with rubber gasket hatches. When the hatches are tightly closed and the container is filled, the oxygen concentration should be insufficient to support a fire. However, if the container is not properly sealed or is not operating as designed, enough air may enter to allow a fire to smoulder causing combustible gases to accumulate due to incomplete combustion. Any increase in air can create an explosive atmosphere. These risks may also apply to other types of oxygen limiting containers or semi-sealed containers.

10.2.4 Dangerous goods classification of oily substances (Class 4.2)

This is particularly relevant to operations where oil is extracted from seeds and the resulting 'seed cake' is produced.

Substances containing unsaturated oils, such as cotton meal, and oil seed cake, or fodder mixed with these substances, can produce heat due to microbial activity – a process known as self-heating or spontaneous heating. Damp cotton and hay are also prone to self-heating. This can lead to fires or ignition of the explosive atmosphere within the container.

Such oily substances are classified as dangerous goods of Class 4.2. Identification of the dangerous goods classification (if any) of bulk substance is essential. Specific types of dangerous goods are categorised by UN numbers. The following list shows the dangerous goods classification of typical agricultural and fish products. Class 4.2 *Substances liable to spontaneous combustion* includes:

- UN 1364 Oily cotton waste, including cotton hulls and lint from cotton gins.
- UN 1363 Copra (dried coconut kernels).
- UN 1373 Fibres, animal or vegetable with oil.
- UN 1374 Fish meal (fish scrap) unstabilized (Class 9, UN 2216, if stabilized).
- UN 1386 Seed cake (more than 1.5% oil and up to 5%, and not more than 11% moisture) (classified as UN 1373 if more than 5% oil content).
- UN 2217 Seed cake (not more than 1.5% oil, and not more than 11% moisture).
- UN 3088 Self-heating solid, organic, not elsewhere specified.

'Seed cake' (UN 1386) is derived from a number of crops including coconut, cotton seed, peanut, linseed, maize, soy, rice and sunflowers. This could be in the form of pellets, flakes, meal, or cake.

Wet cotton is classified as a dangerous goods (UN 1365). UN 1373 (Fibres, animal or vegetable with oil) also includes fabrics and synthetic fibres if they contain oil.

Solvent extracted soybean meal containing not more than 1.5% oil and 11% moisture, and which is substantially free of flammable solvent, is not classified.

If you have more than 10,000 kg of Class 4.2, contact WorkCover NSW regarding the requirements for notification of storage.

10.2.5 Other dangerous goods

Ammonium nitrate fertiliser is Class 5.1 (Oxidising Substances) or Class 9 (Miscellaneous) depending on the exact classification. Persons using and storing ammonium nitrate must be licensed under the *Explosives Act 2003* (see details on the WorkCover internet site: www.workcover.nsw.gov.au).

Beads used in plastic manufacture may be Class 9 (UN 2211 Polymeric beads, expandable, evolving flammable vapour).

The dangerous goods classification must be determined by the manufacturer or importer. This information about the dangerous goods classification must be obtained from the supplier of the Goods who must provide it.

Further advice on Class 9 dangerous goods is provided in AS/NZS 4681: *The storage and handling of class 9 (miscellaneous) dangerous goods and articles*.

For other dangerous goods, the relevant Class specific or substance specific Australian Standard should be consulted.

10.3 Controlling fire and explosion risks

Classify the stored substance to determine the fire, combustion and dust explosion risks, using the advice in 10.2 as a guide.

Classify the hazardous areas in relation to combustible dusts and flammable atmospheres where relevant. For advice see AS/NZS 61241 series, *Electrical apparatus for use in presence of combustible dust*, particularly *Part 3 – Classification of areas*. To make decisions about the level of protection required for flammable gases, determine the area classification using Australian Standard AS 2430.3 – *Classification of hazardous areas*. Note that AS 2430.3 will also need to be observed if the container is associated with a solvent extraction process.

For stored substances with such risks, control measures focus on reducing the concentration of dusts and eliminating ignition sources.

Consider applying the following control measures:

- (a) Do not introduce electrical equipment without an evaluation. Ensure electrical equipment (eg motors, control stations, switches, motor starters, lighting fixtures, plugs and socket outlets) is located away from the hazardous area. If that is not practicable, ensure adequate protection (see points (c) and (d) below).
- (b) Avoid the use of mechanical equipment that can produce sparks inside the container.

- (c) Check that any electrical equipment used is designed to reduce the risk of dust explosion from use near containers. See AS/NZS 61241 series, *Electrical apparatus for use in presence of combustible dust*.
- (d) If a flammable atmosphere may be present, check that electrical equipment conforms with Australian Standard AS 2381 – *Electrical equipment for explosive atmospheres – Selection, installation and maintenance*. To make decisions about the level of protection required, determine the area classification using Australian Standard AS 2430.3 – *Classification of hazardous areas*.
- (e) Minimise creation of dust clouds (see section 9.2, items d, e and f).
- (f) Control static electricity (for advice consult Australian/New Zealand Standard AS/NZS 1020 *The control of undesirable static electricity*). During pneumatic transfer of combustible substance, ensure electrical bonding and earthing of tanker vehicles to prevent static electricity.
- (g) Eliminate or control all potential ignition sources, including eliminating naked flames. Display ‘no smoking’ and ‘no naked flame’ signs, and provide supervision to ensure compliance.
- (h) Control the moisture content and the type of cut of stored crops and feed in a way that will reduce the possibility of spontaneous heating. Proper preparation, curing and aeration of the substance being stored are particularly important with chopped crops – consult the manufacturer’s instructions.
- (i) Follow the filling and discharge rates recommended in the manufacturer’s instructions to reduce the possibility of spontaneous heating of the stored substance.
- (j) Maintenance and cleaning must be sufficient to prevent hazards created by dust buildup.
- (k) Lightning protection may be necessary to eliminate this as a source of ignition – advice on is provided in AS 1768 *Lightning protection*.
- (l) For sealed containers, maintain the container to ensure the integrity of any sealing features or ventilation, in accordance with the operating and maintenance instructions provided by the manufacture or supplier.
- (m) Where combustible dusts are present or handled, further advice is provided in AS 4745 *Code of practice for handling combustible dusts*.
- (n) Plant used with the container such as heating and drying apparatus should be assessed and maintained to ensure it is suitable and does not introduce an ignition source.

When installing or undertaking maintenance or repairs on electrical equipment in hazardous areas, engage a licensed electrician who is familiar with the relevant standards indicated in items (c) and (d) above.

10.4 Fire fighting and explosion risks

Workers and fire fighters have been killed as a result of fires and explosions in containers storing organic substance. This is particularly hazardous in sealed or partly sealed containers, such as oxygen limiting designs. While entry of oxygen from the air may be restricted, incomplete combustion during smouldering fires can generate combustible gases. During a fire, opening a hatch of the container, or applying water or foam by hose stream could allow enough air to enter the container to create an explosion. Water can also create additional reactions, generating flammable gases with consequent fire or explosion risks.

10.5 Extinguishing fires and controlling risks for fire fighters

As a general rule, no attempt should be made to extinguish a fire in a container, except by inert gas injection. There is nothing to be gained by conventional methods, and fire fighters lives are placed at a considerable risk. Dust explosions could occur if dust inside the container becomes suspended as a result of a water hose stream, and is ignited by the heat of the smouldering fire. Generally the fire should be allowed to burn itself out, unless means are available to allow the injection of inert gas from ground level into the container.

Should it be deemed necessary to extinguish the fire, *only trained fire fighters should attempt to do so*, and in accordance with the container manufacturer's instructions.

Fire fighters should observe the following measures and precautions:

- (a) Personnel should stay off the structure of containers if smoke or steam is observed coming out of the roof openings, or if the structure is rumbling and vibrating.
- (b) Do not direct water or foam onto the fire through any opening, since this may allow oxygen to enter the container and also cause the suspension of explosive dust clouds.
- (c) Do not spray water on the structure, as this will damage the structure itself and possibly draw in air that could initiate an explosion.
- (d) If the roof hatches are open and emitting smoke or steam, or if the container is vibrating, do not try to close or secure the hatches.
- (e) Do not open any hatches or openings, as an in-rush of air into the container may cause an explosion.
- (f) If the contents of the container are to be unloaded ensure that no air enters the container. This may require partially unloading the container while ensuring that the level of the remaining contents is sufficient to act as a seal against the in-rush of air from the bottom.
- (g) Large quantities of carbon dioxide or nitrogen should be injected into the container to extinguish the fire. Hazards associated with the use of such gases include cold burns and asphyxiation. Provision should be made for connection points for the injection of inert gas into the container for high risk substances such as seed cake. Sufficient space should be provided adjacent to the storage area for vehicle access to supply gas (such as a bulk tanker).

CHAPTER 11 – Gas health risks in the storage of crops and fodder

11.1 Hazards and risks

Health risks arising from the stored substance need to be assessed. Some crops and fodder can generate gases hazardous to health. In particular, consider the risks of carbon dioxide, hydrogen sulphide and nitrogen dioxide. Concentrations are likely to be higher in sealed silos compared to open silos. Fermentation of moist waste can also create atmospheric hazards, especially if a small amount remains in a container that has been empty for a period.

A worker should seek medical advice immediately if adverse exposure to silo gas is suspected.

If entry or rescue in an oxygen deficient or gas rich atmosphere is necessary, a self-contained breathing apparatus should be used, and the confined spaces procedures in chapter 7 must be followed.

Advice on fumigation is provided in chapter 14 of this code of practice.

11.1.1 Carbon dioxide

Carbon dioxide (CO₂) is a gas evolved in grain containers. When grain is stored wet, it ferments and produces this colourless, odourless gas, which displaces oxygen in the container. If enough gas has collected to decrease the oxygen concentration from the normal 21% to less than 19.5%, workers will think less clearly, become drowsy, lose consciousness, and even die. Carbon dioxide (and carbon monoxide) is produced by internal combustion engines or incomplete combustion of burners in heaters. Exhaust fumes present a risk if engines are used in enclosed or confined spaces, such as where loaders are used in flatbed storage.

11.1.2 Hydrogen sulphide

Hydrogen sulphide is a very toxic gas that may be produced by bacterial action (decay) on substances containing protein, such as grains, meat or blood material. It can be detected by its characteristic 'rotten eggs' smell, although at high concentrations this is an unreliable indicator due to an anaesthetic effect on nasal cells. This risk may be present if workers are cleaning containers that have held protein containing material.

11.1.3 Nitrogen dioxide

Nitrogen dioxide (NO₂) is a gas that can cause death or permanent lung damage. It forms as a result of chemical reactions that begin almost immediately after chopped plant crop is placed in a container (eg making silage), and can remain present for up to three weeks.

Nitrogen dioxide is heavier than air and can flow out and settle near the ground. It may be visible as a reddish to yellowish-brown haze around the base of a recently filled silage container. It has a characteristic bleach-like odour and leaves a burning sensation in the nose, throat and chest. Be alert for bleach-like odours and/or yellowish brown fumes at the base of the container. Both are telltale signs of nitrogen dioxide gas.

11.1.4 Flammable gases

Flammable gases such as carbon monoxide (which is also toxic) and methane may also be produced, especially by the fermentation of moist wastes. The risks of flammability and control measures are covered in chapter 10. These gases also act as asphyxiants.

11.2 Control measures

11.2.1 Asphyxiant or toxic gases including carbon dioxide and hydrogen sulphide

Measures to control risks arising from asphyxiant or toxic gases, such as carbon dioxide and hydrogen sulphide include the following:

- Staying out of containers.
- If workers need to enter the container they should wear a self-contained breathing apparatus and take the precautionary measures outlined in chapter 7.
- Internal combustion engines should not be used inside bulk containers unless exhaust fumes are completely removed (eg by the use of sealed piping), or adequate ventilation is ensured.

11.2.2 Nitrogen dioxide

To avoid exposure to nitrogen dioxide, take the following precautions:

- Stay out of containers for at least three weeks following the filling a container with chopped plant substance. Keep children and visitors away from the container during the danger period.
- If entry into the container is necessary, take the precautions outlined in chapter 7, including the use of a self-contained breathing apparatus.
- Ventilate the base of the container, especially if it opens into a feed shed.
- Ventilate feed sheds associated with the container by the use of open windows and fans during the three week enclosed space danger period.
- Keep the door between the container and any attached structure, such as a feed shed, tightly sealed to protect livestock and humans from contamination of the shed.

11.2.3 Fumigants

Controls should be adopted to restrict entry into containers following fumigation, to allow time for the dispersal of fumigants prior to unloading or to entry into the container (eg lock the container during the dispersion period). Engineering controls include forced ventilation where the container is designed for this. The use of fumigants is covered in chapter 14.

CHAPTER 12 – Electrical hazards

12.1 Hazards and risks

Many persons have been killed by electrocution when the metal parts of mobile bulk handling equipment (such as augers, field bins, harvesters or tip trailers) have come into contact with or close to overhead powerlines. Such accidents usually occur when the operator has not lowered the equipment before moving it.

Damaged or faulty electrical equipment, switchgear and wiring have also contributed to a number of electrocutions. Regular inspection and testing of electrical equipment is required (OHS Regulation clause 64). For situations where damage and hazards may occur, due to movement, abrasion, water or dust, further advice is provided in AS/NZS 3760 *In-service safety inspection and testing of electrical equipment*. This is an approved industry code of practice in NSW. Consult the WorkCover publication *Electrical equipment checklist* for further advice.

12.2 Control measures

Examine the work situation and consider applying the following measures, where relevant and practicable, to eliminate or control risks arising from power lines and other electrical hazards.

Note: You should consider all conductors alive unless it is positively known they have been de-energised, isolated and earthed by the local electricity distributor.

- (a) Identify the location and voltage of overhead power lines.
- (b) Locate containers away from overhead power lines, or relocate power lines underground. Alternatively, where required, use a system in which the power supply authority arranges for the powerlines to be isolated and raised in a safe manner.
- (c) Use fixed equipment to fill the container and remote controls (see section 5.2), instead of moving augers.
- (d) Develop work procedures and travel routes for equipment and vehicles that ensure workers, their equipment and containers such as field bins, do not come into close proximity with overhead power lines (see advice in section 12.3 below).
- (e) Have the relevant electricity supply authority switch off the power.
- (f) Lower augers before transporting to eliminate the risk of contacting overhead lines. This also stabilises the unit and reduces the risk of the auger rocking to the side and tipping over.
- (g) When a pole is used to break crusted grain, ensure that it does not touch power lines. If such a possibility exists consider alternative ways of breaking the crust – see section 6.2 (a).
- (h) Check that all bulk handling equipment in use is electrically safe.
- (i) Install residual current devices (RCDs) to power outlets and power supply to provide protection.
- (j) Electrical cords (power leads) should be located off the ground. Ensure that electrical cords are not subject to water immersion or mechanical damage.

12.3 Safe working distances from power lines

Work, or any part of an item of plant, should not come closer to overhead powerlines than the distances in the following table:

Voltage of cable	Safe working distance
Up to 132,000 v	3 metres
Above 132,000 up to 330,000 v	6 metres
Over 330,000 v	8 metres

When estimating these distances, include allowance for the following factors:

- the sag of the cables;
- any swing or sway of loads or plant;
- the effect of wind forces on plant or cables; and
- the height of the plant (such as the harvester, field bin, silo on a truck, chaser bin or auger).

You may need to contact the local electricity supplier to ascertain the line voltage and obtain advice on suitable distances, and safety procedures.

12.4 Emergency procedures following contact with power lines

If, in spite of your best efforts to control risks, a vehicle or plant does contact a power line, the following points could help save a life:

- (a) Machinery operators should stay in their cabins until the power has been switched off, and the 'all clear' has been given (unless the machine has caught fire).
- (b) Other persons should stay at least eight metres away from the machinery and damaged powerlines.
- (c) If immediate evacuation of the cabin is necessary (for example, in case of fire), drivers should jump well clear, and avoid touching the machinery, and then hop away from the machine, keeping both feet together at all times (to avoid differences in ground voltage).
- (d) People should not attempt to rescue someone receiving an electric shock without proper training and equipment. Secondary deaths too often occur when untrained, ill-equipped people get electrocuted trying to help earlier victims.
- (e) If necessary, contact the local electricity distributor, and request them to switch off the power supply.

CHAPTER 13 – Loading, unloading and bulk handling equipment

13.1 Hazards and risks

Bulk handling equipment, such as augers, bucket elevators, belt conveyors and pneumatic transfer, can cause serious injuries and fatalities if not properly used.

The hazards and risks associated with bulk handling equipment include the following:

- (a) Moving parts (such as the flighting of an auger or a power take off shaft) that can catch people and drag them into the mechanism.
- (b) Electrocution resulting from contact with overhead power lines or defective electrical equipment (see chapter 12).
- (c) Uneven terrain or unstable siting leading to tipping of mobile conveyors and augers.
- (d) Noise and hearing loss (see chapter 15).
- (e) Over pressuring the container and filter system during pneumatic (air pressurised) transfer.
- (f) Risks from vehicle or wagon movements.
- (g) Generation of dust (see chapters 9 and 10).
- (h) Excessive discharge rates outside the manufacturer's specifications.
- (i) Sparks or heating from friction, or hot parts of engines.
- (j) mechanical failure and structural collapse.
- (k) manual handling (eg moving augers).

13.2 Control measures

A number of control measures are specified by clause 136 of the OHS Regulation, and the following advice will help implement these.

Examine the plant and equipment in use and consider applying the following measures where relevant to eliminate or control the risk:

- (a) Select equipment that complies with statutory requirements. Advice on conveyors is provided in Australian Standard AS 1755 – 2000 *Conveyors – safety requirements*, which is an approved industry code of practice in NSW.
- (b) Select equipment and implement ways of working that eliminate or minimise risks.
For example, using:
 - fixed rather than mobile equipment, or
 - an industrial vacuum cleaner or pneumatically operated equipment, in preference to a sweep auger with exposed flights.
- (c) Guard all moving parts of machinery. Ensure that guards and shields are secured, and always replaced on completion of cleaning, repair and maintenance work. Guidance is found in Australian Standard AS 4024.1: *Safeguarding of machinery Part 1: General principles*. Guarding or grates must prevent any part of the human body reaching or touching a moving component.
- (d) Ensure that the power supply has been isolated, locked off and tagged prior to carrying out any work on the equipment, including clearing of blockages, cleaning, lubrication, maintenance or repair work.

- (e) Keep people from going underneath a mobile conveyor or auger. If work needs to be performed below such equipment, secure raised conveyors or augers against movement before anyone starts working there.
- (f) Avoid sharp turns when pulling portable bulk handling equipment with a tractor. Raise conveyors and augers only to the minimum necessary height, to reduce the chance of overturning.
- (g) Locate mobile equipment on firm, preferably flat, ground.
- (h) Where bulk handling equipment is hidden from the operator's view, ensure the area is clear from people before the operator starts the equipment. Safe work procedures are necessary. Suitable administrative controls include pre-start warning systems such as audible and/or visible signals.
- (i) Wear close fitting clothing when working near running equipment such as augers or conveyors.
- (j) If water is used for cleaning, any electrical equipment should be protected against penetration by water. Minimum protection is IP65 to Australian Standard AS 1939 *Degrees of protection provided by enclosures for electrical equipment*.
- (k) If using pneumatic transfer, procedures should be adopted to ensure that:
 - i. recommended transfer rates, and flow are not exceeded;
 - ii. maximum pressure is not exceeded (especially at the end of delivery when the tanker is empty);
 - iii. warning indicators are used to indicate over pressure and high level;
 - iv. automatic shut down occurs if the container is over pressure or over full;
 - v. filtration is adequate to prevent escape of dust;
 - vi. tanker operators have adopted adequate procedures to ensure the container is not over pressured.
- (l) Discharge within the rates recommended by the manufacturer.
- (m) Persons should not stand or be on the roof of a container while loading or unloading in case of structural collapse during filling or discharge.
- (n) If emergency unloading is necessary, avoid asymmetric discharge (eg, open two or more hatches).
- (o) If entry into a field bin is required for cleaning purposes, secure the lid when in the raised position to reduce the risk of crush injury or entrapment.

13.3 Field bin wheel extension and retraction

Fatal injuries have resulted from persons being struck by spring loaded levers used for wheel extension and retraction on field bins. In one case, the wheel was removed and not replaced before the spring tension forced the lever to move in an uncontrolled way.

Poor adjustment of the spring tension and incomplete emptying of the bin are other situations where the force on the lever can be greater than the force the operator can control.

Care is necessary when operating such levers due to the stored energy. Operating instructions should be followed, and unusual operations such as wheel changing should be planned and done with care.

Persons other than the lever operator should stand well clear during operation of the device.

When purchasing new field bins, evaluate the requirements for the strength and size of persons who might operate the mechanism, such as adolescents. Alternative methods of raising bins are available that allow movement to be controlled at all stages by most people, and reversed easily. Also consider what provision is made for wheel changing and if any unusual tools are required and need to be available to the operator (eg to allow warning signs to be complied with).

CHAPTER 14 – Fumigation and pest control

14.1 Hazards and risks

Fumigation is typically carried out for grain and other products, such as using methyl bromide, phosphine or carbon disulphide. Fumigants present health risks, both during and after fumigation of a container. Fumigants are toxic to humans when inhaled, swallowed, or absorbed through the skin. Residual fumigant can be hazardous when unloading containers such as silos, field bins and flatbed storage.

Examine the use of fumigants, and the risks arising from hazardous residues when loading or unloading, to determine the need for precautions.

14.2 Exposure controls in general

Consider the following control measures to eliminate or minimise the risks of worker exposure to fumigants:

- (a) Reduce the risks of insects and mould by:
 - cleaning to reduce cross infection by insects in new grain;
 - using fumigants only in sealed silos and field bins;
 - storing grain for a relatively short time (say less than two months);
 - using 'inert dust', abrasive dust or desiccant dust treatments instead of pesticides.
- (b) Follow the instructions on the label and the advice in any leaflets before using the fumigant, including the type of PPE to use. Additional information is provided in the Material Safety Data Sheet, available from the supplier (a copy must be kept at the workplace).
- (c) Clearly mark areas under fumigation with signs such as 'DANGER – UNDER FUMIGATION'.
- (d) For non-farm, large silo installations, ensuring that people carrying out fumigation follow the procedures in *AS 2476 General Fumigation Procedures*, including posting of warning notices. Fumigation must be done by a licensed fumigator (OHS Regulation, clause 266).
- (e) A person applying fumigants or any other pesticide must have the training qualification prescribed by the relevant legislation. See also chapter 17.
- (f) Any pressure testing of a sealed container should be done according to the container manufacturer's instructions or according to procedures developed by a competent person. Pressure limiting devices should be used to limit pressure.
- (g) If entry into a container is required, observe the confined spaces procedures described in chapter 7.

14.3 Storage and handling of fumigants and other pesticides

If in a quantity over one tonne of any one type, those agricultural chemicals classified as dangerous goods should be stored and handled in accordance with Australian Standard AS 2507 *The storage and handling of agricultural and veterinary chemicals*. Dangerous goods can be identified by the prominent 'diamond' label on the container.

For less than one tonne of any type in on-farm use, follow the advice on the storage and use of chemicals in the *Code of practice for the safe use and storage of chemicals (including pesticides and herbicides) in agriculture*.

For less than one tonne in total of all types in non-farm use, follow the advice on the storage and use of pesticides in the *Code of practice for the safe use of pesticides including herbicides in non-agricultural workplaces*.

14.4 Aluminium phosphide fumigation

Open phosphide containers outdoors and not while in a shed or silo. Place the phosphine tablets (or strips) into the silo from the outside (such as through the roof using a tube).

14.5 Carbon disulphide fumigation

Carbon disulphide is flammable and readily combustible. Because it is easily ignited extra care is required to eliminate any source of ignition (including static from clothing or containers) or heat. It is also toxic, so special procedures are required, as advised by the label, Material Safety Data Sheet and other information provided by the supplier.

CHAPTER 15 – Noise

15.1 Hazards and risks

Exposure to excessive noise levels produced by bulk handling equipment, grain drying equipment, tractors and other plant may lead to hearing damage.

A dull feeling or ringing sensation in the ears after a day of working in a noisy area is generally an indication that safe noise levels have been exceeded. This ringing is frequently accompanied with a slight loss of hearing, making it difficult to hear faint sounds that could normally be detected. Overnight rest may restore hearing, but repeated, prolonged exposure to loud noise can result in permanent hearing loss. The noise emission from a typical farm auger exceeds permissible exposure levels.

The risk of causing *permanent* hearing damage is related to both loudness of the noise and the length of exposure. For example two minutes working in high noise levels may cause the same damage as eight hours of working in lower noise levels.

15.2 Control measures

Consider applying the following measures:

- (a) Select and use plant that produces low noise levels whenever possible.
- (b) Isolate or enclose noisy plant.
- (c) Properly maintain plant. A faulty muffler, a worn out bearing, or a slack belt or chain are examples of sources that can dramatically increase noise levels.
- (d) Implement administrative controls, such as operator rotation away from noisy work to reduce exposure time.
- (e) Wearing suitable hearing protectors during exposure to noise that could cause any hearing loss symptoms (see advice below). This would be necessary when operating a typical farm auger.

15.3 Personal hearing protection

Personal hearing protection should be used in the following circumstances:

- when it is not possible to eliminate or control noise through engineering or other means
- as an interim measure until engineering or other control measures are implemented
- in addition to other control measures to minimise the risk of hearing loss in noisy environments.

Obtain personal hearing protection conforming to AS 1270:2002 – *Acoustics – Hearing protectors*, and maintain in accordance with the manufacturer's instructions.

15.4 Noise assessments

Clause 49 of the OHS Regulation 2001 requires employers and self-employed to ensure that appropriate control measures are taken if a person is exposed to noise levels that either:

- exceed an 8 hour noise level equivalent to 85 dB(A), or
- peak at more than 140 dB(C).

Reducing exposure by adopting control measures outlined above in section 15.2 and using the PPE as described in section 15.3 would normally mean that an assessment is not necessary.

Additional guidance is provided in the WorkCover *Code of practice for noise management and protection of hearing at work*.

Noise assessments, carried out in accordance with Australian/New Zealand Standard AS/NZS 1269.1 *Occupational noise management Part 1: Measurement and assessment of noise immission and exposure*, can determine the levels of noise workers to which are actually exposed.

CHAPTER 16 – Selection of personal protective equipment (PPE)

16.1 Provision of PPE

Depending on the task, additional personal protective equipment (PPE) may be required to protect eyes, respiratory system or hands. Hearing protection is covered in chapter 15.

The selection of PPE depends of the risks assessed and the control measures chosen. PPE is the lowest form of control and can only be used if it is not reasonably practicable to apply other controls, or if the application of other controls still leaves some risk outstanding (see section 2.2). Where PPE is chosen as a control, employers and self-employed persons must ensure that workers use the PPE correctly. Careful supervision and monitoring are needed to ensure that workers use and maintain PPE properly.

If control measures include PPE, then clause 15 of the OHS Regulation provides that the employer (or self-employed person) must provide each person at risk with PPE, and ensure that the following points are observed:

- (a) the equipment provided is appropriate for the person and controls the risk for that person;
- (b) the person is informed of any limitations of the equipment;
- (c) the person is provided with the instruction and training necessary to ensure that the equipment controls the risk;
- (d) the equipment is properly maintained and is repaired or replaced as frequently as is necessary to control the risk;
- (e) the equipment is provided in a clean and hygienic condition
- (f) the equipment is stored in a place provided by the employer or self-employed person; and
- (g) areas where PPE must be used are clearly identified (eg by signage).

If in doubt, seek the advice of the PPE supplier on suitability, using sections 16.3 and 16.4 as a guide.

16.2 Eye protection

Eye damage can occur due to dust and in the course of maintenance, such as cutting, grinding, chipping, welding and other work tasks.

Employers should provide workers who may be at risk with eye protection conforming to AS/NZS 1337: *Eye protection for industrial applications*.

16.3 Respiratory protective equipment

Where workers could be exposed to atmospheric contaminants (see chapters 9 and 11), the employer or self-employed person should provide these workers with respiratory protective equipment, and ensure that it is used. Select respirators that conform to AS/NZS 1716:1994 – *Respiratory Protective Devices*. Such equipment should be selected and used in accordance with AS/NZS1715: 1994 – *Selection, use and maintenance of respiratory protective devices*.

16.4 Safety gloves

Where there is a risk of hand injury due to exposure to a hazardous substance or to a mechanical device, the employer or self-employed person should select and provide hand protection that conforms to AS/NZS 2161 – *Occupational protective gloves*.

16.5 Fall arrest devices

When selecting a system, confirm with the supplier that it complies with AS/NZS 1891 *Industrial fall-arrest systems and devices* (all parts of this standard are approved industry codes of practice in NSW).

CHAPTER 17 – Training and instruction

17.1 Legal obligation

Employers and self-employed persons must provide suitable training, instruction, information and supervision, to ensure worker's health and safety (OHS Regulation, clauses 13 and 14). Information can be included in training.

All workers should be trained to follow systems of work and work practices that enable them to perform their work safely. Make sure that only those who have had adequate training and instruction are permitted to carry out the work. Training needs should be assessed through the risk assessment process and through consultation with employees.

17.2 Induction training

All new employees must receive induction training covering the following points (OHS Regulation clause 13(1)):

- (a) arrangements for the management of occupational health and safety, including arrangements for reporting hazards to management;
- (b) health and safety procedures relevant to the work of the employee, including the use and maintenance of risk control measures;
- (c) how to access any health and safety information that the employer is required to make available to each employee;
- (d) any other induction training relevant to the place of work, having regard to the competence, experience and age of the new employee (the Regulation specifies training in relation to confined spaces entry).

17.3 Training topics

Training should draw on knowledge of the known hazards and risks in your operations, including matters described in this code of practice. The source of risks should be pointed out and the adverse outcomes that have been experienced by others should be used to stress the importance of safety.

Training should include the following, where relevant to the job:

- (a) safe work methods to be used on the job, including matters described in this code of practice;
- (b) the safe use of any tools, plant and associated equipment, and hazardous substances to be used on the job, including fire protection measures such as eliminating sources of ignition;
- (c) users of fumigants will need training to the appropriate level in line with National Competency Standards, and as indicated by the pesticides legislation (or in non-farm use, a certificate of competency under clause 266 of the OHS Regulation);
- (d) procedures for controlling risks, such as ensuring correct moisture content of the stored substance, cleaning and maintenance;
- (e) the correct use, care and storage of personal protective equipment (PPE) including fall arrest equipment;
- (f) dust, gas and fire risks that may be present and the controls adopted, including procedures to follow if equipment such as dust extraction fails;

- (g) emergency and evacuation procedures, including: recognising the fire alarm, fire fighting measures, the location of fire fighting equipment and other emergency equipment, the use of fall arrest equipment, confined spaces entry procedures and rescue of entrapped persons;
- (h) how to observe any administrative controls, such as restrictions on entry into containers, hot work permits, and warning signs including signs attached to the container;
- (i) the dangerous goods classification or hazardous substances classification (if any) of container contents, and any other relevant dust or health risks arising from the contents;
- (j) the dangers of the containers as confined spaces, and the confined spaces entry procedures (if entry into containers is planned, or required for emergency rescue – OHS Regulation clause 77);
- (k) Use of fall arrest devices when used as a control measure.
- (l) methods of consultation between the employer and employees (eg by OHS representative or OHS committee).
- (m) risk management and implementation of the relevant control measures, including those described in this code of practice.

APPENDIX 1 – Relevant acts, regulations and health and safety guidance

ACTS AND REGULATIONS

Occupational Health and Safety Act 2000

Occupational Health and Safety Regulation 2001

Pesticides Act 1999

Pesticides Regulation 1995

NATIONAL STANDARDS

Exposure Standards for Atmospheric Contaminants in the Occupational Environment National Occupational Health and Safety Commission, 1995 (updated by notices in the *Chemical Gazette*). Note: clause 51 of the OHS Regulation makes these exposure standards mandatory.

APPROVED INDUSTRY CODES OF PRACTICE

Code of practice: Noise management and protection of hearing at work

Code of practice for the safe use and storage of chemicals (includes pesticides and herbicides) in agriculture

Code of practice for the safe use of pesticides including herbicides in non-agricultural workplaces

Code of practice for the design of safe bulk solids containers, including silos, field and chaser bins. (While not normally for users, this code provides advice if selecting a new container.)

AS 1657 – 1992 *Fixed platforms, walkways, stairways and ladders – design, construction and installation*

AS 1758 *Conveyors – Safety requirements*

AS/NZS 1891.2 – 2001 *Industrial fall-arrest systems and devices*

AS/NZS 1891.4: 2000 *Industrial fall arrest systems and devices – Part 4: Selection, use and maintenance*

AS/NZS 3760 *In-service safety inspection and testing of electrical equipment*

AS 4745 *Code of practice for handling combustible dusts.*

OTHER RELEVANT WORKCOVER GUIDES

Summary of the OHS Act 2000

Summary of the OHS Regulation 2001

Electrical equipment checklist

Hazpak! Making your workplace safer

Plant guide 2001

Plant hire and lease

Toxic gas in confined spaces

Your guide to rural safety

Do I have a noise problem?

Noise at work

Portable ladders

APPENDIX 2 – Check lists

This Appendix contains checklists to assist in identifying the common hazards and risks associated with bulk storage and handling.

The checklists are not meant to be comprehensive, as circumstances will vary from site to site. There could be other risks you need to assess.

Use the basic checklist below to see if any areas are relevant to your operation and need more detailed examination. Go through the basic checklist below – if an answer is 'no', then go to the detailed checklist indicated in the right hand column. This needs more investigation with a view to adopting appropriate control measures.

Basic checklist – start here		
Check that procedures are in place	Yes or not applicable	No
1. Site selection and location <ul style="list-style-type: none"> Is the ground area safe for the installation? Has the container been installed and located in accordance with the manufacturer's instructions? 		See checklist # 1 on page
2. Emergency procedures? <ul style="list-style-type: none"> Are there emergency procedures in place for the site where the container or storage is installed? 		See checklist # 2 on page
3. Signs <ul style="list-style-type: none"> Are there appropriate signs in place to warn of hazards? 		See checklist # 3 on page
4. Inspection and maintenance <ul style="list-style-type: none"> Are regular inspections carried out? Is there regular maintenance of the container and supports? Is the container or walls of flatbed storage structurally sound? 		See checklist # 4 on page
5. Structural safety and loading <ul style="list-style-type: none"> Can the container support a full load of product? 		See checklist # 5 on page
6. Ladders and access to heights <ul style="list-style-type: none"> Are there methods in place to prevent unauthorised access to ladders? Are there barriers to prevent persons falling from ladders or the roof, or are fall arrest device attachment points fitted? 		See checklist # 6 on page
7. Access to inside the container <ul style="list-style-type: none"> Are there barriers to prevent unauthorised entry? Are there proper confined spaces procedures in place when people need to enter? 		See checklist # 7 on page
8. Dust and gas health hazards <ul style="list-style-type: none"> Have the likelihood of health hazards from dusts or gases generated been checked? Have all ignition sources that could ignite a dust explosion been identified? 		See checklist # 8 on page
9 Fire and explosion risk <ul style="list-style-type: none"> Has the stored substance been checked to determine if it is classified as dangerous goods? Are controls in place to prevent dust explosions or fires? 		See checklist # 9 on page

<p>10. Electricity</p> <ul style="list-style-type: none"> • Are there safe working distances from overhead power lines? • Are electrical equipment and leads regularly checked? • Is electrical equipment protected from water and dust? 		See checklist # 10 on page
<p>11. Bulk handling plant for loading and unloading</p> <ul style="list-style-type: none"> • Are augers and nip points guarded? • Are guards always replaced after clearing blockages or maintenance? 		See checklist # 11 on page
<p>12. PPE (Personal Protective Equipment)</p> <ul style="list-style-type: none"> • Is PPE such as a dust mask, hearing protector or gloves provided where necessary? 		See checklist # 12 on page
<p>13. Training</p> <ul style="list-style-type: none"> • Is a training program in place? • Have all workers been trained in safe working procedures with the container, storage area and associated equipment (such as augers)? 		See checklist # 13 on page

Checklist 1.**Site – selection, preparation and installation**

If the answer to a question is 'no' see the control measures in chapter 4

Has the proposed location of the container been evaluated?

Factors to consider	Yes	No	Not applicable
Can the ground or surface support the loads?			
Is drainage adequate to prevent flooding or subsidence of the foundations or land surface?			
Have foundations been installed in accordance with the container manufacturer's instructions?			
Are distances from overhead power lines sufficient for safe work procedures (eg using rods from the top hatch)?			
Can augers or other conveyors operate at a safe distance from overhead power lines?			
<ul style="list-style-type: none"> Is access to load and unload trucks and chaser bins safe? (eg no danger of contact with power lines, level ground when tipping) Is movement of mobile plant safe? 			
Is access by vehicles to and from public roads safe?			
Are distances from other buildings and facilities sufficient to allow safe access and egress from work areas?			

Checklist 2**Emergency planning**

If the answer to a question is 'no' see the control measures in section 2.5

Have all relevant factors been considered when developing emergency plans?

Factors to consider	Yes	No	Not applicable
Site emergency plan developed and communicated to workers?			
Site emergency plan includes procedure for alerting fire brigade?			
Means of rescue of a person trapped inside container available?			
Means to rescue a person suspended from a fall arrest system available?			
Procedures established for confined spaces entry?			
Evacuation procedure in event of fire established?			
Injection points for inert gas and availability of an adequate number of gas cylinders provided where necessary?			
Detectors for heat, smoke or fire fitted where necessary?			
Adequate fire fighting equipment and emergency equipment provided and regularly maintained?			
Procedure of not fighting fires inside silos and not opening hatches during fires or overheating adopted?			
Isolation, lockout and emergency stops procedure established for ancillary plant such as augers and conveyors (eg when clearing blockages or for operational maintenance)?			
Rescue procedures adopted, including preventing access by unauthorised persons during an emergency?			

Checklist 3**Signs displayed on each container**

If the answer to a question is 'no' see the control measures in see section 2.7

Are suitable signs displayed warning of hazards and advising procedures?

Signage to consider	Yes	No	Not applicable
Confined space identified, with a warning at openings such as hatches?			
Signs at entry points and ladders to restrict entry – eg prohibiting entry by unauthorised persons?			
Allowable loads on conveyors or augers displayed?			
Allowable loads on ladders displayed?			
Outward opening hatches marked with a warning of streaming substance?			
Operating procedures for controls on equipment and plant, such as augers?			
Need for fall arrest device when climbing ladders or accessing elevated areas marked?			

Checklist 4**Inspection and maintenance**

If the answer to a question is 'no' see the control measures in chapter 3

Do you have a procedure to regularly examine the container and ancillary plant for the following possible defects?

Factors to consider	Yes	No	Not applicable
Manufacturer's or supplier's operating manual consulted to determine inspection procedure, and frequency of inspection and maintenance?			
Metalwork – visual examination for damage, surface corrosion, bolts or welds?			
Damage to support struts (eg from vehicle collision)?			
Footings, foundations, slab or exposed plinths – visual check for settlement, cracking, damage to concrete?			
Access points – ladders, stairs, handles, platforms and other access points – visual inspection for corrosion and integrity (including fixing at attachment points)?			
Visual and operational checks for damage to hatches and latches, operation of hatches and control mechanisms?			
Visual checks for bulging of the container barrel or sides?			
Filling devices, unloading and discharge equipment (eg augers or conveyors), including guarding?			
Guarding of ladders and access maintained (eg locks in position)?			
Safety device attachments, safety line, harness or anchor points for integrity?			
Visual check of electrical equipment, including leads and cables for obvious damage? (see also check list 10 for electrical safety)			
Integrity of any seals or sealing devices checked?			
If pneumatic loading or unloading, or dust suppression is used have you checked: <ul style="list-style-type: none"> • air or dust filters, and dust control system for operation; cleanliness, integrity and dust tightness; • pressure relief valves for correct operation; • operation of any warning devices and high level detection systems? 			
Warning signs and labels checked for wear and fading?			

Checklist 5**Structural safety and loading**

If the answer to a question is 'no' see the control measures in chapter 4.

Are procedures in place to ensure loads and methods specified by the manufacturer are not exceeded?

Factors to consider	Yes	No	Not applicable
Is stored substance within specification (eg chop size, dryness)?			
Are loading and unloading rates within the manufacturer's specifications?			
Is off centre loading permissible, or does off centre loading need to be prevented?			
Are legs or supports protected from vehicle collision?			
Are field bins placed on a level surface?			
Is a policy in place to tow field bins only when empty and only with a rigid linkage?			
Are hatches kept closed during high winds to prevent collapse through low air pressure inside the container?			
<ul style="list-style-type: none"> Have suitable anchorage points on the structure been identified for use as attachment points for fall arrest? Are these anchorage points in suitable condition for safe use? 			

Checklist 6**Ladders, access to top hatches and falls from heights**

If the answer to a question is 'no' see the control measures in chapter 5.

Is there a risk of a person falling from an elevated position (either inside or outside of the container)?

If Yes: Go to factors to be considered below.

Factors to consider	Yes	No	Not applicable or not necessary
Can the need for access to heights and ladders be eliminated or reduced?			
Can the elevated position be accessed by a less hazardous means (eg can an inclined ladder be used instead of a vertical ladder)?			
Are there fall protection means such as guard railing and safety cages?			
Has the need to use a fall arrest device and harness been eliminated? (Fall arrest may not be necessary if other measures such as an inclined ladder and barriers are in place.)			
Are suitable attachment points available for fall arrest devices?			
Are suitable attachment points available for rescue devices?			
Has access to ladders been made inaccessible to unauthorised people including children?			

Checklist 7**Access to container interior – confined space and risk of entrapment in grain or other substances**

- Is entry to the interior of the container necessary, or
- is there a risk of a person being entrapped in flowable substance such as grain?

If yes: Go to the factors to be considered below.

If the answer to a question below is 'no' see the control measures in chapters 6, 7 and 8.

Factors to be considered	Yes	No
Can some work tasks be carried out without entering the container?		
Are the access doors or barriers to the container locked to prevent unauthorised access?		
Are unauthorised people denied access to the inside of the container via ladders (eg by locking ladder covers)?		
Are children kept away from areas where machinery such as an auger is being used?		
Have provisions been made to prevent workers from entering the container through openings above the maximum level of stored substance?		
<p>If a person needs to enter the container:</p> <ul style="list-style-type: none"> • Has the potential for engulfment by the stored substance been identified? • Has the potential for atmospheric contamination or an unsafe atmosphere been identified? • Are checks made prior to entering the container from the bottom to ensure that there is no vertically crusted substance (eg grain) that can engulf a person? • Has an emergency procedure been put into place should a person become trapped? • Are there people outside the container who can help if the person becomes trapped? • Has a lifting equipment, harness and lifeline arrangement been provided for rescuing purposes? • Has the atmosphere within the container been tested for the presence of combustible gases, vapours, dusts and toxic agents? • Is the oxygen level in the container adequate (i.e. not less than 19.5%)? • Is there a possibility of recurrence of unsafe atmospheric conditions while the person is inside the container? • Has all associated equipment and plant been locked out and tagged prior to a person entering the container or bin? • Do workers wear safety harnesses equipped with properly fastened lines that will keep them above the stored substance in case of a fall? • Will the person be wearing an appropriate respirator with dust filter or self-contained breathing apparatus? • Are checks made to ensure that no one is in the container or bin prior to operating the loading or unloading equipment? • See also checklist 8 – Dust and gas health hazards. 		

Checklist 8**Dust and gas health hazards**

If the answer to a question is 'no' see the control measures in chapters 9 and 11.

Have potential dusts, moulds and gases generated by crops been identified?

Note that grain dust is classified as hazardous.

Factors to consider	Yes	No	Not applicable
Are there risks of dust generation during loading or unloading?			
Is dryness of crops or other contents monitored to prevent growth of moulds? Has water leaked in; is there a risk of rotting material creating hydrogen sulphide gas?			
Are procedures adopted to reduce dust generation?			
Are augers or conveyors covered to prevent dust release?			
Can mechanical handling be used to reduce dust generation?			
Are appropriate respirators available and used conforming to AS 1716?			
Is entry into containers and related areas restricted and the use of PPE adopted?			
Are accumulations of dust on equipment or in the container removed regularly (eg by cleaning)?			
Are stock feed sheds adequately ventilated to prevent nitrogen dioxide buildup (eg by using open windows and fans)?			
Is access between the container and feed shed sealed to prevent gas entering the feed room?			
Are administrative procedures adopted such as not opening or entering containers for at least three weeks after filling with chopped plant substance?			

Checklist 9**Fire and explosions risk**

If the answer to a question is 'no' see the control measures in chapter 10

Have the fire and explosion risks been identified for the container contents, associated plant and any gases that may be generated?

Factors to consider	Yes	No	Not applicable
Has the stored substance been classified using the dangerous goods criteria?			
Are dangerous goods used in an associated process (eg hexane for solvent extraction of seed oil or LP Gas for fuel)?			
Dust fire or explosion hazard possible? For example, is a dust cloud visible during loading or unloading?			
Is the stored substance likely to produce toxic or flammable gas?			
Have hazardous areas been classified: <ul style="list-style-type: none"> • Are explosive dusts possible? • Are flammable atmospheres possible? 			
Have potential ignition sources been identified and controlled?			
Is protection or separation of electrical equipment adequate?			
Is the moisture content of the stored substance regularly checked to ensure it is within specification?			
Administrative procedures – is ventilation of work areas, or restrictions on entry necessary?			
Does the cleaning and maintenance program remove accumulated dust deposits?			
Is the filtration system regularly cleaned?			
For sealed or oxygen limiting containers – are seals maintained to ensure the risk of oxygen entering is minimised and that fumigant is contained?			
Has the policy of not fighting fires been adopted and workers informed?			
Is lightning protection necessary (to prevent lightning being an ignition source)?			
Are appropriate warning signs in place (eg dangerous goods diamond, 'no smoking', 'no naked flame')?			

Checklist 10**Electrical safety**

If the answer to a question is 'no' see the control measures in chapter 12

Examine two key areas:

- (i) location and distances from overhead power lines; and
- (ii) electrically powered equipment and leads used.

Factors to consider	Yes	No	Not applicable								
Has the position of overhead power lines been identified, voltage determined and safe working distances possible? See distances below.											
If poles are used to break crusted grain, are distances from power lines safe?											
Do travel routes of bins, trucks and augers avoid low power lines?											
Are augers always lowered when moved or towed?											
Have residual current devices (RCDs) been fitted to all power outlets?											
Is regular inspection of electrical equipment and leads (cords) carried out?											
Have all high risks with electrical equipment been identified – eg areas where it could be damaged or unsafe due to water penetration, abrasion, dust penetration?											
Is regular testing of high risk electrical equipment necessary due to potential damage?											
Safe working distances from power lines Work, or any part of an item of plant, should not come closer to overhead powerlines than the distances in the following table: <table><tr><td>Voltage of cable</td><td>Safe working distance</td></tr><tr><td>Up to 132,000 v</td><td>3 metre</td></tr><tr><td>Above 132,000 up to 330,000 v</td><td>6 metre</td></tr><tr><td>Over 330,000 v</td><td>8 metre</td></tr></table> When estimating these distances, include allowance for the following factors: the sag of the cables; any swing or sway of loads or plant; the effect of wind forces on plant or cables; and the height of the item of plant. You may need to contact the local electricity supplier to ascertain the line voltage and obtain advice on suitable distances and safety procedures.	Voltage of cable	Safe working distance	Up to 132,000 v	3 metre	Above 132,000 up to 330,000 v	6 metre	Over 330,000 v	8 metre			
Voltage of cable	Safe working distance										
Up to 132,000 v	3 metre										
Above 132,000 up to 330,000 v	6 metre										
Over 330,000 v	8 metre										

Checklist 11**Bulk handling plant and equipment for loading and unloading**

If the answer to a question is 'no' see the control measures in chapter 13.

Have the risks of using plant for loading and unloading the container been identified and controlled?

Factors to consider	Yes	No	Not applicable
Are moving parts of augers or other conveyors adequately guarded to prevent human contact?			
Are guards always replaced after maintenance or clearing blockages?			
Have distances from overhead powerlines been checked before moving or using an auger? (See distances in check list 10 Electrical safety.)			
Are augers always lowered when moved?			
Is the terrain level and stable to avoid the plant (eg auger or conveyor) tipping over?			
Has the potential for noise and hearing loss when using the auger or other plant been identified and controlled?			
Is PPE necessary to protect against hearing loss when using the auger or other plant?			
If a pneumatic transfer system is used, has the potential for over pressure been identified and suitable controls in place?			
Have the risks from vehicle movements been identified and controls adopted?			
Do methods ensure that auger or conveyor discharge rates are within the manufacturer's specifications?			
Are procedures or guards in place to minimise dust generation from augers?			
Are lock out and tagging procedures used to prevent inadvertent starting of augers or conveyors (eg during clearing of blockages or operational maintenance)?			
Have augers or conveyors been selected that conform to AS 1755 <i>Conveyors – safety requirements</i> ?			

Checklist 12**Personal protective equipment (PPE)**

If the answer to a question is 'no' see the advice in chapter 16.

Check that suppliers provide you with PPE that conforms to appropriate Australian Standards listed below, to ensure that it is effective.

Relevant design Standards for protection	Yes	No	Not applicable
Breathing: <i>AS/NZS 1716 Respiratory protective devices</i>			
Hearing: <i>AS/NZS 1270 Acoustics – Hearing protectors</i>			
Eyes: <i>AS/NZS 1337 Eye protection for industrial applications</i>			
Hands: <i>AS/NZS 2161 Occupational protective gloves</i>			
Fall protection: <i>AS/NZS 1891 Industrial fall-arrest systems and devices</i>			

Checklist 13**Training**

For further advice see chapter 17.

Have relevant training needs been identified?

Factors to consider in training where relevant. Has training included:	Yes	No	Not applicable
Safe work methods (including those identified in the manufacturers operating manual or instructions)?			
Training in the use of: <ul style="list-style-type: none"> • tools • plant (eg augers) • substances • fumigants (eg appropriate certificate of competency)? 			
Moisture content of stored grain or fodder?			
Care, use, storage and maintenance of personal protective equipment (PPE)?			
Emergency procedures, first aid and injury reporting?			
Observing restrictions on entry into the container?			
Observing warning signs (including those on the container)?			
Observing hot work permit systems for maintenance involving cutting, welding or grinding?			
The hazardous nature of the contents, risks from dusts and the control measures to be adopted (eg PPE)?			
Containers as confined spaces and confined spaces entry procedure?			
Use of fall arrest devices in relation to access (including use when climbing ladders)?			

APPENDIX 3 – Emergency procedures if a person is accidentally trapped in flowing grain

Persons should not enter or walk on grain in a container. However, if a person has entered and become trapped, the following advice may assist rescue. This involves risks and rescues often fail. Rescuers could also become victims.

Successful rescues have involved the following procedures:

- (a) If the grain should start to flow, the trapped person should stay near the outer wall of the container and keep walking.
- (b) A person covered by flowing grain should cup their hands over the mouth and take short breaths.
- (c) Rescuing a person trapped in moving grain is dangerous for both the rescuer and victim. Several precautions should be taken before beginning any rescue attempt. A lifeline should be passed to the victim to prevent them further sinking into the grain. Always assume that the entrapped victim is alive. Never start an unloading auger or open a gravity flow gate. The victim could be drawn into the auger or become wedged in the opening. If the rescuer must enter the container, the rescuer should wear a body harness with a safety rope tied to at least two other rescuers on the roof of the container.
- (d) When rescuing a person partially submerged in grain, it may be possible for another person to enter the container and rescue the victim. Lower a rescue squad member into the container to reassure the victim and attach a body harness or lifeline to the victim. Do not try to pull the victim free with the lifeline because it could cause more injuries. Check the victim's airway for grain and try to keep the victim calm.
- (e) Use a shield to prevent greater entrapment if there is danger of further grain collapse. A steel drum with both ends removed, plywood or pieces of sheet metal formed into a circle and shored to resist pressure have all been used successfully. Once the shield is in place, it may be possible to free the victim by scooping grain from inside the shielded area.

APPENDIX 4 – Legal duties relating to health, safety and welfare at work

A4.1 Duties of employers

Section 8 of the NSW *Occupational Health and Safety Act 2000* (OHS Act) places an absolute obligation on employers to ensure the health, safety and welfare of employees, and must also ensure that other people at the place of work are not exposed to risks to their health and safety arising from the employer's undertaking.

Employers must:

- Ensure the work premises and means of accessing and exiting the workplace are safe and without risks to health.
- Ensure that all plant and substances workers use or are exposed to are safe and will not expose them to risks to their health when properly used.
- Ensure that the work practices and procedures and the working environment are safe and without risks to health.
- Provide such information, instruction, training and supervision as may be necessary to ensure the employees health and safety at work.
- Provide adequate facilities for the welfare of employees while they are at work.

Under the NSW *Occupational Health and Safety Regulation 2001* (OHS Regulation), employers and self-employed persons must:

- identify foreseeable hazards that may arise from their undertaking and have the potential to harm health and safety at the place of work,
- assess the risks (that is, the likelihood and severity of any risk that someone might be hurt from the hazards),
- eliminate (or if this is not reasonably practicable) control the risks, and
- review the risk assessment when necessary and any measures adopted to control the risk.

This process is known as OHS Risk Management. Employers must do this in consultation with employees.

A4.2 Consultation

The OHS Act requires employers to consult with their employees to enable the employees to contribute to the making of decisions affecting their health, safety and welfare at work. This is particularly important when assessing risks, choosing control measures and when making changes to the work.

Consultation must occur when:

- Changes that may affect health, safety or welfare are proposed to the:
 - work premises;
 - systems or methods of work; or
 - plant or substances used for work.
- Risks to health and safety arising from work are assessed or reviewed.
- Decisions are made about the measures to be taken to eliminate or control those risks.
- Introducing or altering the procedures for monitoring those risks.

- Decisions are made about the adequacy of facilities for employee welfare.
- Decisions are made about the procedures for consultation.

For guidance on the consultation process refer to the WorkCover Code of practice: *Occupational Health and Safety Consultation*.

A4.3 Duties of self-employed persons

Section 9 of the OHS Act requires persons who are self-employed to ensure that people are not exposed to risks to their health and safety arising from the self-employed person's undertakings while they are at the place of work.

Under the OHS Regulation, self-employed persons have similar duties to employers in relation to other persons at the place of work.

Examples of self-employed persons involved in farm bulk storage and handling include farmers, contractors and truck drivers.

While self-employed persons do not have a duty to protect their own health and safety, following the recommendations in codes of practice and guides will assist.

A4.4 Duties of controllers of work premises, plant or substance

Section 10 of the OHS Act sets out the duties of persons who have control of work premises, plant or substances as follows:

- A person who has control of premises used by people, as a place of work must ensure that the premises are safe and without risks to health.
- A person who has control of any plant or substance used by people at work must ensure that the plant or substance is safe and without risks to health when properly used.

A place of work is essentially any place where persons work. Examples of places of work include any premises, any installation on land or any moveable structure.

Examples of persons who have control of work premises, plant or substances related to farm bulk handling and storage include:

- owners who lease bulk handling facilities, premises, farms or equipment
- persons who have, under any contract or lease, an obligation to maintain containers, augers, conveyors and other bulk handling equipment.

A4.5 Duties of employees

A person who works under a contract of employment or apprenticeship is an 'employee'.

Section 20 of the OHS Act requires employees to:

- Take reasonable care for the health and safety of people at the employee's workplace and who may be affected by the employee's acts or omissions at work; and
- Cooperate with the employer or other person so far as is necessary to enable them to comply with any obligations imposed on them under the OHS Act or the regulations.

The OHS Regulation requires employees to notify the employer of any matter that may effect compliance with the Regulation.

A4.6 Coordination of duties and multiple responsibilities

Note that a responsibility may fall on more than one person, in which case the parties need to ensure that their responsibilities are discharged in a coordinated manner (OHS Regulation, clause 8).

Similarly, one person may have several of the responsibilities described above.

A4.7 The meaning of 'reasonably practicable'

NSW legislation requires employers to do certain things when it is 'practicable' or 'reasonably practicable'. This code of practice also uses these words. This term is not defined in legislation, but has been considered in case law.

Deciding what is 'reasonably practicable' means having regard, as the context permits, to:

- the risk, including the likelihood and severity of the hazard or risk,
- the state of knowledge about the hazard or risk and ways of eliminating or controlling these,
- the availability and suitability of ways of averting, eliminating or controlling the hazard or risk,
- the cost of implementing the ways of averting, eliminating or controlling the hazard or risk.

These factors need to be weighed up against one another and applied to the circumstances of each case. This is an objective test, depending on the actual circumstances in each case.

While the advice given in this publication is for your guidance in weighing these factors, you may need legal advice on applying the obligations under the Act and Regulation to your particular situation and circumstances.

A4.8 Fires and explosions – prescribed risk control measures

The OHS Regulation, in clause 62 specifies the following measures. Note that in this clause, a reference to an employer is also a reference to the duty of a self-employed person.

- (1) An employer must ensure that risks associated with fire or explosion at a place of work are controlled by:
 - (a) eliminating activities that have the potential to generate flammable or explosive atmospheres from the work process or, if elimination is not possible, minimising the potential for flammable or explosive atmospheres by providing adequate ventilation, and
 - (b) eliminating potential ignition sources, including naked flame, hot work and electrical equipment, and sources of static electricity, including friction, welding and slipping belts, from proximity to flammable substances, combustible dusts or waste substances, and
 - (c) enclosing work areas containing flammable or explosive atmospheres, and
 - (d) removing waste substances and accumulated dust on a regular basis, and
 - (e) providing for adequate storage, transportation and disposal of flammable substances, and
 - (f) any other measures necessary to control the risks.

- (2) If flammable substances, combustible dusts or waste substances are present at a place of work, an employer must monitor the place regularly to ensure:
- (a) the removal, on a regular basis, of waste substance, including dust, that could pose a fire or explosion hazard, and
 - (b) the continued effectiveness of control measures taken with respect to potential ignition sources.

A4.9 Manual handling

Clause 81 of the OHS Regulation requires that an employer in carrying out a risk assessment must take into consideration (where relevant) the following factors:

- actions and movements (including repetitive actions and movements)
- workplace and workstation layout
- working posture and position
- duration and frequency of manual handling
- location of loads and distances moved
- weights and forces
- characteristics of loads and equipment
- work organisation
- work environment
- skills and experience
- age
- clothing
- special needs (temporary or permanent)
- any other factors considered relevant by the employer, the employees or their representatives on health and safety issues.

Disclaimer

This appendix is intended to provide advice only and is not to be construed as waiving or modifying any legal obligation. To ensure compliance with legal obligations, refer to the *Occupational Health and Safety Act 2000* and the *Occupational Health and Safety Regulation 2001*.

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WORK NEAR OVERHEAD POWER LINES

2006

WorkCover. **Watching out for you.**



Disclaimer

This publication contains information regarding occupational health, safety, injury management or workers compensation. It includes some of your obligations under the various workers compensation and occupational health and safety legislation that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate Acts.

This publication may refer to WorkCover NSW administered legislation that has been amended or repealed. When reading this publication you should always refer to the latest laws. Information on the latest laws can be checked at www.legislation.nsw.gov.au or contact 1300 656 986.

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WHAT IS AN INDUSTRY CODE OF PRACTICE?

An approved industry code of practice is a practical guide to employers and others who have duties under the *Occupational Health and Safety Act 2000* (OHS Act) and the *Occupational Health and Safety Regulation 2001* (OHS Regulation) with respect to occupational health, safety and welfare.

An industry code of practice is approved by the Minister administering the OHS Act. It comes into force on the day specified in the code or, if no day is specified, on the day it is published in the NSW Government Gazette. An approved industry code of practice may be amended from time to time (or it may be revoked) by publication in the Gazette.

An approved industry code of practice should be observed unless an alternative course of action that achieves the same or a better level of health, safety and welfare at work is being followed.

An approved industry code of practice is intended to be used in conjunction with the requirements of the OHS Act and the OHS Regulation but does not have the same legal force. An approved industry code of practice is advisory rather than mandatory. However, in legal proceedings under the OHS Act or OHS Regulation, failure to observe a relevant approved industry code of practice is admissible in evidence to establish an offence under the OHS Act or OHS Regulation.

A WorkCover Authority inspector can draw attention to an approved industry code of practice in an improvement or prohibition notice as a way of indicating the measures that could be taken to remedy an alleged contravention or non-compliance with the OHS Act or OHS Regulation. Failure to comply with an improvement or prohibition notice without reasonable excuse is an offence.

In summary an approved **INDUSTRY CODE OF PRACTICE**:

- ✓ gives practical guidance on how health, safety and welfare at work can be achieved;
- ✓ should be observed unless an alternative course of action that achieves the same or a better level of health, safety and welfare in the workplace is being followed;
- ✓ can be used in support of the preventive enforcement provisions of the *Occupational Health and Safety Act*;
- ✓ can be used to support prosecutions for failing to comply with or contravening the OHS Act or OHS Regulation.

PREFACE

The aim of this code of practice is to protect the health and safety of persons from the risks arising when they are working near overhead power lines and associated electrical apparatus. It provides practical advice on implementing the requirements of the *Occupational Health and Safety Act 2000* and the *Occupational Health and Safety Regulation 2001*.

This code of practice provides practical guidance on the risk control measures, competency requirements and approach distances for workers working near overhead power lines. It applies to people with varying levels of qualification, training or knowledge.

This code of practice will assist employers, self-employed persons, employees, contractors and other parties involved in managing electrical risks associated with work near overhead power lines.

Use this code of practice to assess the effectiveness of your present arrangements when working near overhead power lines, and to check that all risks have been identified, assessed and eliminated or controlled.

This code of practice has been developed in consultation with members of the NSW electricity supply industry, including relevant unions and employer bodies. It is based on the earlier Electricity Association of N.S.W publication, *Interim Guide for Operating Cranes & Plant in Proximity to Overhead Power Lines*, and the Australian Standard AS 2550.5 – 2002 *Cranes, hoists and winches – Safe use Part 5: Mobile and Vehicle Loading Cranes*, which was gazetted as an approved industry code of practice on 21 September 2001 in the *Code of Practice: Technical Guidance*. In the event of any inconsistencies between the Standard and this code, the code shall prevail.

WHAT IS WORK NEAR OVERHEAD POWER LINES?

There are legislative obligations on employers, self-employed persons and controllers of premises in regard to undertaking work in close proximity, or at an unsafe distance, to overhead power lines. The term 'near' is utilised as a reference point for persons planning and undertaking this work.

Work 'near' overhead power lines means a situation where there is a reasonable possibility of a person, either directly or through any conducting medium, coming closer than the approach distances specified in this code. For the purposes of this code the term 'near' can be interchanged with other legislative or commonly used industry terms ie 'close proximity', 'unsafe distance' or 'in the vicinity of'.

PERSONNEL WORKING NEAR OVERHEAD POWER LINES

This code of practice is based on the assumption that without appropriate technical knowledge and experience of electricity distribution networks and associated electrical apparatus, untrained personnel working or operating cranes or plant near overhead power lines will not be able to identify the operating voltage concerned, and will therefore not be able to recognise and avoid the inherent dangers of live overhead power lines. These personnel are termed **ordinary persons**.

The approach distances specified in this code of practice take account of differing levels of technical knowledge, and are substantially greater for ordinary persons than for personnel who have been trained and assessed as having the necessary technical knowledge. These personnel are termed **accredited persons**.

HOW CAN WORKING NEAR LIVE OVERHEAD POWER LINES BE DANGEROUS?

Overhead power line contact is one of the largest single causes of fatalities associated with mobile plant and equipment.

Contact with live overhead power lines is a serious risk because any voltage that causes sufficient current to pass through the heart is potentially injurious or even fatal.

Contact with live electricity can also cause serious burns arising from the discharge of electrical energy. Other risks include fires and explosions that may immobilise the equipment involved.

You don't have to have a direct contact with a high voltage overhead power line to receive a fatal electric shock. ***Simply being too close can kill.***

WHAT DO THE SYMBOLS IN THE CODE OF PRACTICE MEAN?

To help you work out what you require, a number of symbols are used to highlight things you need to take into account and tools to help you do the job.



Consult and communicate with employers



Legal obligations that must be followed



Assess the risks in your workplace

ACKNOWLEDGEMENT

In developing this code of practice WorkCover NSW has drawn on information contained in a number of codes of practice and industry guidelines issued by other State regulators or organisations. WorkCover NSW acknowledges the following publications, which have been incorporated in parts of this code.

- *Code of practice – Working near exposed live parts* – Queensland, Department of Industrial Relations, and
- *Framework for undertaking work near overhead and underground assets* – WorkSafe, Victoria, and
- *NENS 04-2003 National guidelines for safe approach distances to electrical apparatus* – Energy Networks Association.

CHAPTER 1 – ESTABLISHMENT

1.1 Title

This is the Code of Practice – Work near Overhead Power Lines.

1.2 Purpose

This code of practice provides practical guidance in order to protect the health and safety of persons working near overhead power lines and associated electrical apparatus. It provides guidance on the risk control measures, competency requirements and approach distances to live electrical conductors, including no go zones for cranes and plant (and their loads), as well as for vehicles, individuals and hand-held tools. It applies to persons with varying levels of qualification, training or knowledge.

This code of practice should be used instead of the *Interim Guide for Operating Cranes and Plant in Proximity to Overhead Power Lines – ISSC 26* issued by the Electricity Association of NSW in September 2001.

1.3 Scope

This code of practice applies to work, which is carried out near overhead power lines and associated electrical apparatus excluding:

- work on electricity network assets where the work is carried out in accordance with the requirements of the *Electricity Supply (Safety and Network Management) Regulation 2002* and the work is either:
 - by or for an electricity network operator, or
 - by an accredited service provider, or
 - by a telecommunications network operator.
- mobile plant or vehicles operating on a public road where the design envelope is not greater than the transit envelope and is in any case not greater than 4.6 metres in height (eg a side loading waste collection vehicle collecting waste bins from the side of a public road under overhead power lines);
- when the crane or item of plant is correctly stowed for travelling on a public road;
- work on a mine site;
- work involving low flying aircraft (eg crop dusting, pesticide or herbicide spraying, etc);
- work carried out by emergency services personnel, including state emergency service, fire, police, volunteer rescue association and ambulance personnel during a declared emergency or other local emergency incident. In this situation the agency should advise the network operator of the circumstances of the emergency work and ensure a safe system of work is applied by those emergency services personnel undertaking the work.

This Chapter 1 is introductory, describes the purpose of this code, and provides definitions. Chapter 2 explains the regulatory principles in the occupational health and safety legislation, which this code is intended to complement. Chapter 3 describes a framework for work near overhead power lines by outlining general risk management principles, competency requirements and approach distances for the work. More detailed risk management requirements for specific workplace activity are set out in Chapters 4 to 9 inclusive.

1.4 Authority

This is an industry code of practice approved by the Minister for Commerce, under section 43 of the *Occupational Health and Safety Act 2000*, on the recommendation of the WorkCover Authority of New South Wales ('WorkCover NSW').

1.5 Commencement

This code takes effect on Friday, 29 September 2006.

1.6 Interpretation

1.6.1 Recommended practices

Words such as 'should' indicate recommended courses of action. 'May' or 'consider' indicate a possible course of action the duty holder should consider. However, you may choose an alternative method of achieving a safe system of work. For a further explanation, see 'What is an industry code of practice'.

1.6.2 Legal obligations

Words such as 'must', 'requires' and 'mandatory' indicate obligations, which must be complied with. Failure to comply with the code can be used as evidence in proceedings for an offence against the OHS Act or OHS Regulation (where the code is relevant to any matter, which it is necessary for the prosecution to prove to establish the commission of the offence).

1.7 Applicable legislation



Consult the OHS Act and the OHS Regulation for the specific legal requirements regarding occupational, health and safety responsibilities for work near overhead power lines.

Specific responsibilities:

Clause 41(4) of the OHS Regulation requires a controller of premises to ensure that persons working in, or undertaking maintenance on, the premises (apart from those undertaking electrical work) are prevented from coming within an unsafe distance from any overhead power lines or live electrical installations unless a risk assessment determines otherwise.

Clause 64(2)(e) of the OHS Regulation requires employers to ensure that persons at work, their plant, tools or other equipment and any materials used in or arising from the work do not come into close proximity with overhead electrical power lines (except if the work is done in accordance with a written risk assessment and safe system of work and the requirements of the relevant electricity supply authority).

Other significant legislation:

The *Electricity Supply (Safety and Network Management) Regulation 2002*, which is administered by the Department of Energy, Utilities and Sustainability, requires that a person must not carry out work on or near a network operator's transmission or distribution system and a network operator must not allow a person to carry out work on or near its transmission or distribution system unless the person is qualified under the relevant requirements of the network operator's network management plan, to carry out the work; and the work is carried out in accordance with the relevant requirements of that plan.

1.8 Definitions

The following definitions are used for the purposes of this code of practice:

access authority	means a written authorisation, issued by a network operator, which allows persons to work within the no-go zone.
accredited person	means a person who has successfully completed a recognised training course relating to work near overhead power lines that has been conducted by a registered training organisation.
accredited service provider	means a person who has been accredited by the Department of Energy, Utilities and Sustainability to undertake work on the electricity network.
approach distance	means the minimum separation in air from an exposed overhead conductor that must be maintained by a person, or any object held by or in contact with that person. Note: Refer to Chapter 3 for relevant approach distances.
approved	means approved in writing. This can be achieved by any, or a combination, of the following: <ul style="list-style-type: none"> • providing a paper document; • sending a facsimile; • other equivalent means (eg e-mail).
authorised person	means a person with technical knowledge or sufficient experience who has been approved by the network operator.
authorised representative	of an industrial organisation of employees means an officer of that organisation who is authorised under the <i>Industrial Relations Act 1996</i> .
competent person	for any task means a person who has acquired through training, qualification, experience, or a combination of them, the knowledge and skills to carry out the task.
conductor	means a wire, cable or form of metal designed for carrying electric current.
construction work	means any of the following: <ol style="list-style-type: none"> (a) excavation, including the excavation or filling of trenches, ditches, shafts, wells, tunnels and pier holes, and the use of caissons and cofferdams, (b) building, including the construction (including the manufacturing of prefabricated elements of a building at the place of work concerned), alteration, renovation, repair, maintenance and demolition of all types of buildings, (c) civil engineering, including the construction, structural alteration, repair, maintenance and demolition of, for example, airports, docks, harbours, inland waterways, dams, river and avalanche and sea defence works, roads and highways, railways, bridges and tunnels, viaducts, and works related to the provision of services such as communications, drainage, sewerage, water and energy supplies.
control measures	measures taken to minimise a risk to the lowest level reasonably practicable.

crane	means an appliance intended for raising or lowering a load and moving it horizontally, and includes the supporting structure of the crane and its foundations, but does not include industrial lift trucks, earth moving machinery, amusement devices, tractors, industrial robots, conveyors, building maintenance equipment, suspended scaffolds or lifts.
de-energised	means not connected to any source of electrical supply but not necessarily isolated.
earthed	means directly electrically connected to the general mass of earth so as to ensure and maintain the effective dissipation of electrical energy.
earth moving machinery	means an operator controlled item of plant used to excavate, load or transport, compact or spread earth, overburden, rubble, spoil, aggregate or similar material, but does not include a tractor or industrial lift truck.
electrical apparatus	means any electrical equipment, including overhead power lines and cables, the conductors of which are live or can be made live.
electricity network	means transmission and distribution systems consisting of electrical apparatus which are used to convey or control the conveyance of electricity between generators' points of connection and customers' points of connection. Note: Overhead power lines on private property come under the control of the controller of the premises.
elevating work platform	means a telescoping device, scissor device or articulating device, or any combination of those devices, used to move personnel, equipment or materials to and from work locations above the support surface.
envelope	means the space encapsulating a plant item, including attachments such as rotating / flashing lights or radio aerials and is categorised as: Design: the space encapsulating all possible movements of the plant and any load attached under maximum reach. Transit: the area encompassing the normal height and width of a vehicle or plant when traveling to or from a worksite.
employee	means an individual who works under a contract of employment or apprenticeship.
employer	means a person who employs persons under contracts of employment or apprenticeship. Note: In some chapters of the OHS Regulation, the term 'employer' includes a self-employed person in relation to duties to other persons. See the definition of 'employer' in clause 3 of the OHS Regulation.
energised	means connected to a source of electrical supply.
exposed conductor	an electrical conductor that is hazardous because it has not been protected by a barrier of rigid material or by insulation that is adequate for the voltage concerned, under a relevant Australian Standard specification.
hazard	means anything (including work practices and procedures) that has the potential to harm the health or safety of a person.

high-risk construction work	means any of the following construction work, <ul style="list-style-type: none"> • involving structural alterations that require temporary support • at a height above 3 metres • involving excavation to a depth greater than 1.5 metres • demolition work for which a licence is not required • in tunnels • involving the use of explosives • near traffic or mobile plant • in or around gas or electrical installations • over or adjacent to water where there is a risk of drowning.
high voltage (HV)	means a nominal voltage exceeding 1,000 V a.c. or exceeding 1,500 V d.c.
hoarding	for the purposes of this code is containment sheeting positioned on the external face of a scaffold that serves as a physical barrier between a worker and live overhead power lines and associated electrical apparatus.
insulated	means separated from adjoining conducting material by a non-conducting substance which provides resistance to the passage of current, or to disruptive discharges through or over the surface of the substance at the operating voltage, and to mitigate the danger of shock or injurious leakage of current.
Interim Guide	means the <i>Interim Guide for Operating Cranes and Plant in Proximity to Overhead Power Lines – ISSC 26</i> issued by the Electricity Association of NSW.
isolated	means disconnected from all possible sources of electricity supply by means which will prevent unintentional energisation of the apparatus and which is assessed as a suitable step in the process of making safe for access purposes.
live	means connected to any source of electrical supply or subject to hazardous induced or capacitive voltages.
low voltage (LV)	means a nominal voltage exceeding 50 V a.c. or 120 V d.c. but not exceeding 1000 V a.c. or 1500 V d.c.
LV – ABC (Aerial Bundled Cable)	means an insulated cable system used for low voltage overhead distribution of electricity that is manufactured in accordance with the Australian Standard, AS/NZS 3560.
mobile crane	means a crane capable of travelling over a supporting surface without the need for fixed runways (including railway tracks) and relying only on gravity for stability, that is, with no vertical restraining connection between itself and the supporting surface and no horizontal restraining connection (other than frictional forces at supporting-surface level) that may act as an aid to stability.

mobile plant	<p>includes plant that:</p> <ul style="list-style-type: none"> (a) moves either under its own power, or is pulled or pushed by other mobile plant (b) moves on or around the work site, enters or leaves the site, or moves past the site (c) includes road vehicles operating at a worksite <p>Note: This definition has been adopted for the purposes of this code of practice. This includes items such as earthmoving machinery, concrete boom pumps and tipper trucks operating at a worksite.</p>
near	means a situation where there is a reasonable possibility of a person, either directly or through any conducting medium, coming closer than the relevant approach distances specified in this code.
network operator	means the owner, controller or operator of an electricity network also known as an electricity supply authority.
no go zone	<p>means the area around overhead power lines into which no part of a person or material or cranes or vehicles or items of mobile plant may encroach without the approval of the network operator.</p> <p>Note:</p> <ul style="list-style-type: none"> • person includes hand tools, equipment or any other material held by a person. • plant includes the load, controlling ropes and any other accessories.
occupier	<p>of premises includes:</p> <ul style="list-style-type: none"> (a) a person who, for the time being, has (or appears to have) the charge, management or control of the premises, or (b) a person who, for the time being, is in charge (or appears to be in charge) of any operation being conducted on the premises.
operating voltage	means the a.c. voltage (phase to phase RMS) or d.c. voltage by which a system of supply is designated.
ordinary person	means a person without sufficient training or experience to enable them to avoid the dangers which overhead power lines and associated electrical apparatus may create.
overhead power line	means any bare or covered aerial conductors and other associated electrical parts that make up an aerial line for the distribution and transmission of electrical energy.
personal protective equipment (PPE)	<p>items that workers can use to protect themselves against hazards. PPE includes insulating gloves, mats or sheeting, glasses and face protection.</p> <p>Note: A number of items of PPE are made and tested to Australian Standards.</p> <p>PPE that is not designated as meeting a recognised Standard may be unreliable in service, as its performance is unknown.</p>

place of work	means premises where persons work.
plant	includes any machinery, equipment or appliance. Note: For the purposes of this code the definition includes a broad range of machinery and equipment, but not limited to, cranes, mobile plant, scaffolding, load shifting equipment, industrial lift trucks, earth moving machinery, amusement devices, tractors, rural machinery, vehicles, conveyors, building maintenance equipment, suspended scaffolds or lifts, implements or tools and any component or fitting of those things.
premises	includes any place, and particularly includes: <ul style="list-style-type: none"> • any land, building or part of a building • any vehicle, vessel or aircraft, or • any installation on land, on the bed of any waters or floating on any waters, or • any tent or movable structure.
OHS Act	means the <i>Occupational Health and Safety Act 2000</i> .
OHS Regulation	means the <i>Occupational Health and Safety Regulation 2001</i> .
safety observer	means an accredited person specifically assigned the duty of observing and warning against unsafe approach to overhead power lines and associated electrical apparatus, or other unsafe conditions.
safe work method statement (SWMS)	means a statement that: <ul style="list-style-type: none"> • describes how the work is to be carried out • identifies the work activities assessed as having safety risks • identifies the safety risks; and • describes the control measures that will be applied to the work activities, and includes a description of the equipment used in the work, the standards or codes to be complied with, the qualifications of the personnel doing the work and the training required to do the work.
self-employed person	means a person who works for gain or reward otherwise than under a contract of employment or apprenticeship, whether or not they employ others.
tiger tails	means pipe type cable covers, used as a warning to visually indicate the position of overhead power lines. Note: A tiger tail is also known as a torapoli pipe.
vehicle	means a truck (non tipping), car or utility, or other general purpose conveyance used for the carriage of persons, materials or goods.
voltage	means a potential difference between conductors or between conductors and earth.
work	means work as an employee or as a self-employed person.

CHAPTER 2 – CONSULTATION AND RISK MANAGEMENT



The OHS Act and the OHS Regulation require employers to address workplace health and safety through a process of risk management and consultation.

To effectively implement this code, employers need to be aware of these requirements and have procedures in place to apply them. Employers are advised to consult the OHS Act and the OHS Regulation as well as the *Code of Practice: Occupational Health and Safety Consultation* and the *Code of Practice: Risk Assessment* for details of these requirements and how they can be met. The following information is designed to provide an overview of legislative requirements.

The OHS Regulation requires employers (and self-employed persons) to identify hazards and to ensure that any risk of injury from electricity at a place of work is eliminated, or if elimination is not reasonably practicable, the risk is controlled.

Other legislative requirements particularly relevant to this code are clause 64 of the OHS Regulation, which requires that employers must ensure that persons at work, their plant, tools or other equipment and any materials used in or arising from the work do not come into close proximity with overhead power lines.

Controllers of premises also have obligations under section 10 of the OHS Act and clause 41 of the OHS Regulation for work that is carried out near overhead power lines.

This code of practice provides guidance on ensuring these requirements are met and should be implemented within a risk management framework. Risk management is a way of organising your efforts to determine safe systems of work. Following this procedure will help you identify the safety issues for work that is to be carried out near overhead power lines.

The following information is designed to provide an overview of:

- consultation
- risk management
- information, instruction, training and supervision

2.1 Consultation at the workplace



Employers must consult with employees when taking steps to assess and control workplace risks.

In order to consult with employees, employers are required to set up consultation arrangements and develop consultation procedures.

2.1.1 Consultation arrangements

The OHS Act provides three options for consultation arrangements under sections 16 and 17:

Arrangement	Number of employees	Requirement
OHS committee	20 or more employees	<ul style="list-style-type: none"> requested by a majority of employees, or directed by WorkCover
OHS representative	any size	<ul style="list-style-type: none"> at least one employee requests an election, or directed by WorkCover
Other agreed arrangements	any size	agreed to by both the employer and employees (in a small workplace it may be a regular safety meeting with employees)

Before using this code, an employer should ensure that consultation arrangements are in place. An employer may initiate the establishment of an OHS Committee or the election of an OHS Representative if the employees have not made such a request. When the consultation arrangements have been decided, clause 27 of the OHS Regulation requires employers to record them and advise all existing and new employees.

2.1.2 Consultation procedures

After setting up the consultation arrangements, employers need to consider when and how these consultation arrangements need to be applied.

2.1.3 When should consultation be undertaken?

Under section 13 of the OHS Act, employers have a general duty to consult employees when decisions are being considered that may affect their health, safety and welfare at work. Therefore, employers are required to consult with their OHS Committee, OHS representative or other agreed arrangement when such decisions are being considered. Decisions, which could affect health, safety and welfare for work near overhead power lines include:

- eliminating or controlling risks to health and safety from work.
- assessing, reviewing and monitoring risks to health and safety from work
- planning, designing or changing work tasks or jobs
- purchasing new plant and equipment or substances
- using contractors at the workplace
- investigating incidents or accidents
- developing emergency procedures
- determining or reviewing consultation arrangements

Note: Any procedures that are developed to encompass these activities should incorporate consultation.

It may not be practical or reasonable to involve the OHS committee or the OHS representative in every decision. However, the employers or committee or representatives should agree on what process is needed to ensure that affected employees are consulted.

2.1.4 How should consultation be undertaken?

When engaged in consultation, section 14 of the OHS Act requires employers to:

- Share all relevant information with employees – for example, if an employer is going to change a work task, employees need to be told of any risk to health and safety that may arise and what will be done to eliminate or control these risks.
- Give employees reasonable time to express their views – employees need adequate time to assess the information given to them, obtain relevant safety information and consult with fellow employees to enable them to form their views.
- Value the views of employees and take into account when the decision is made to resolve the matter – in many cases, agreement will be reached on how the safety issues are to be addressed. When agreement cannot be reached, the employer should explain how the employee's concerns have been addressed.

2.2 Risk management at the workplace



Employers and self-employed persons must identify any foreseeable hazards, assess their risks and take action to eliminate or control them. Employees must be consulted as part of this process.

A hazard identification and risk assessment process must be carried out at the planning and preparation stage by the employer/contractor, in consultation with the persons doing the work near overhead power lines to determine what risks may arise when the work is being carried out. Safe systems of work must then be put in place to eliminate or control these risks. **Note:** For some work activities carried out near overhead power lines the safe system of work must also be documented in a safe work method statement. Refer to section 2.4.1.

The process of risk assessment and control is made up of the following steps:

- identify the hazards
- assess the risk(s) to the health and safety of persons arising from the hazards
- use appropriate control measures to eliminate or control the risk(s)
- monitor and review the control measures to ensure on-going safety.

2.2.1 Identify hazards

To ensure a safe and healthy workplace, employers must take reasonable care to identify all the foreseeable health and safety hazards, which could harm their employees or other persons in the workplace. Hazards may arise from the work process, the equipment and materials in use, the work environment, or other people involved.

Live overhead power lines are a potential hazard posing substantial risk of death or serious injury. In addition to electrical shock and electrocution, contact with overhead power lines, can result in:

- the electrifying of other objects such materials, tools and items of plant, with the potential for electric shock or electrocution;
- a rain of molten metal caused by contact between an energised conductor and another conducting medium;
- fire;

- explosion; or
- swift, unpredictable power line whiplash.

2.2.2 Assess risks

Once hazards have been identified, the risk they pose to health and safety needs to be assessed. Some hazards pose a greater risk than others do, and the frequency and duration of exposure can also affect the risk. Risk assessment involves considering the likelihood and severity of injury or illness being caused by exposure to the risk. Therefore the factors that need to be considered in a risk assessment should include the:

- harm that can be caused by exposure to the hazard
- number of people and the duration and frequency of exposure to the hazard
- capability, skill and experience of people exposed to the hazard.

The risk assessment process provides information on the factors, which contribute to the risk. This information will assist in determining what needs to be done to eliminate or control the hazard.

2.2.3 Eliminate or control the risk

The OHS Regulation prescribes the following hierarchy of controls that must be used to eliminate or control a risk to health and safety in the workplace. Refer to the following chapters of this code of practice to see how this must be applied to work near overhead power lines. In particular, consider the following:

Level 1: Eliminate the hazard by:

- discontinuing the work activity or arranging for the de-energising of the overhead power lines during the work or re-routing the overhead power lines away from the work activity.

Level 2: Minimise the risk by:

- substituting the system of work or plant (with something safer that does not come near the overhead power lines). This could mean using an alternate crane or mobile plant, which cannot encroach the approach distances specified in this code.
- separating the hazard. This could mean erecting a physical barrier to prevent a person or anything held by a person, or attached to the person, coming near the overhead power lines.
- introducing engineering means. This could mean substituting with a less hazardous process or modifying an item of plant or equipment to ensure it does not come near the overhead power lines.
- adopting administrative controls, by example, signage, warning barriers marking the worksite, safe work procedures such as maintaining a safe distance from overhead power lines and using a safety observer to warn people before they encroach the approach distances specified in this code.
- using personal protective equipment (PPE). (eg insulating gloves, safety helmets, eye protection).

The control measures at Level 1 give the best results and should be adopted where possible. The Level 2 measures apply in descending order of effectiveness and require more frequent reviews of the hazards and systems of work. In some situations a combination of control measures may be used such as engineering means and administrative controls.

2.2.4 Review risk assessment and control measures

Control measures should be reviewed on a regular basis. The frequency of their review should be determined by considering the significance of the risks associated with the hazard. However, a review should be undertaken in the following circumstances:

- new information is made available about the risks associated with the hazard
- an accident or incident occurs
- significant changes are proposed to the workplace or work system.

2.3 Information, instruction, training, and supervision



The OHS Act requires employers to provide such information, instruction, training and supervision as may be necessary to ensure the health, safety and welfare of their employees while at work.

Work near overhead power lines should not be performed unless those performing the work have received appropriate instruction and training. For example, the operator of any crane or mobile plant and the safety observer who carry out work within the accredited person zone specified in this code must have received training for work near overhead power lines conducted by a Registered Training Organisation. Refer to Appendix 4.

Employers must provide appropriate supervision and should recognise their supervisor's role in the management of the risks and the protection of employees. Close liaison between supervisors and employees is vital in ensuring the work is carried out in a safe manner.

Supervision of crane and plant operators working near overhead power lines should ensure that the control measures are fully implemented and followed at all times by employees. If you are supervising, it is your responsibility to ensure that the situation is safe for everyone.

The level and extent of supervision required will vary according to the safety aspects of each task and the skills of the worker. In determining the necessary level of supervision, an employer should consider:

- the complexity of the job environment in which the job is being done;
- the hazards at each work site;
- the worker's level of competence, experience and age.

The levels of supervision required for various tasks need to be described in policies and procedures.

2.4 Provision of information

Health and safety information may include:

- the results of any applicable written risk assessment;
- requirements of safe work method statements;
- a review of the written risk assessment and/or safe work method statements and standard operating procedures;
- any other relevant OHS information, such as type test information, documentation and signage.

Persons working near overhead power lines should always have, on request, access to written risk assessments and safe work method statements at the work site. Employers should brief employees and other workers as to the contents of written risk assessments and safe work method statements when work begins near overhead power lines, at regular intervals thereafter, and whenever there are changes to written risk assessments or new information about health and safety risks becomes available.

The employer should consult with their employees to ensure that such information and training is in a form that is accessible and easily understood. This is important where employees are from a non-English speaking background and /or have special needs or disabilities, and may have specific language or literacy requirements.

2.4.1 Safe work method statements

Chapter 8 of the OHS Regulation requires that safe work method statements (SWMS) be used for high risk construction work.

High-risk construction work may include, for example the following activities that may occur near overhead power lines,

- construction work involving structural alterations that require temporary support
- construction work at a height above 3 metres
- construction work involving excavation to a depth greater than 1.5 metres
- demolition work for which a licence is not required
- construction work involving the use of explosives
- construction work near traffic or mobile plant
- construction work in or around gas or electrical installations

An example of a safe work method statement is included at Appendix 3 to assist in this.

2.5 Preparation for work to commence

Careful planning and preparation is an essential step to ensure that work is done safely. When preparing for the commencement of work all controls indicated by the risk assessment(s) and safe work method statement(s) as applicable must have been put in place and that no new hazards exist, or have been created.

Preparation should include:

- nature of the work planned and ways of dealing with changes as the work proceeds;
- the possible hazards and risks associated with the work;
- consultation with the network operator;
- communication and interaction between workers at the site;
- training, qualifications and competency of workers;
- checking the operation of plant and equipment, including the operation of limiting devices;
- proximity of persons, cranes, mobile plant, material and tools to overhead powerlines;
- proximity of persons to cranes and mobile plant;
- specific instructions for employees
- workplace access and egress;
- emergency procedures, including first aid, evacuation and rescue
- environmental factors

CHAPTER 3 – APPROACH DISTANCES WHEN WORKING NEAR OVERHEAD POWER LINES

3.1 Scope

This Chapter introduces a framework for work near overhead power lines. It provides guidance on general risk management principles, competency requirements and approach distances to live electrical conductors, including no go zones for cranes and plant (and their loads), as well as for vehicles, individuals and hand-held tools. It applies to persons with varying levels of qualification, training or knowledge.

This Chapter should be read in conjunction with the following Chapters, which provide risk management requirements for various types of workplace activity, including scaffolding (Chapter 6) and work near low voltage overhead service lines (Chapter 8), which specify a different set of approach distances to those described in this Chapter.

3.2 Basis of approach distances

This code is based on the assumption that without appropriate technical knowledge and experience of electricity distribution networks, workers that have not received training in overhead power line electrical hazards (ordinary persons) will not be able to identify the operating voltage of the live overhead power lines. When working near or operating cranes or plant near live overhead power lines such persons will not be able to recognise and avoid the inherent electrical hazards.

The approach distances specified in this Chapter take account of differing levels of technical knowledge and items of plant, and are substantially greater for ordinary persons than for personnel who are accredited. The approach distances for ordinary persons and accredited persons are based on those specified in the *National Guidelines for Safe Approach Distances to Electrical Apparatus*. In the National Guidelines, the approach distances were derived by –

- determining a distance to avoid electrical flashover; and
- providing additional allowance for inadvertent movements of the person, crane or plant relative to the overhead power lines, or the movement of the overhead power lines relative to the person, crane or plant.

3.2.1 Assessing the relevant approach distance

Prior to the start of any work near overhead power lines it is essential that the height and voltage of the overhead power lines (and if applicable the horizontal safety clearance) be assessed at the worksite. When assessing the relevant approach distances for the work a number of factors must be taken into account including,

- the possibility of errors in estimating distances, especially at higher voltages, where the approach distance is large. It may be necessary either to allow more clearance or to use methods that provide more accurate estimation of distances, for example, an ultrasonic cable height indicator, which provides a safe and accurate method of estimating distances near overhead power lines. If the height or voltage of the overhead power lines cannot be accurately determined consult the network operator.

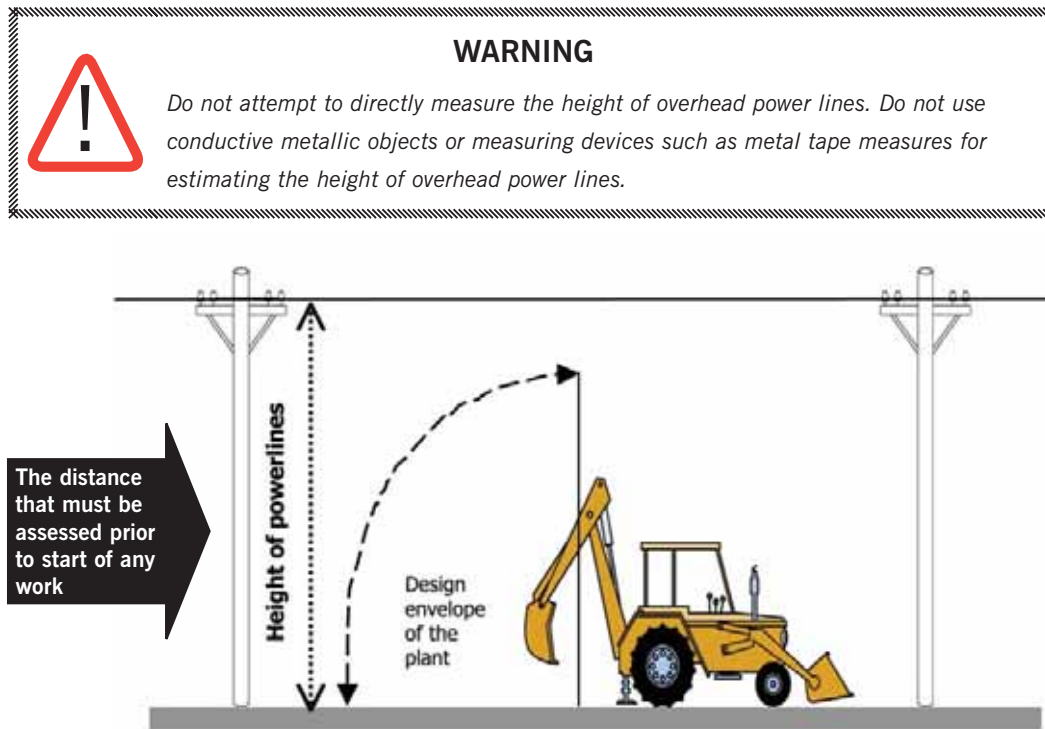


Figure 1: Distance that must be assessed for each worksite

- overhead power lines are made of metal and are therefore subject to expansion and contraction when heated and cooled. This can be a direct result of high ambient air temperature and/or excessive electrical load current passing through the conductors. Regardless of the cause, any expansion will result in gravity causing the power lines to sag downwards. Wind can also cause the power lines to swing from side to side. For this reason the approach distances must be increased either vertically or horizontally by the amount of conductor sag or swing at the point of work. Refer to Figure 2.

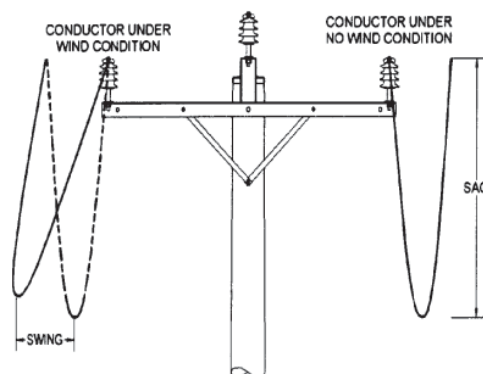


Figure 2: Illustration of overhead power line 'sag or swing'

- where more than one voltage is present, eg overhead power lines where two or more circuits operating at different voltages are supported on the same poles, the approach distance appropriate to each voltage must be maintained independently.
- increased clearances must be allowed where a risk assessment identifies a reasonable possibility of the load or lifting gear (crane hook, chains, slings, etc) moving or swinging towards the overhead power lines or associated electrical apparatus when the crane or item of mobile plant is operated.

3.2.2 Increases to approach distances

It is recognised that certain Australian Standards and industry practice in some States require greater approach distances than those described in this code. For certain types of work or classes of authorisation and competency, greater distances than that described in this code may be appropriate.

For example, the approach distances shown in Table 1 are less than those described in the Australian Standard AS 2550.5 Cranes, hoists and winches – Safe use Part 5: Mobile and Vehicle Loading Cranes, which is also gazetted as an approved industry code of practice. In the event of any inconsistencies between the Australian Standard and this code the approach distances specified in this code shall prevail.

Employers, self-employed persons and controllers of premises should determine the applicability of the approach distances described in this code for particular work circumstances and, if considered appropriate, specify greater approach distances for the work.

3.2.3 How close can I go to overhead power lines?

Once an assessment has been carried out of the worksite and the overhead power lines, a decision can be made on the approach distance for the proposed work. The approach distances and work zones described in this Chapter and illustrated in Figure 3 vary with the voltage of the overhead power lines and the level of accreditation of the person/s performing the work. The relevant approach distances are set out in the following tables:

- Table 1 provides the approach distances for ordinary persons. These are workers who have not received training in overhead power line electrical hazards and are restricted to work in the ordinary person zone. Refer to Section 3.3 and Figure 3.
- Table 2 provides reduced approach distances for accredited persons. These are workers who have successfully completed a recognised training course in overhead power line electrical hazards and are therefore permitted to work closer to the overhead power lines in the accredited person zone. Refer to Section 3.4 and Figure 3.
- Table 3 provides the approach distances for vehicles that are driven under overhead power lines. Refer to Section 3.6.

The approach distances vary with the voltage. They apply to:

- any part of a crane or item of mobile plant, including vehicles,
- any load being moved, including the slings, chains and other lifting gear,
- any person working at heights eg from an elevating work platform, scaffold, or other structure, or
- any hand tools, hand control lines, equipment or other material held by a person.

Note: Special approach distances apply for scaffolding work (Chapter 6) and work near low voltage overhead service lines (Chapter 8).

3.3 Ordinary Person Zone

Table 1 provides approach distances for:

- ordinary persons performing work near overhead power lines, (including plant, hand tools, equipment or any other material held by a person); or
- cranes (and their loads) and items of mobile plant operated by an ordinary person near overhead power lines.

Note: Where a written risk assessment determines it necessary, the use of a safety observer should also be considered for work performed by ordinary persons working outside but up to the approach distances specified in Table 1. The duties of the safety observer are described in Section 3.8.

TABLE 1

Approach distances for work performed by Ordinary Persons

Nominal phase to phase a.c. voltage (volts)	Approach distance (m)
Up to and including 132,000	3.0
Above 132,000 up to and including 330,000	6.0
Above 330,000	8.0
Nominal pole to earth d.c. voltage (volts)	Approach distance (m)
Up to and including +/- 1500	3.0

Note: Special approach distances apply for scaffolding work (Chapter 6) and work near low voltage overhead service lines (Chapter 8).

3.4 Accredited Person Zone

Table 2 provides approach distances for:

- accredited persons, with a safety observer who are performing work near overhead power lines (including plant, hand tools, equipment or any other material held by a person); or
- cranes (and their loads) and items of mobile plant operated by an accredited person with a safety observer near overhead power lines.

The approach distances in Table 2 are based on

- completion of a written risk assessment prior to the commencement of work,
- application of a safe system of work, which includes the use of a safety observer, and
- if determined by the written risk assessment, consultation with the network operator regarding the proposed work and compliance with any conditions imposed by the network operator for the work.

TABLE 2

Approach Distances for work performed by Accredited Persons, with a Safety Observer

Nominal phase to phase a.c. voltage (volts)	Approach distance (m)
Insulated low voltage cables up to 1000, including LV ABC	0.5
Un-insulated low voltage conductors up to 1000	1.0
Above 1000 up to and including 33,000	1.2
Above 33,000 up to and including 66,000	1.4
Above 66,000 up to and including 132,000	1.8
Above 132,000 up to and including 220,000	2.4
330,000	3.7
500,000	4.6
Nominal pole to earth d.c. voltage (volts)	Approach distance (m)
Up to +/- 1,500	1.0

Note: Special approach distances apply for scaffolding work (Chapter 6) and work near low voltage overhead service lines (Chapter 8).

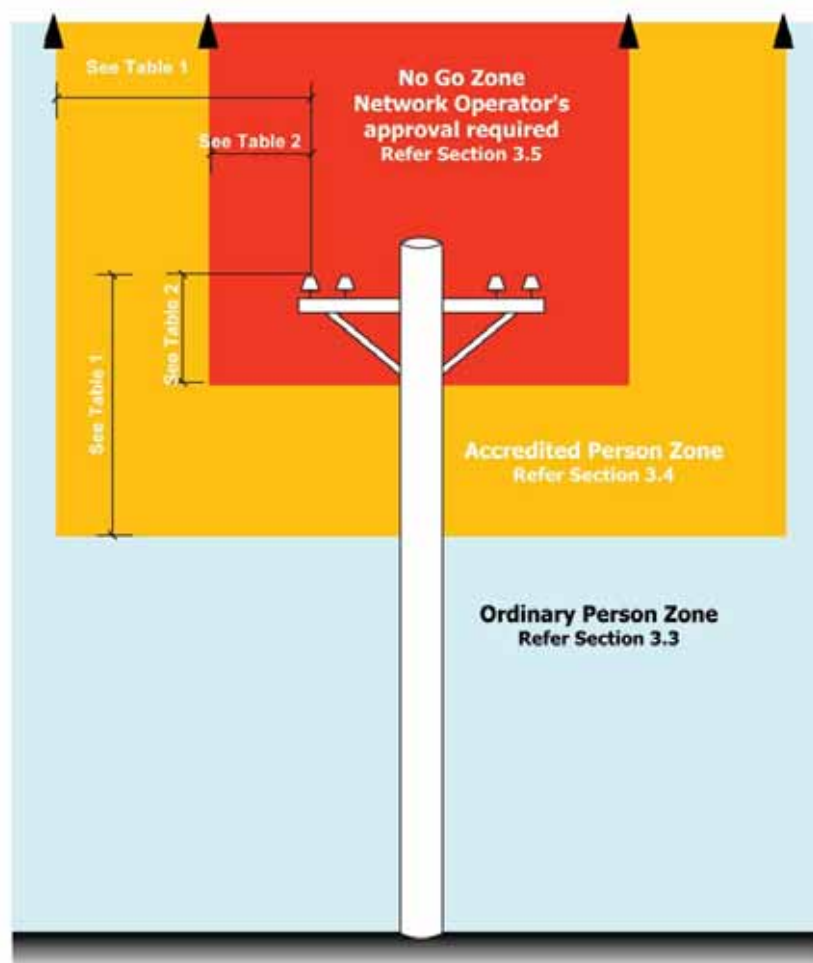


Figure 3 – Approach distances and work zones near overhead power lines

3.5 Work inside the No Go Zone – Approval of the network operator

The no go zone is the area around overhead power lines into which no part of a person or material or cranes or vehicles or items of mobile plant may encroach without the approval of the network operator.

Note:

- person includes hand tools, equipment or any other material held by a person.
- plant includes the load, controlling ropes and any other accessories associated with the plant.

If the work cannot be carried out without coming inside the no-go zone (closer than the approach distances listed in Table 2 or above the overhead power lines), prior to commencing work the employer must consult with and obtain the written approval of the network operator.

Note: The written approval should be available at the worksite and be able to be produced to a WorkCover Inspector, Principal Contractor, elected OHS representative, authorised representative or network operator.

3.6 Approach Distances for Vehicles

Table 3 provides approach distances for vehicles, mobile plant stowed for transit or with a design envelope up to an including 4.6 metres in height, which are driven by or operated by persons under overhead power lines.

When assessing the approach distance for a vehicle driven under overhead power lines a number of factors should be taken into account including:

- the approach distances specified in Table 3 are based on the fact that the design or transit envelope of the vehicle does not allow any part of the vehicle to come closer than the approach distances specified. This includes the load, exhaust pipe and attachments such as rotating/flashing lights or radio aerials. Refer to Figure 5 below.

Figure 5: Transit envelope – The maximum overall height of the vehicle



- where a work activity involves a person working from, standing on or walking across the top of a vehicle the relevant approach distance specified in either Table 1 or Table 2 must be maintained. This may include for example the driver of a livestock transporter who may need to access the top of the vehicle to check livestock.
- where, as a result of the work being performed the distance between the conductors and the ground may decrease (for example when constructing a road or levee bank beneath overhead power lines or where the ground level is raised during the work), then the distance between the vehicle must be continually re-assessed to ensure that the relevant approach distances are being maintained.
- any additional assessment factors that may be relevant for the operation of the vehicle as described in section 3.2.1.

TABLE 3

Approach Distances for Vehicles

Nominal phase to phase a.c. voltage (volts)	Approach distance (m)
Low voltage conductors up to 1000	0.6
Above LV, up to and including 33,000	0.9
Above 33,000 up to and including 132,000	2.1
Above 132,000 up to and including 220,000	2.9
330,000	3.4
500,000	4.4
Nominal pole to earth d.c. voltage (volts)	Approach distance (m)
Up to and including +/- 1500	0.9

3.7 Work near overhead power lines – General risk management principles

The approach distances set out in this Chapter are only part of an overall safe system of work, which must be implemented by employers and self-employed persons working near overhead power lines and associated electrical apparatus. In implementing a safe system of work consideration should be given to the following risk control measures:

- The employer has in place an effective risk management process, as part of a systematic occupational health and safety management system.
- Appropriate workplace hazard identification and written risk assessments are carried out as required by the OHS Regulation in consultation with the workers performing the work.
- Consultation with the network operator regarding the proposed work and compliance with any conditions imposed by the network operator for the work.
- The approach distances used are appropriate for the levels of accreditation of the workers performing the work. Refer to Sections 3.3 and 3.4
- Operators and other workers are provided with information and instruction about the safety precautions needed and the requirements of this code, as well as appropriate training, supervision and safe work practices and procedures.
- An essential requirement of a safe system of work is that workers are competent to carry out the work concerned. This code specifies the competency requirements (in respect of overhead power line electrical safety awareness) for crane and mobile plant operators and safety observers. Refer to Sections 3.8 and 3.9.
- An effective communication system is in place for the personnel performing the work.
- An effective process is in place to monitor compliance with the adopted risk control measures, safe work practices and procedures for work carried out near overhead power lines and associated electrical apparatus.

3.8 Competence and knowledge of this code

In order to carry out work at distances less than the approach distances specified in Table 1 the following workers must be accredited in accordance with Section 3.9 of this code,

- the operator of a crane,
- the operator of mobile plant (including an elevating work platform),
- a safety observer.

3.8.1 Training and Competence – Accredited Person

Accredited persons such as operators of cranes, mobile plant and elevating work platforms who carry out work closer than the approach distances specified in Table 1 and safety observers who observe the work must have successfully completed an appropriate training course (eg Crane and Plant Electrical Safety Course) relating to work near overhead power lines that has been conducted by a registered training organisation. Refer to Appendix 4 of this code for a training course framework, which is recognised by WorkCover NSW and network operators.

Note: ‘Successful completion’ includes a satisfactory competency assessment.

The registered training organisation, which provides the training and competency assessment required by this code must provide the person concerned with a statement of attainment or written certification of his/her successful completion of assessment, that has an identifying number particular to that person.

Employers should maintain appropriate training and assessment records for ‘accredited persons’ and other employees who carry out work near overhead power lines.

3.8.2 Maintenance of competency

The employer of accredited persons must ensure that those persons are either re-assessed or re-trained annually to ensure their on-going competency to perform activities associated with work near overhead power lines.

Re-assessment or re-training must cover as a minimum the knowledge and skills necessary to ensure safe work practices near overhead power lines, approved resuscitation procedures and emergency procedures to be followed in the event of an accident.

Following re-assessment, persons who have failed to maintain competency through the regular on the job application of learnt skills and knowledge must undertake refresher training and competency assessment.

3.9 Safety Observer – General requirements

The safety observer is a person specifically assigned the duty of observing the work near live overhead power lines and associated electrical apparatus in order to –

- warn personnel or the crane or plant operator so as to ensure the approach distances are being maintained, and
- warn of any other unsafe conditions.

The safety observer must –

- be used whenever the work activity is likely to be performed in the Accredited Person Zone.

Note: Where a written risk assessment determines it necessary, the use of a safety observer should also be considered for work outside but up to the Accredited Person Zone.

- be positioned at a suitable location to effectively observe both the overhead power lines and plant;
- be able to immediately and effectively communicate with the operator of the crane or mobile plant, or other personnel if required;
- ensure that all personnel stay outside the specified approach distance (unless performing a rescue in accordance with approved procedures or carrying out a specific task that is described in the safe work method statement eg a crane dogman holding a non-conductive tag line attached to a load suspended from a mobile crane);
- not carry out any other work while acting as a safety observer, which includes the passing of tools, equipment or materials directly to the personnel performing the work;
- not observe more than one work activity at a time; and
- continue to monitor the work activity being carried out and have the authority to suspend the work at any time.

CHAPTER 4 – OPERATING CRANES AND MOBILE PLANT NEAR OVERHEAD POWER LINES


4.1 Scope

In addition to the general requirements described in Chapter 3, this chapter details any variations applicable where a person operates a crane or an item of mobile plant near overhead power lines, including, but not limited to the following items of mobile plant:

- cranes (including mobile cranes and vehicle loading cranes);
- concrete placing booms;
- elevating work platforms (EWPs);
- mobile plant (including truck operators engaged in tipping loads, restraining loads or other associated work);
- load shifting equipment (including forklifts).
- excavation and earthmoving equipment
- high load transportation vehicles

However, the application of this Chapter is not limited to any particular type or class of mobile plant or equipment.

Note: This chapter is not intended to cover cranes and mobile plant when they are retracted and correctly stowed when travelling on a public road or where the design envelope of the crane or item of mobile plant is less than 4.6 metres in height.

WARNING	
	For the operation of cranes, mobile plant and other types of load shifting equipment the approach distances specified in this code of practice are greater than those described in the National Certificate of Competency – Assessment Instruments. Where any discrepancy exists between the National Assessment Instruments and this code, the code shall prevail.

4.2 Hazard identification

Before operating a crane or item of mobile plant, the operator or other person in control of the work must take reasonable care to inspect the workplace to identify potential hazards, including any live overhead power lines or other associated electrical apparatus in the vicinity of the workplace.

All overhead power lines should be treated as live unless the operator of the crane or mobile plant has received an access authority or other form of written documentation from the network operator.



Mobile plant including cranes, excavators, EWPs, earth moving machinery, tipper trucks and concrete placing booms whose design envelope is within the approach distances specified in Table 1 must be controlled by safe systems of work as described in this chapter.

Figure 6: Cranes and mobile plant working near overhead power lines

4.3 Risk assessment



Risk assessment involves looking at the:

- likelihood (which is a combination of length of time and frequency of exposure); and the
- likely severity, of any injury or illness that may occur.

If you have identified a hazard involving overhead power lines where it is foreseeable that the work activity, crane or item of mobile plant will be required to or might inadvertently encroach on the approach distances specified for ordinary persons set out in Table 1, a written risk assessment must be completed which considers the following factors:

- consulting the network operator regarding the proposed work;
- can the electricity supply be de-energised?
- the location and voltage of the overhead power lines;
- the number of people involved and their individual needs;
- the nature of work undertaken;
- the nature, size and shape of the load to be moved, eg dimensions, surface area and whether the load is conductive;
- the setting up and packing up processes;
- the safe work practices and procedures in use;
- the type of crane, mobile plant, machinery and equipment to be used and its design envelope;
- site conditions, stability of crane or mobile plant and suspended loads;
- the potential for inadvertent movement of the crane or mobile plant, the load, persons and electrical equipment in the area;
- the qualifications, competency, skill and experience of people doing the work;
- vehicular traffic, pedestrians, or livestock that could interfere with the work;
- prevailing or unexpected wind strength and direction and weather conditions;
- foreseeable abnormal conditions that may exist at the worksite.

Having assessed the risks, action must now be taken to ensure that the risks are eliminated or controlled. Employers need to ensure adequate supervision of workers to make sure that control measures are applied.


Listed below in section 4.4 are steps to consider. Every workplace is different, so select the controls that are the right ones for you.

4.4 Control measures for cranes and mobile plant operating near overhead power lines

The highest practical level of control should be used. This does not preclude the additional use of appropriate lower level controls. In determining the control measures appropriate for a particular task consideration must be given to the terrain and ground conditions, weather conditions, lighting, and other work in the vicinity as well as the nature of the actual task to be carried out.

4.4.1 Elimination

Eliminate the risk of electrocution, electric shock or burns by arranging for the network operator to isolate the electricity supply for the duration of the work. Consideration may also be given, following consultation and agreement of the network operator, to re-route the overhead power lines away from the crane or mobile plant or replace existing overhead powerlines with underground cables.

	WARNING
<p>Even if it is believed that the supply has been isolated, it must be assumed that all conductors and components are live until an access authority or other form of written documentation has been received from the network operator.</p>	

The employer, self-employed person or operator of the crane or mobile plant should:

- (a) discuss options for de-energising or re-routing the electricity supply with the network operator or in the case of work involving private overhead power lines, the person in control of the premises;
- (b) consider working at another time when the electricity supply can be isolated; and
- (c) investigate whether the section of the overhead power lines that needs to be de-energised can be isolated, while leaving the remainder connected.

4.4.2 Separation

If the risk cannot be eliminated, then separate the hazard from the crane or mobile plant and the personnel by:

- (a) using an alternative crane or mobile plant which cannot encroach on the approach distances;
- (b) limiting the hoisting, slewing or other movements of the crane or mobile plant such as:
 - mechanical stops or interlocking of the motion of the crane or mobile plant to prevent it from being moved by power within the approach distance;
 - mechanical constraints on the jib, boom, or other part of the crane or mobile plant likely to contact live overhead power lines or associated electrical apparatus as a result of surge or backlash;
 - using cranes or mobile plant fitted with programmable zone limiting devices.
- (c) setting up the crane or mobile plant in a position that keeps the design envelope outside the approach distance.

Note: Consideration should be given to any loads suspended by the crane or mobile plant or when being moved by load shifting equipment.

(d) minimising unexpected movement of the crane or mobile plant through:

- additional outriggers, supports or packing to increase the stability of the crane or mobile plant;
- preparation of the ground or surface, or adjustment or servicing of the crane or mobile plant, to minimise surge or backlash;

Increased clearances must also be allowed where there is a reasonable possibility the load or lifting gear (crane hook, chains, slings, etc) moving or swinging towards the overhead power lines or associated electrical apparatus when the crane or item of mobile plant is operated.

(e) providing marking barriers to define areas that the crane or mobile plant should not enter such as by:

- using rigid or tape barriers to mark off areas under overhead power lines;
- arranging for the network operator to mark the limit of the approach distance with high visibility 'bunting' or similar. Refer to Figure 7 below.



Figure 7: Illustration of a visual tape bunting fitted under overhead power lines.

(f) providing electrical separation between the people and hazard in accordance with the guidance outlined in Section 4.5 – Workers in contact with the crane, load or mobile plant.

4.4.3 Administrative controls

Support elimination and separation controls by taking the following precautions:

(a) managing and supervising the work to ensure that:

- the work is done very carefully and in an un-hurried, considered manner (haste can be dangerous);
- the employer's safe work method statements are rigorously followed;
- the appropriate persons involved in the work are accredited in accordance with the requirements of Section 3.8 of this code.

(b) making the hazard visible by arranging for the network operator to effectively identify exposed live low voltage conductors (up to and including 1000 volts) by using approved visual indicators such as sheeting or sleeves eg 'tiger tails'. In this situation the 'tiger tails' should extend a minimum distance of 5 metres beyond the extremities of where the crane or item of mobile plant will be operating. A competent person should visually inspect the tiger tails each day prior to commencing the crane, or mobile plant operations. If they have moved or been damaged the network operator should be contacted to ensure the tiger tails are replaced or located in the correct position. Refer to Section 9.1 of this code.

- (c) planning for emergencies including:
- having fire-fighting equipment that is suitable for electrical fires at the site and readily accessible;
 - having an appropriate first aid kit available at the worksite.
- (d) ensuring that a safety observer is used whenever a crane, mobile plant or load is in motion and is likely to come closer than the approach distances listed in Table 1 and illustrated in Figure 3. The duties of the safety observer for work involving cranes and mobile plant is described in Section 3.9 of this code.
- (e) considering the fitting of a warning device to the crane or mobile plant that alerts the operator when the crane or mobile plant has entered energised high voltage overhead power line zones. **Warning:** These devices are not a substitute for the proper management of safe work practices and procedures.
- (f) using warning signs to indicate the location of overhead power lines and/or defined work areas. Refer to Figure 8 below.



Figure 8: Overhead power lines warning sign

4.5 Workers in contact with the crane, load or mobile plant

No-one may remain in contact with any part of a crane, load or mobile plant and the ground or other earthed situation while the crane or mobile plant is being operated closer than the approach distances listed for ordinary persons in Table 1 of this code, unless additional precautions are taken to prevent electric shock, as follows.

4.5.1 Operators

The operator may handle the controls of a crane or item of mobile plant while standing on the ground or while in an earthed situation only if -

- the controls are effectively insulated (consultation with the network operator will be necessary to verify effective insulation); or
- are wireless remote control; or
- the operator wears low voltage insulating gloves – provided that the live electrical apparatus is low voltage; or
- for low voltage, the operator stands on a rubber insulating mat 900mm x 900mm x 6 mm thick that is clean and dry; or
- the operator stands on an 'equipotential conductive mat' which is electrically connected to all metalwork associated with the controls.

4.5.2 Other workers

Other workers at the workplace may contact the crane, mobile plant or load while standing on the ground or while in an earthed situation only if one of the following control measures is observed -

- they wear low voltage insulating gloves – provided that the overhead power lines or electrical apparatus is low voltage; **or**
- effective insulation is provided on the overhead powerlines or electrical apparatus, or the crane, load or mobile plant or it's parts to ensure that even if it contacts the overhead powerlines or electrical apparatus, no-one would receive an electric shock; **or**
- control of the load by non-conductive tail ropes whenever uncontrolled motion could allow it to come within the approach distance (as long as the insulating properties of the rope are appropriate to the operating voltage), **or**
- they are positioning or removing lifting gear from a crane hook or the load while it is stationary; **or**
- they are adjusting outriggers, jacks, packing's, chocks or similar, as long as the crane, load or mobile plant is not being moved.

4.6 Competency requirements

In order to carry out crane and mobile plant operations closer than the approach distances specified in Table 1, the following personnel must be accredited as described in section 3.8 of this code,

- the operator of a crane,
- the operator of mobile plant (including an elevating work platform),
- a safety observer.

4.7 Safety observer for crane and mobile plant operations

A safety observer as described in Section 3.9 must be assigned the duty of observing the approach of a crane or mobile plant (and its load) to the live overhead power lines and associated electrical apparatus.

The safety observer must –

- be used whenever the crane, load, mobile plant or persons working from the plant are in motion and are likely to come closer than the approach distances specified in Table 1;

Note: Where a written risk assessment determines it necessary, the use of a safety observer should also be considered for work performed by ordinary persons working outside the approach distances specified in Table 1.

- be positioned at a suitable location to effectively observe both the overhead power lines and plant;
- be able to immediately and effectively communicate with the operator of the crane or mobile plant, or other personnel if required;
- ensure that all personnel stay outside the specified approach distance (unless performing a rescue in accordance with approved procedures or carrying out a specific task that is described in the safe work method statement eg a crane dogman holding a non-conductive tag line attached to a load suspended from a mobile crane);
- not carry out any other work while acting as a safety observer, which includes the passing of tools, equipment or materials directly to the personnel performing the work;
- not observe more than one crane or item of mobile plant at a time; and

- continue to monitor the work activity being carried out and have the authority to suspend the work at any time,

In addition to the above requirements, the safety observer must not be located on the workbasket of an elevating work platform while observing the work being undertaken from that workbasket.

A safety observer is not necessary in the following circumstances –

- for an item of stationary plant, once completely erected, if it is not located below the overhead power lines or electrical apparatus and is located horizontally outside the approach distances specified in Table 2;
- if an effective limiting device has been set to prevent any component of a crane, mobile plant or load coming closer than the approach distances in Table 2, as long as the limiting device is effective under stress conditions and is regularly inspected and tested by a competent person; or
- where, the design of the crane or mobile plant limits movement so that no part of the crane, mobile plant or load can come closer than the approach distances specified in Table 2.

4.8 Earthing systems for cranes and mobile plant

The chassis of a crane or item of mobile plant may, where practical, be earthed and bonded. A system of work must be adopted that ensures workers are kept clear of cranes and mobile plant when work is carried out near live overhead power lines and workers be advised of the effectiveness of the earthing system.

For specific advice and guidance about the earthing of a crane or item of mobile plant consult with the network operator.

4.9 Notices to be fixed to cranes and mobile plant

Cranes or items of mobile plant intended for use, or used, near live overhead power lines must be fitted with a warning notice or label, conforming to Appendix 1 of this code, listing the approach distances for ordinary persons as set out in Table 1.

The notice or label must be maintained in a legible condition and be displayed at each set of controls and must be readily visible to the operator.

Note: Where a crane or item of mobile plant is fitted with notices in accordance with the Interim Guide, the existing notices may be retained provided the plant is operated to the distances shown on the notice. Only columns described in the Table A notice for 'non-electrical work' or Table B for 'unqualified personnel' must be applied in relation to work under this code.

CHAPTER 5 – TREE AND VEGETATION MANAGEMENT NEAR OVERHEAD POWER LINES

5.1 Scope

In addition to the general requirements described in Chapter 3, this chapter details any variations applicable where a person works on trees such as, cutting, trimming, treating with chemicals or other processes, trees and other foliage near live overhead power lines where:

- a person or something the person is holding or is in contact with or could come closer than the relevant approach distance specified in either Table 1 or Table 2 of this code or;
- the work creates risk of damage to overhead power lines or electrical apparatus.

Tree and vegetation management carried out by or for network operators is excluded from this section as it is covered by the requirements of the *Electricity Supply (Safety and Network Management) Regulation 2002*.

5.2 Hazard identification and risk assessment

When carrying out the work, live overhead power lines are a potential hazard posing substantial risk of death or serious injury.

During tree and vegetation management electrical hazards can be encountered through a variety of circumstances. These include but are not limited to:

- branches or other vegetation falling onto power lines during trimming operations
- tools such as power saws or power trimmers coming into direct contact with power lines or other associated electrical apparatus
- mobile plant, for example an elevating work platform (EWP), coming into contact with overhead power lines or other associated electrical apparatus
- power lines becoming broken and falling on the ground, footpath or road
- wind blowing branches or limbs against overhead power lines
- high winds resulting in the loss of control while lowering materials
- unexpected movement of the worker, mobile plant or the vegetation relative to the worker.

If a hazard involving tree management work near overhead power lines has been identified, a written risk assessment must be undertaken by the employer to determine the risk to persons encroaching within the relevant approach distances. This step will help determine the level of risk associated with the identified hazards and establish a priority list based on the level of risk.

5.3 Eliminating or controlling risks – General risk factors

The risks associated with electrical hazards arise from coming near live conductors. The best means of eliminating the risks is to prevent people, their plant and equipment, as well as any materials from coming close enough to live conductors for direct contact or flash over to occur.

Care needs to be taken in planning the work to identify the ways in which people may be exposed to electrical hazards when the work is undertaken and determine the most effective means to ensure the approach distances are maintained from the live overhead power lines.

In addition to ensuring that the work near overhead powerlines is avoided, other factors should be considered:

- always assume an overhead power line or associated electrical apparatus to be energised or 'live' unless an access authority or other written documentation is received from the network operator.
- if a telecommunication cable is encountered, never assume that the operating voltage is harmless.
- a tree or branch of a tree can conduct electricity even in dry conditions. Never assume that a tree branch can safely rest on or against overhead power lines. If the tree or branch has the potential during the felling or cutting process to come closer than the approach distances specified in Table 1 the overhead power lines should be de-energised.
- trees that have grown into contact with live overhead power lines must not be cut by a person who is in an earthed situation (such as a standing on the ground or working from within the tree) unless a safe system of work is used that meets the requirements of the network operator.
- plant that comes near an overhead power line may become energised and pose a serious danger to the operator and any bystanders. Ensure that when operating plant (ie any machines (including chain saws), tools or equipment) near live overhead powerlines that the relevant approach distances are maintained. Operations should cease where trees or persons are in danger of coming closer than the relevant approach distances.
- manage traffic and pedestrians at the worksite to ensure approach distances are maintained and that members of the public are kept at a safe distance. If the work near overhead power lines requires a change in traffic direction or vehicle speed limits, full traffic control is required in accordance with the Roads and Traffic Authority's requirements.
- assess the weather conditions, including electrical storms, significant rain or excessive wind velocities that could impact on the proposed work.

5.4 Requirements for Ordinary Persons carrying out tree and vegetation management

An ordinary person must not:

- climb a tree closer than 3 metres to live overhead power lines, or cut any branch that may come closer than 3 metres to live overhead power lines as a result of the work, or
- allow any part of their body or anything they are holding or that is attached to their body, or anything they are using, to come closer than the approach distances specified in Table 1 of this code when carrying out the work near live overhead power lines.

Ensure the work is not carried out above overhead power lines or where any part of the tree or vegetation could fall or otherwise be carried closer than the approach distances specified in Table 1.

If there is a reasonable possibility of the work being carried out above overhead power lines or coming closer than the approach distances specified in Table 1 the work must be carried out by accredited persons who have been trained and have current competency to carry out 'tree and vegetation management' near live overhead power lines. See Section 5.5 of this code.

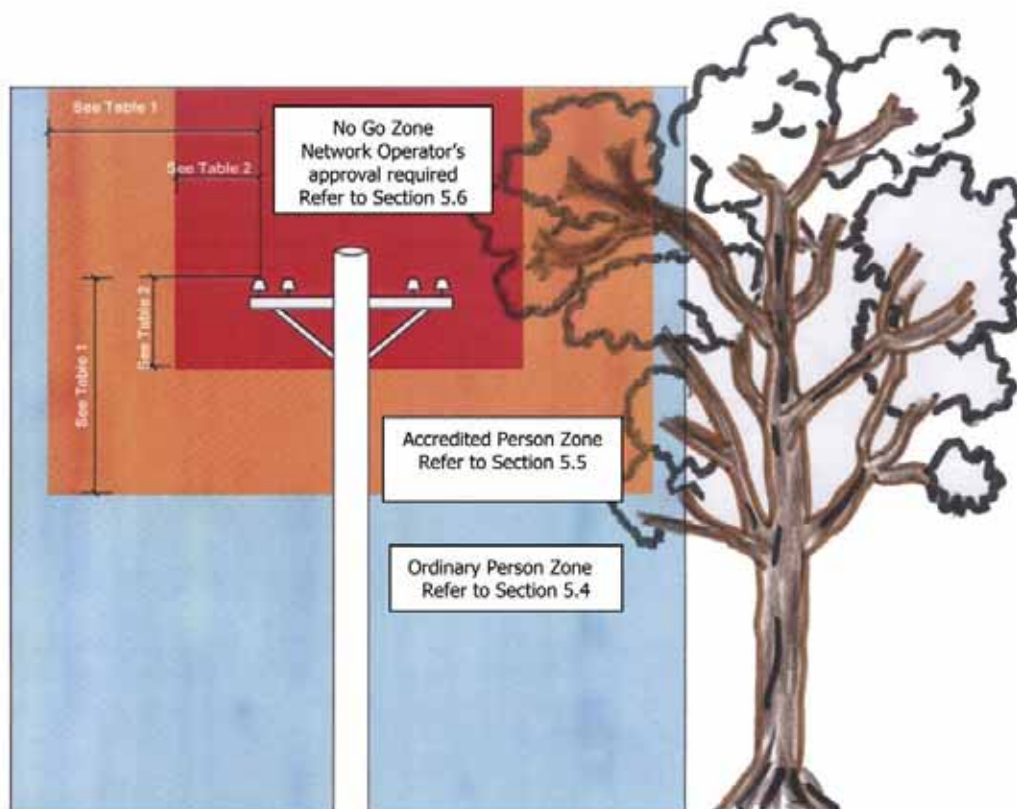


Figure 9 – Work zones for tree management near overhead power lines

5.5 Requirements for Accredited Persons carrying out tree and vegetation management

Accredited persons who have current competency to carry out 'tree and vegetation management' near live overhead power lines may carry out the work in accordance with the approach distances specified in Table 2 of this code provided the following requirements are observed,

- a written risk assessment is completed for the work and a safe system of work is implemented, which includes a safety observer, and
- if determined by the written risk assessment, consultation with the network operator regarding the proposed work and compliance with any conditions imposed by the network operator for the work.

Note: Training and assessment requirements for accredited persons, which include safety observers are described in Sections 3.8 and 3.9 of this code.

5.6 Tree management inside the No Go Zone – Approval of the network operator

The no go zone is the area around overhead power lines into which no part of a person or material or cranes or vehicles or items of mobile plant may encroach without the written approval of the network operator.

- person includes hand tools, equipment or any other material held by a person.
- plant includes the load, controlling ropes and any other accessories associated with the plant.

Work required on tree and vegetation that is inside the no-go zone (closer to live overhead power lines than the approach distances specified in Table 2 of this code) must only be performed by authorised persons approved by the network operator.

5.7 Trees or branches contacting live overhead power lines

While it is not permitted to work on trees where they (or their branches) may fall on overhead power lines, it is important to know what action to take if a branch or tree comes into contact with a live overhead power line, whether through pruning, wind, storm or other damage.

When this situation arises, *do not touch any part of the branch or tree*. If any part of a branch is touching live power lines, the entire branch may be 'live', including the leaves. Contact with any part of it may result in electric shock, burns or electrocution.

Immediately contact the network operator and keep all persons clear of the area while waiting for assistance.

Other aspects of tree and vegetation management safe work practices and procedures can be found in the *Code of Practice – Amenity Tree Industry*.

CHAPTER 6 – WORK INVOLVING SCAFFOLDING NEAR OVERHEAD POWER LINES

6.1 Scope

In addition to the general requirements described in Chapter 3, this chapter details any variations applicable where the work involves the erection, dismantling and use of fixed scaffolding near overhead power lines and associated electrical apparatus with an operating voltage up to and including 33 kV a.c. For scaffolding work above this voltage the network operator must be consulted and any special conditions imposed by the network operator complied with.

The guidance provided in this Chapter should be read in conjunction with AS/NZS 4576 – Guidelines for Scaffolding, which is an approved industry code of practice. In the Standard a 4 metre approach distance is provided for metallic scaffolding used near overhead power lines. This approach distance is used as a reference point for persons planning and undertaking scaffolding work as described in this Chapter.

For work involving the use of mobile aluminium scaffolding refer to the risk control measures for mobile plant that are described in Chapter 4 of this code.

6.2 Hazard identification

Before undertaking any scaffolding work where the work might come closer than the 4 metre approach distance specified in AS/NZS 4576 – Guidelines for Scaffolding, an inspection must be carried out at the worksite and reasonable care taken to identify any potential hazards.

Hazards may include:

- live overhead power lines and associated electrical apparatus;
- deteriorated or broken down insulation on the conductors or electrical apparatus;
- scaffolding coming into contact with overhead power lines; and
- possibility of hand held tools, equipment or materials coming into contact with overhead power lines.

6.3 Risk assessment

If a hazard involving overhead power lines has been identified, a written risk assessment must be undertaken by the employer to determine the risk to persons encroaching within the 4 metre approach distance. This step will help determine the level of risk associated with the identified hazards and establish a priority list based on the level of risk. If the scaffolding work is above 3 metres in height it must also be supported by a safe work method statement for the work. Refer to Appendices 2 and 3 of this code.

The following factors may be included in the risk assessment:

- the type of work activities being undertaken, tools, equipment, scaffolding and materials being used;
- proximity of the work activity or scaffolding to the overhead power lines;
- environmental conditions, such as rain, wind or uneven terrain, which may bring a risk of unexpected movement of tools, equipment, scaffolding or material held by workers.

6.4 Eliminating or controlling risks – General risk factors

Once the hazards associated with scaffolding work near the overhead power lines have been identified and assessed, then control measures must be implemented to eliminate the risk. If it is not practicable to do so, the risks associated with the hazard must then be controlled.

The use of specific control measures to eliminate or control identified risks should be done on the basis of the risk assessment. In particular, consider the following:

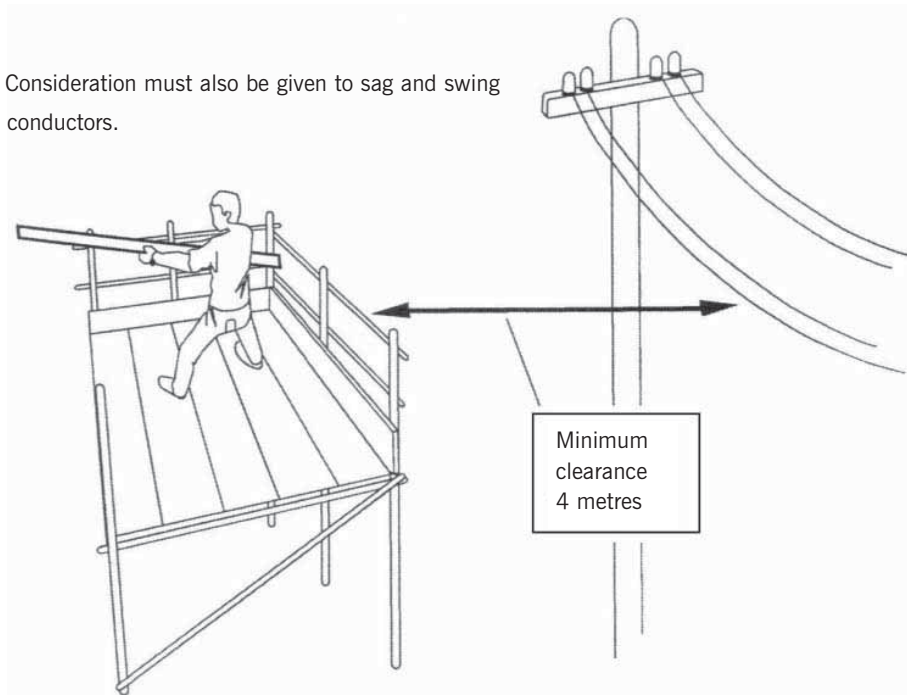
1. Eliminating the hazard. This could involve de-energising the overhead power lines during the work. Consideration may also be given, following consultation and agreement of the network operator, to re-route the overhead power lines away from the scaffolding or replace existing overhead powerlines with underground cables.
2. Separating the hazard. This could mean erecting a physical barrier on the scaffold to prevent a person or anything held by a person, or attached to the person, encroaching with the 4 metre approach distance.
3. Minimising the risk by engineering means. This could mean substituting the scaffold with another means of access and egress, such as an elevated work platform or using an insulated fibreglass extension handle on a paint roller, instead of a conductive aluminium extension handle.
4. Introduce administrative controls. This may include planning and where relevant documenting the safe work method statements before starting work or using a safety observer to warn people before they encroach within the 4 metre approach distance. The duties of a safety observer are outlined in Section 3.9 of this code. Making the hazard visible by arranging for the network operator to effectively identify exposed live low voltage conductors (up to and including 1000 volts a.c.) by using approved visual indicators eg 'tiger tails'. Refer Section 9.1 of this code.
5. Use appropriate personal protective equipment. This includes the use of electrically tested insulating gloves by anyone who may be at risk of coming closer than the 4 metre approach distance.

A combination of the above control measures is required to be taken to minimise the risk to the lowest level reasonably practicable if no single measure is sufficient for that purpose.

6.5 Control measures for the erection and dismantling of scaffolding near overhead power lines up to and including 33kV

- (a) Ensure a thorough examination and assessment is undertaken of the surroundings prior to the erection or dismantling of the scaffold near overhead powerlines. No scaffold work should commence until the presence, location, type and operating voltage of all overhead power lines are determined by a competent person.
- (b) Overhead powerlines should be de-energised and an access authority or other form of written documentation obtained from the network operator if the scaffold and the overhead powerlines is or has the potential to come within the 4 metre approach distance. Refer to Figure 10 below.
- (c) If there is the risk that the 4 metre approach distance cannot be maintained, the network operator must be contacted and a written risk assessment and safe work method statement including safe systems of work developed for the activities associated with the erection, use and dismantling of the scaffolding.

Note: Consideration must also be given to sag and swing of the conductors.



Note: End protection omitted for clarity

Figure 10 – A 4 metre approach distance applies in any direction where metallic scaffold is erected, used or dismantled near overhead power lines.

- (d) Where low voltage overhead powerlines (up to and including 1000 volts) cannot be de-energised and isolated, 'tiger tails' should be provided and installed by the network operator for the full length of the scaffolding plus a minimum distance beyond each end of the scaffolding of 5 metres. A competent person should visually inspect the tiger tails each day prior to commencing scaffolding operations. If the tiger tails have moved or been damaged the network operator must be contacted to ensure the tiger tails are replaced or located in the correct position.

Note: Tiger tails may be used to provide a useful visual indication to people working in the area of overhead power lines. They should not be regarded as providing protection against mechanical interference nor should they be regarded as providing electrical protection from electrical hazards. Refer to Section 9.1 of this code for further guidance.

- (e) Electrical wires or apparatus that pass through a scaffold must be de-energised or fully enclosed to the requirements of the network operator. These requirements must incorporate full enclosure of the wires or electrical apparatus by a non-conductive material such as moisture resistant flooring – grade particle board, dry timber, dry plywood or similar dry non-conductive material as approved by the network operator. Refer to Section 6.6 and Figure 11.
- (f) To prevent a person or anything held by a person, or attached to the person, coming closer than the 4 metre approach distance the network operator may require the erection of a hoarding on the external face of the scaffolding and, if applicable a suitable enclosure on the internal side of the scaffold. Refer to Section 6.6 and Figure 11.

Example of live low voltage overhead power lines passing through a scaffold that has been fully enclosed in a non-conductive material to the requirements of the network operator.



Figure 11 – Enclosure of overhead powerlines

6.6 Erected Scaffolding – Use of a hoarding and enclosure for reduced safety clearances

This section describes the requirements for the use of a hoarding and, if applicable, a suitable enclosure between an erected scaffolding and a live overhead power line when a non-conductive hoarding and enclosure is used to provide an impenetrable barrier to persons, tools, materials and equipment.

The A and B clearances shown in Figure 12 are horizontal safety clearances and vertical mechanical clearances from the conductors and will be advised by the network operator prior to the erection of the scaffolding near the overhead power lines.

The following installation conditions apply for the use of a hoarding and enclosure for reduced safety clearances,

- Gaps between fitted sheets of plywood must not exceed 3mm.
- No exposed cut or drilled holes are permitted in the sheets of plywood.
- Scaffolder is responsible for attaching plywood to the scaffold, and ensuring that the arrangement can sustain an appropriate wind load.
- Warning signs must be affixed to the safe side of the hoarding warning of the presence of the electrical hazard on the other side of the hoarding and warning that the hoarding must not be removed.
- A competent person should visually inspect the hoarding and, if applicable the enclosure on a daily basis to ensure the hoarding and enclosure are in a satisfactory condition and remain impenetrable.

Further guidance on the erection, dismantling and use of scaffolding can be found in the Australian Standard AS/NZS 4576 – Guidelines for Scaffolding.

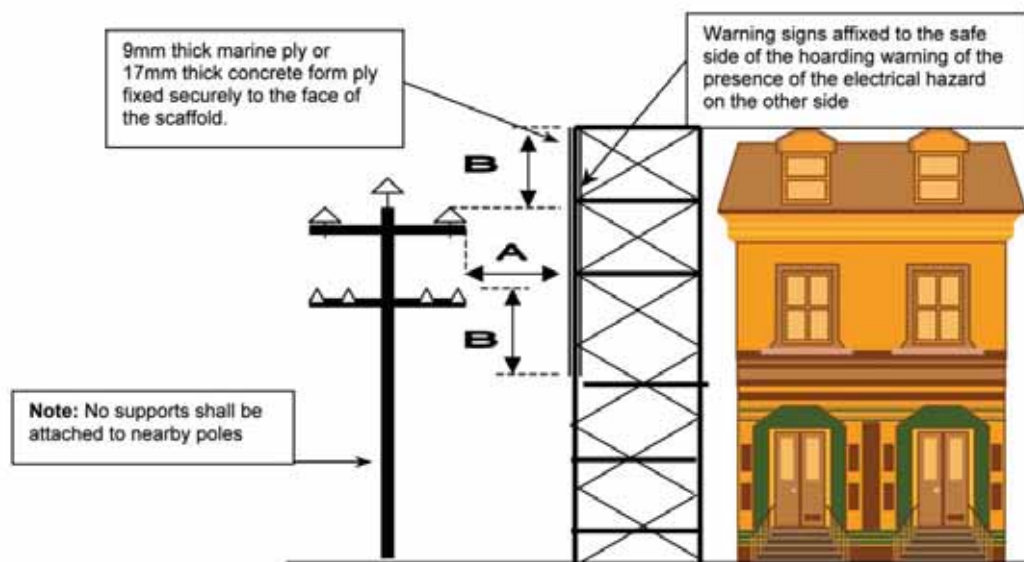


Figure 12 – Scaffolding with hoarding

CHAPTER 7 – AGRICULTURAL WORK NEAR OVERHEAD POWER LINES

7.1 Scope

In addition to the general requirements listed in Chapter 3, this chapter details any variations applicable where work is being conducted at rural workplaces where:

- the person or something the person is operating or holding could contact overhead power lines or come closer than the approach distances specified in Table 1 of this code or;
- the work creates risk of damage to overhead power lines or electrical apparatus.

Examples of such work include:

- the use of lifting or elevating plant or agricultural plant such as grain augers, hay bale elevators, cotton harvesting equipment, tipper and livestock transport trucks, travelling irrigators or harvesters under or near overhead power lines;
- handling irrigation pipes under or near overhead power lines;
- moving or relocating agricultural plant, such as folding cultivators, where the transit (stowed) height of the equipment is greater than its operating height;
- any other work that involves the risk of a person or anything attached to or held by a person, coming into contact with overhead power lines.

7.2 Hazard identification

Many people have been killed by electrocution when metal parts of agricultural plant (such as augers, field bins, harvesters or tip trucks) have come into contact with or close to live overhead power lines. Such accidents usually occur when the operator has not lowered the equipment before moving it or has raised the item of mobile plant upwards into the live overhead power lines. For example,

- working near and in the process may come into contact with machinery operating near overhead powerlines;
- driving machinery with tall attachments through paddocks where overhead powerlines exist; or
- operating or moving tipper trucks, mobile silos, field bins, harvesters or other large rural machinery (cotton harvesters, field irrigators) under or near live overhead power lines; or
- moving or re-arranging long metallic irrigation pipes.

Where work is carried out near live overhead power lines, the height and location of the power lines needs to be identified as part of an overall site hazard identification process. Contact should be made with the electricity network operator who can assist with this process.

Operators of agricultural plant and equipment also must be made aware of the design height and the transit (stowed) height of the mobile plant they operate.

7.3 Risk assessment

If a hazard involving overhead power lines has been identified, a written risk assessment must be undertaken to determine the risk of any part of the agricultural plant or equipment coming near or into contact with the overhead power lines. This step will help to determine the level of risk associated with the identified hazards and establish a priority list based on the level of risk.

The following factors may be relevant to the risk assessment:

- the type of work activities being undertaken or agricultural equipment being used;
- proximity of the work to the overhead power lines and the height of the overhead power lines;
- environmental conditions, such as rain, wind or uneven terrain, which may bring an increased risk;
- visibility of the overhead power lines and their supporting structures;
- location of overhead power lines supporting structures such as poles and towers in relation to the agricultural work to be performed;
- how often the work will need to be done near the overhead power lines;
- proximity of stationery or fixed plant and equipment to overhead power lines.

7.4 Control measures for agricultural work near overhead power lines

Once the hazards associated with agricultural work near overhead power lines have been identified and assessed then control measures must be implemented to eliminate the risk. If it is not practicable to do so, the risks associated with the hazard must then be controlled.

The use of specific control measures to eliminate or control identified risks should be done on the basis of the risk assessment. In particular, consider the following:

1. Eliminating the hazard. Identify the location of overhead power lines and relocate the plant and equipment, such as a mobile silo or tipper trucks away from the overhead power lines. Lower augers before transporting to eliminate the risk of contacting overhead power lines. Keep mobile irrigator sprayed water at least 8 metres away from overhead power lines. Consideration may also be given, following consultation and agreement of the network operator, to relocating the overhead power lines or having them run underground. In this case consult with the network operator.
2. Separating the hazard. This could mean erecting a physical barrier to prevent any part of the agricultural plant encroaching the approach distance specified in Table 1.
3. Minimising the risk by engineering means. This could mean substituting with a less hazardous material, process or equipment. This could mean, for example, filling a silo through a ground-level filler pipe on the silo rather than using a truck-mounted auger or limiting the height of all mobile plant in order to maintain safety clearances from overhead power lines.
4. Introduce administrative controls. These include:
 - planning and documenting a safe system of work before starting work;
 - developing work procedures and travel routes for equipment and vehicles that ensure workers, their equipment and containers such as field bins, stock and tipper trucks do operate near or under live overhead power lines;
 - using another worker (to act as an observer) to ensure the work activity does not come closer than the approach distances specified in Table 1

- installing warning signs on gates to paddocks or on roadways where overhead power lines exist, (Refer to Figure 13 below);



Figure 13 – Overhead power lines warning sign

- having markers installed on overhead powerlines to make them easier to see and locate.
5. Use appropriate personal protective equipment. This includes the use of rubber soled boots, gloves and safety helmets when agricultural plant or equipment is being operated near overhead power lines.

A combination of the above control measures is required to be taken to minimise the risk to the lowest level reasonably practicable if no single measure is sufficient for that purpose.

CHAPTER 8 – WORK NEAR LOW VOLTAGE OVERHEAD SERVICE LINES

8.1 Scope

In addition to the general requirements listed in Chapter 3, this chapter details any variations applicable where an ordinary person is required to carry out work near low voltage overhead service lines where the work involves:

- Minor building work such as painting; or
- Operation of motor vehicles (concrete trucks, furniture removal vans, etc); or
- Any other non-electrical work where there is a risk of contact with low voltage overhead service lines.

For the purposes of this code 'low voltage overhead service lines' covered by this chapter and illustrated in Figure 14 are:

- insulated low voltage aerial conductors and associated electrical apparatus that are connected from the point of supply (either the overhead power pole located on the street or the consumer's boundary) and terminated on the consumer's building, pole or structure at the point of attachment, or;
- insulated low voltage aerial consumers mains and associated electrical apparatus forming part of the consumer's electrical installation.

Note: For work involving cranes or mobile plant or work where any metal material is being handled (scaffolding, roofing materials and guttering) the risk control measures and increased approach distances described in other chapters of this code must be applied to the work.

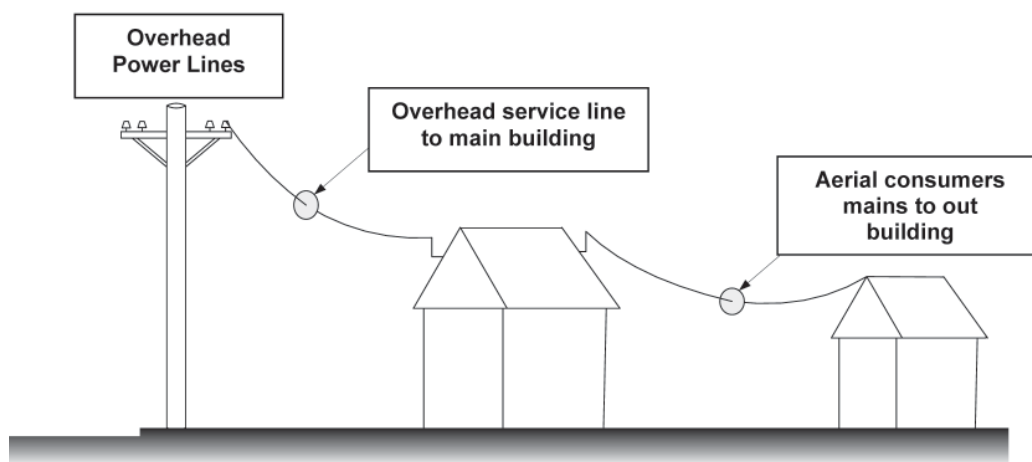


Figure 14 – Low Voltage Overhead Service Lines

8.2 Approach distances for work near low voltage overhead service lines

Table 4 provides approach distances for ordinary persons:

- performing minor building work near low voltage overhead service lines, (including hand tools held by a person); or
- operating cranes (and their loads) and items of mobile plant near low voltage overhead service lines; or
- handling metal materials near overhead service lines (such as scaffolding, roofing materials and guttering); or

- handling non-conductive materials near overhead service lines (such as timber, plywood, PVC pipes and guttering, etc); or
- driving or operating a vehicle under overhead service lines. **Note:** The approach distance specified in Table 4 is based on the fact that the design or transit envelope of the vehicle does not allow any part of the vehicle to come closer than the 0.6 metre approach distance specified.

TABLE 4

Approach distances for work near low voltage overhead service lines

Ordinary Persons (m)				
Hand held tools	Operation of crane or mobile plant	Handling of metal materials (Scaffolding, roofing, guttering, pipes, etc)	Handling of non-conductive materials (Timber, plywood, PVC pipes and guttering, etc)	Driving or operating vehicle
0.5	3.0	4.0	1.5	0.6

8.3 Work inside the relevant approach distances

If the work cannot be carried out without coming inside the relevant approach distance (ie closer than the approach distances listed in Table 4), prior to commencing work the employer or self-employed person must comply with the following requirements:

- identify the hazards,
- complete a written risk assessment for the proposed work,
- apply a safe system of work, and
- meet the requirements of the relevant network operator or in the case of overhead service lines forming part of the consumer's electrical installation, the controller of the premises.

8.4 Hazard identification

Before undertaking any work where the work might come closer than the specified approach distances an inspection of the worksite must be carried out and reasonable care taken to identify any potential hazards. Hazards associated with the low voltage overhead service lines may include:

- bare exposed live conductors;
- deteriorated or broken down insulation;
- damaged overhead service line mains connection box or damaged insulation around conductor clamps;
- deterioration of earthing of exposed conductive parts that are required to be earthed;
- voltage of the line is higher than the expected low voltage (240 / 415 volts a.c.); and
- possibility of hand held tools and equipment coming into contact with exposed live parts.

8.5 Risk assessment

If a hazard involving low voltage overhead service lines has been identified, a written risk assessment must be undertaken to determine the risk to persons encroaching within the specified approach distance for the work. This step will help determine the level of risk associated with the identified hazards and establish a priority list based on the level of risk.

The following factors may be relevant to the risk assessment:

- The type of work activities being undertaken, including how safe access and egress will be made to the work area;
- Tools or equipment being used, and the risk of mechanical damage to the low voltage overhead service lines if inadvertent contact is made with the conductors and electrical apparatus; Examples may include:
 - Handling a sheet of roofing material that inadvertently comes into contact with the service lines.
 - Use of cutting or grinding tools where the operator could lose control and come within the 0.5 metre approach distance.
- Proximity of the work to the low voltage overhead service lines;
- Environmental conditions, such as rain, wind or uneven terrain, which may bring a risk of unexpected movement of tools or equipment held by workers.

8.6 Control measures for work near low voltage overhead service lines

Once the hazards associated with work near low voltage overhead service lines have been identified and assessed then control measures must be implemented to eliminate the risk. If it is not practicable to do so, the risks associated with the hazard must then be controlled.

The use of specific control measures to eliminate or control identified risks should be done on the basis of the risk assessment. In particular, consider the following:

- Eliminating the hazard. This could involve de-energising the low voltage overhead service lines by arranging for the network operator or in the case of overhead service lines forming part of the consumer's electrical installation the controller of the premises to isolate the supply for the duration of the work or arranging for the re-routing of the low voltage overhead service lines away from the work area.
- Separating the hazard. If work has to be carried out in close proximity to the point of attachment and the power cannot be isolated, arrange for the network operator to fit insulated matting and 'tiger tails' at the point of attachment and over the overhead service lines before the work commences. Refer to Figure 15 below.



Figure 15 – Insulated matting and tiger tail fitted to overhead service line

- Minimising the risk by engineering means. This could mean substituting with a less hazardous material, process or equipment, for example, using an insulated fibreglass extension handle on a paint roller, instead of a conductive aluminium extension handle. Or carrying out sanding by hand near the point of attachment rather than using an electric disc sander.
- Introduce administrative controls such as planning and documenting the work procedures before starting work. Another administrative control could be using another worker (to act as an observer) to warn people before they encroach into the relevant approach distance.
- Use appropriate personal protective equipment. This includes the use of electrically tested insulating gloves by anyone who may be at risk of encroaching into the relevant approach distance.

A combination of the above control measures is required to be taken to minimise the risk to the lowest level reasonably practicable if no single measure is sufficient for that purpose.

CHAPTER 9 – ADDITIONAL CONSIDERATIONS FOR WORK NEAR OVERHEAD POWER LINES

9.1 Tiger tails

Tiger tails may be used to provide a useful visual indication to crane, mobile plant operators and other persons working in the area of live overhead power lines, however, they do not protect people from the risk of electrocution or electric shock.



Figure 16 – Tiger tails fitted to overhead power lines

They are **not** to be regarded as effective insulation against contact by cranes or items of mobile plant and are not to be relied upon for mechanical protection. They should not be regarded as providing protection from electrical hazards. As such, the approach distances specified in this code are to be adhered to.

Tiger tails must only be fitted to overhead power lines by an electrically qualified person who is authorised by the network operator.

A competent person should visually inspect tiger tails at the worksite on a regular basis and prior to commencing crane, scaffolding or mobile plant operations. If the tiger tails have moved or been damaged the network operator must be contacted to ensure the tiger tails are replaced or located in the correct position.



WARNING

Tiger tails do not provide protection from electrical hazards and must only be fitted to the overhead power lines by an electrically qualified person who is authorised by the network operator.

9.2 Notification of incidents



The OHS Act and the OHS Regulation require employers to notify certain classes of workplace incidents.

Whether you are an employer, self-employed person and/or occupier you are required by law to notify incidents to WorkCover NSW and / or your workers compensation insurer as soon as practicable after becoming aware of the incident.

An occupier (of premises/workplaces) is someone who, manages or has responsibility for a workplace or a particular operation at a workplace, even though they may not be the employer.

Depending on the type of incident you may need to notify WorkCover and/or your workers compensation insurer. Some incidents classified as 'serious incidents' must be notified to WorkCover immediately. These 'serious incidents' include, but are not limited to the following;

- An incident where there has been a fatality,
- An incident where there has been a serious injury, and
- An incident where there is an immediate threat to life but result in no injury or illness.

In addition to the above, the OHS Act and OHS Regulation requires that certain occurrences that occur at the work place are not to be disturbed for 36 hours, (unless performing a rescue or permission has been given by WorkCover).

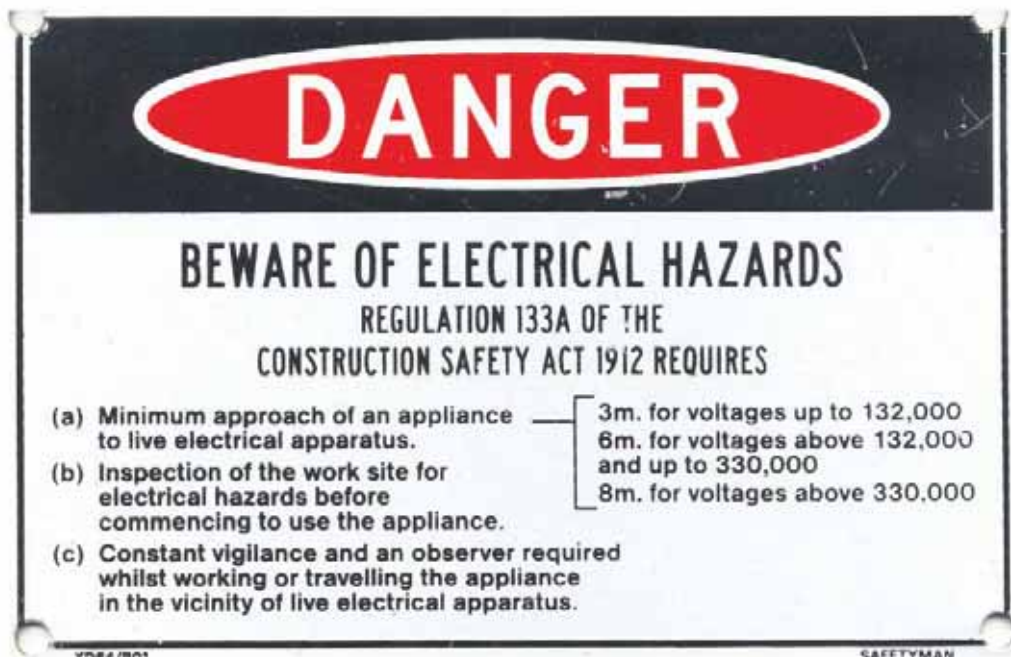
Working near overhead powerlines can be a high-risk activity and any contact with overhead power lines must be notified to WorkCover NSW and the relevant network operator in accordance with the requirements of the relevant legislation.

Serious incidents can be notified to WorkCover on **13 10 50** as an urgent investigation may be needed.

For more information regarding your legal obligations to notify incidents please refer to the OHS Act and OHS Regulation.

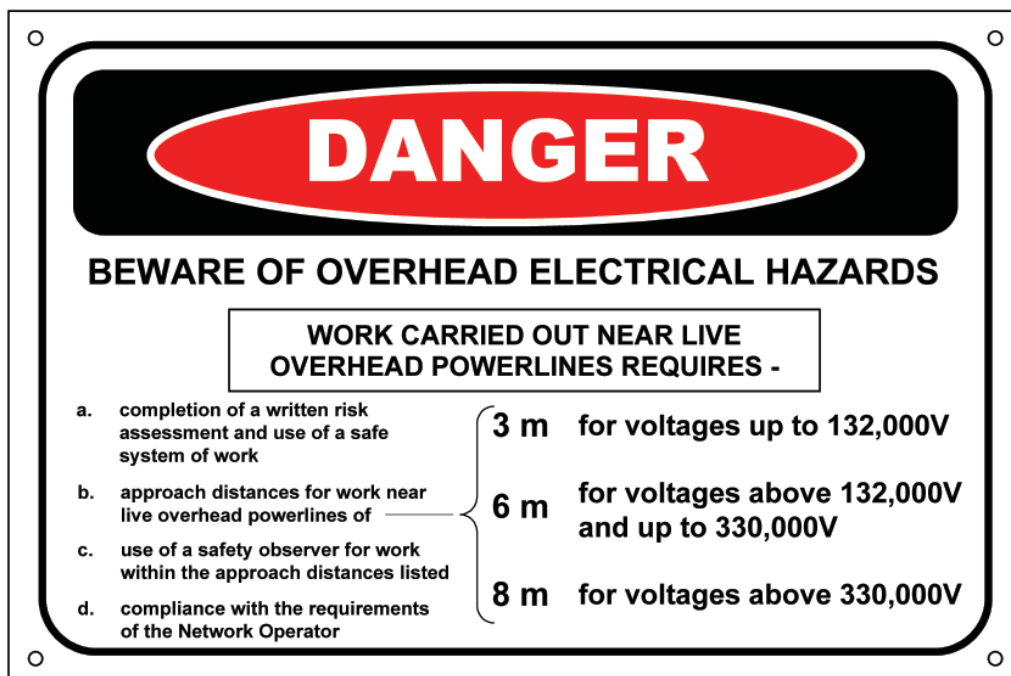
APPENDIX 1– WARNING NOTICE FOR OVERHEAD ELECTRICAL HAZARDS

(Dimensions 150 mm wide, 100 mm high, except if small plant item)



Notice that may remain fitted to cranes and mobile plant commissioned before 1 September 2001 (ie existing Notice as at the date of introduction of the OHS Regulation 2001)

Alternative Notice or Label for cranes and mobile plant commissioned after 1 September 2001



Section 2 – CONTROL MEASURES – OPERATING A CRANE OR ITEM OF MOBILE PLANT NEAR LIVE OVERHEAD POWER LINES	Yes	No
Have you completed a written risk assessment and identified all electrical hazards and non-electrical hazards, both actual and potential? All materials should be regarded as conductive unless you have definite knowledge to the contrary.		
Have you developed a safe system of work for the proposed work and determined the control measures required to eliminate or control the risks?		
Have you met the requirements of the network operator for the proposed work?		
Are workers trained, competent and confident in applying the particular procedures or techniques that are required for the task at hand?		
Do workers carrying out prescribed work tasks hold the relevant certificates of competency, eg crane operator, dogman, scaffolder, rigger, EWP operator?		
Have workers been authorised by the employer or person in control of the premises to work near live overhead power lines?		
Has a safe work method statement (SWMS) been completed for the task? Note: High-risk construction requires that an SWMS is completed for the work. Refer clause 209 of the OHS Regulation for further information.		
Is the work area clear of obstructions and is there a safe entry and exit?		
Are the necessary first aid and emergency facilities provided and accessible?		
Will an Accredited Safety Observer be present during the work task and assigned the duty of observing and warning against unsafe approach to overhead power lines?		
Additional control measures for the work:		
Section 3 – AFTER COMPLETING THE WORK	YES	NO
Have all workers been advised to treat the power lines as being live from this time?		
Has the network operator and all other relevant parties been advised that the work is completed?		
Additional measures following completion of work:		

Checklist Completed By

Signature

____/____/____
(Date)

APPENDIX 3 – EXAMPLE SAFE WORK METHOD STATEMENT

Safe Work Method Statement (Part 1)				Accepted: Yes / No
Employer / Contractor: Enter the name of the employer or contractor				Signed off: Enter the name of the person approving the SWMS
Project: Enter the name of project				Date:
Job Description: Enter the task to be undertaken				
Procedure (in steps):		Possible Hazards:	Safety Risks:	Control measures:
1. Write out the job step by step (Include all major phases of the work to be done)		Include all possible hazards. Some examples of hazards are: <ul style="list-style-type: none"> Working near live overhead power lines Falls from heights Working near moving plant 	High, Medium or Low	List all safety controls such as: <ul style="list-style-type: none"> Access authority Safety Harness Mechanical Controls / PPE Safety Observer required
2.	<p>Points to remember when writing out your work method statements:</p> <ul style="list-style-type: none"> Write out the job procedure step by step Put the main idea first Start each step with an action word. For example Isolate, erect Use active, not passive voice. For example check approach distance, erect ground barriers Keep sentences short and clear Choose words carefully Keep it simple Get somebody who does not know the job to read the work method statement to check if they understand the job. 			
3.				
4.				
5.				

Write all your work method statements after consulting the workers who are going to use them. You may then need to redraft them to include their suggestions. They may see a better and safer way of doing the job.

Note: The possible hazards, safety risks and control measures are placed side by side. This will make it easier for you to consider the possible hazards for each step and decide on the appropriate controls to overcome each hazard.

Safe Work Method Statement (Part 2)

Project: <i>Enter name of project here</i>		Enter details of duties and responsibilities of Supervisors, Plant Operators and other employees. Enter such things as daily safety checks, weekly site inspections.	
Personal Qualifications and Experience <i>Enter all the qualifications for everybody to undertake the tasks:</i> <i>WorkCover Certificates, Training Certificates, Network Operator Certificates, experience in doing the tasks that may not require certificates.</i>	Personnel, Duties and Responsibilities	Training required to complete proposed work • <i>Safe electrical approach training</i>	
Engineering Details / Certificates / Approvals <i>Enter details of certification that may be required to undertake tasks. Engineers Certificates for major lifts, plant usage eg EWP's.</i>	Legislation / Codes of Practice / Standards	Detail here the training required by all personnel before the activity is commenced.	
Plant / Equipment <i>List all major items of Plant and Equipment that will be used during the duration of the task. Eg: Mobile Crane, EWP, Vehicle loading crane, etc.</i>	Maintenance Checks	Enter here all Legislation, Codes of Practice and Standards that is relevant to the work to be undertaken. Refer to the requirements when completing the safe work method statements.	
Read and signed by all employees on site:		Detail here the system in place to ensure plant and equipment is serviced and maintained. Enter details of tagging for lifting equipment.	

[illegible]

APPENDIX 4 – MODEL TRAINING COURSE GUIDELINES – SAFE ELECTRICAL APPROACH TRAINING

Introduction

This model training course framework provides information for registered training organisations (RTO's) wanting to develop a competency assessed training course for non electrical persons wanting to acquire the necessary knowledge and skills of an 'Accredited Person' as described in this code.

The suggested minimum structured learning time for new students is approximately 12 hours, which includes a 2 hour assessment. The subject areas listed should be considered as the minimum course requirements; RTO's may wish to add additional topics as appropriate.

Persons successfully completing the training course are to be awarded a statement of attainment or certificate from the RTO that indicates the person's name and an identifying number particular to the holder of the qualification. The name and contact details of the RTO should also be displayed on the statement of attainment or certificate.

Unit 1

Preparation to work safely near live overhead power lines as a non electrical worker

Identification of the relevant legislative requirements including OHS Act 2000 and OHS Regulation 2001 including the Code of Practice – Work near overhead powerlines.

Ordinary and Accredited Persons.

Principles of electricity, 3 phase power system.

Electric shock and resuscitation.

Safe work practices and procedures.

Identification and confirmation of the approach distances for safe work and access near live overhead power lines and associated electrical apparatus.

Identification and implementation of safe systems of work including safe work method statements.

Hazard identification, risk assessment and control options prioritised. Development of risk assessment documentation and safe work method statements.

Permit systems and established supporting procedural systems.

Responsibilities identified for the safety observer, crane and plant operator in accordance with requirements and established procedures /systems of work to ensure safety measures are followed in the event of an incident.

Reporting and notification procedures for work closer than the approach distances identified in the Code of Practice – Work near overhead powerlines.

Identification of electricity infrastructure for low voltage and high voltage overhead power lines.

Relevant approach distances as defined in the Code of Practice – Work near overhead powerlines.

Unit 2**Carry out the work safely near live overhead power lines as a non electrical worker**

Application of OHS principles and practices to reduce risk of incidents with overhead powerlines.

Process for monitoring and reporting hazards and OHS risks to immediate authorised personnel for directions according to established procedures.

Non routine events.

Emergency procedures in the event of and responding to an incident.

Working safely in accordance with instructions and established routines/procedures.

Unit 3**Complete the work safely near overhead power lines as non electrical worker**

Work schedules, requirements for returning work permit(s) and/or access authorisation permits.

Process for reporting to authorised personnel incidents in accordance with established procedures.

Work completion records, reports/data sheets for completed works.

Qualification and experience of the trainer:

Persons presenting the above training course should have relevant industry experience associated with the NSW Electricity Supply Industry and have as a minimum a 'Workplace Trainer and Assessor Certificate 1V' and be conversant with all the relevant NSW Acts, Regulations, Codes and Industry Guides associated with work near live overhead power lines.

Overview of assessment:

Registered training organisations should ensure that assessment of the above training course be carried out in accordance with accepted industry and regulatory practice. Evidence for competence should be considered holistically and cover the essential knowledge and associated skills for work that is to be carried out safely near live overhead power lines by a non-electrical worker.

Trainees should be assessed across a representative range of contexts from the Units listed in the model training course including,


- Preparation to work safely near live overhead power lines
- Carry out the work safely near live overhead power lines
- Complete the work safely near live overhead power lines.

Further information on training and assessment for work that is to be carried out safely near live overhead power lines by a non-electrical worker can be found in the Australian National Training Authority document UETTDRELO4A – Working safely near live electrical apparatus as a non electrical worker.

APPENDIX 5 – EMERGENCY PROCEDURE FOLLOWING CONTACT WITH LIVE OVERHEAD POWER LINES

Should contact be made with a live overhead power line or a flash-over occurs between a live overhead power line and a crane or an item of mobile plant, the following actions shall be taken:

- An attempt should be made to break the machinery's contact with the live overhead power line by moving the jib or driving the machine clear.
- If it is not possible to break the contact with the live overhead power line, the operator of the crane or mobile plant should remain inside the cabin of the crane or on the plant item. The network operator should be called immediately to isolate power to the live overhead power line. The operator must remain in place until the power has been isolated, and the 'all clear' given by the network operator.

WARNING	
	When a crane or item of plant inadvertently contacts overhead power lines, circuit protective devices may operate to automatically turn the power off. However some protection devices are designed to automatically reclose thereby re-energising the powerlines after a short period of time, typically 1 – 4 seconds.

- If it is essential to leave the cabin or the operator's position due to fire or other life threatening reason, then jump clear of the equipment. Do not touch the equipment and the ground at the same time. When moving away from the equipment, the operator should hop or shuffle away from the plant item (with both feet together) until at least 8 metres from the nearest part of the crane or plant. Under no circumstances run or walk from the crane or item of plant as voltage gradients passing through the ground may cause electricity to pass through the body resulting in an electric shock.
- Warn all other personnel and members of the public to keep 8 metres clear from the crane or item of plant. Do not touch or allow persons to touch any part of the crane or plant item and do not allow persons to approach or re-enter the vehicle until the network operator has determined the site safe. Remember electricity flows through the ground, so an electric shock could be received from walking close to the scene. If the crane or plant operator is immobilised, ensure the power supply has been isolated and the site made safe before giving assistance.
- Untrained, unequipped persons should not attempt to rescue a person receiving an electric shock. All too often secondary deaths occur because others get electrocuted trying to help earlier victims. If the crane or plant operator is immobilised, ensure the power supply has been isolated and the site has been made safe before giving assistance.

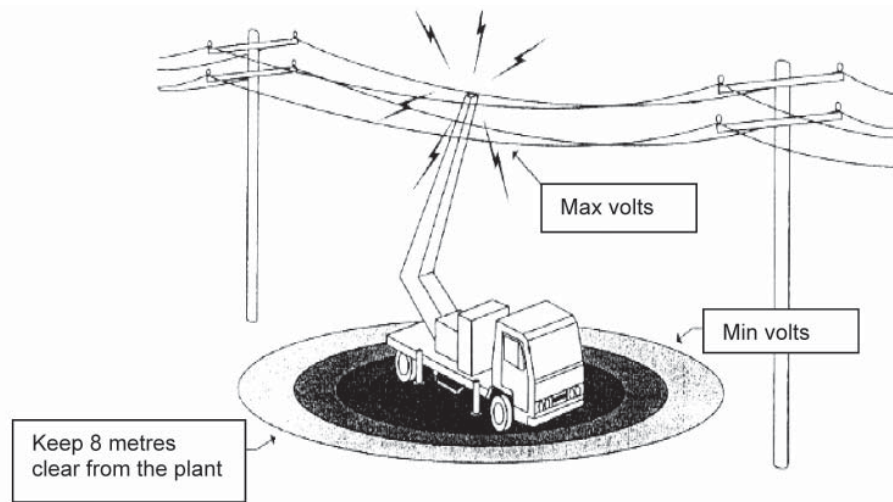


Figure 17: Affected area surrounding mobile plant when in contact with a live overhead power line

Post – incident inspection by a competent person

When a crane or item of mobile plant has been in contact with a live overhead power line, it should be checked by a competent person for any damage to the components of the crane or mobile plant. Any actions recommended by the competent person are to be completed before the crane or mobile plant is returned to service.

Tyres on cranes and mobile plant that have been in contact with overhead power lines where electrical flash-over and current flow occurs through the rubber tyres should be considered as a potential hazard. These rubber tyres may catch fire, with the obvious potential for them to explode. Additionally, a lesser known danger may occur, which results when combustion takes place within the tyre, with no apparent external signs. When excessive heat is developed in or applied to a tyre as in the case from contact with overhead power lines, it can initiate a process known as pyrolysis, which is the decomposition of a substance by heat. This can generate a build up of flammable gases and pressure within the tyre, which may ultimately rupture or explode.

Vast amounts of energy can be released by a tyre explosion, often leading to significant equipment damage, serious injuries or fatalities. Pyrolysis related explosions are very unpredictable, and have been known to occur immediately or up to 24 hours after initiation. An explosion can occur where no fire is visible and the danger area can be up to 300 metres from the tyre.

Any rubber tyred crane or plant item involved in an incident where contact is made with overhead power lines which results in discharges or flash-over of electrical current through the tyres should be considered as a potential hazard. If any personnel suspect there is a danger of a tyre explosion, as in the case of the mobile crane contacting overhead power lines, then the procedure should include:

- parking the crane in an isolation zone, with a minimum 300 metre radius,
- removing all personnel from the area, and not allowing access to isolation zone for 24 hours, and
- alerting fire fighting services

APPENDIX 6 – CASE STUDIES OF OVERHEAD POWER LINE INCIDENTS

CASE 1

Incident – Mobile Crane Operation

A mobile crane came into contact with 132,000 volt overhead power lines that were located adjacent to a worksite. At the time of the incident the crane driver had slewed the boom of the crane towards the overhead power lines, which resulted in the lifting chains swinging outwards, making contact with the power line.

Luckily no persons were injured, however the crane sustained extensive damage to the tyres, lifting rope and electrical system on the crane.

Contributing factors and relevant sections

Failure to:

- maintain relevant approach distance to the power lines and take outcome of the possibility of the lifting chains swinging towards the overhead power lines when the crane was operated. – Section 3.3
- carry out an adequate risk assessment of the worksite – Section 4.3
- implement appropriate control measures for the work – Section 4.4
- use a safety observer to observe the crane operations near the power lines – Section 4.7

CASE 2

Incident – Scaffolding Work

A worker died and three apprentice roof plumbers were injured when attempting to move an 8.9 metre high aluminium scaffold at a construction site. At the time of the incident the workers were moving the mobile scaffold over soft sand when the castor wheels located at the base of the scaffold sunk into the sand causing it to fall and make contact with 33,000 volt overhead power lines that were located adjacent to the construction site.

As a result of this incident the construction firm and roofing contractor were fined a total of \$224,000 by the NSW Industrial Relations Commission.

Contributing factors and relevant sections

Failure to:

- carry out an adequate risk assessment of the worksite that took account of the ground conditions at the worksite – Section 4.3
- implement appropriate control measures for the work – Section 4.4.

CASE 3**Incident – Work on a rural property**

The victim, a 17 year old rural worker, received a fatal electric shock due to a flashover when a steel flagpole came into close proximity with an 11kV overhead power line that was located above the entrance to a rural property. At the time of the incident the worker was attempting to erect the 5.2m flag pole at the main entrance gate to the property.

Contributing factors and relevant sections

Failure to

- identify the hazard of the overhead power lines – Section 7.2
- carry out a risk assessment of the worksite and implement appropriate risk controls – Sections 7.3 and 7.4.

CASE 4**Incident – Tipper truck operation**

A tipper truck contacted an 11,000 volt overhead power line causing it to break and fall to the ground striking a worker who was at the worksite. At the time of the incident the tip truck was delivering a load of granulated bitumen to the worksite when the tip tray of the truck was raised upwards into the overhead power lines.

As a result of this incident the NSW Chief Industrial Magistrates Court fined the construction firm a total of \$15,000.

Contributing factors and relevant sections

Failure to:

- plan the work and identify the hazard of the overhead power lines – Section 2.5 and 4.2
- maintain the relevant approach distance to the overhead power lines and take account of the height of the raised tray when the load was dumped at the worksite. Sections 3.3
- carry out a risk assessment of the worksite – Sections 3.7 and 4.3
- implement appropriate control measures for the work – Section 4.4
- use a safety observer to observe the truck operations near the power lines – Section 4.7.

APPENDIX 7 – USEFUL PUBLICATIONS

WORKCOVER NSW APPROVED INDUSTRY CODES OF PRACTICE

- *Code of Practice: Occupational Health and Safety Consultation*
- *Code of Practice: Risk assessment*
- *Code of Practice: Occupational Health and Safety induction training for construction work*
- *Code of Practice: Moving plant on Construction Sites*
- *Code of Practice: Amenity Tree Industry*
- *Code of practice: Technical Guidance*

Note: The Australian Standards listed below are also WorkCover approved industry codes of practice.

WORKCOVER GUIDES

- *Identification Tool for Electrical Hazards on-site*
- *Subby Pack – OHS contractor management tool*
- *Dangers of Power Lines when Pumping Concrete*
- *WorkCover Safety Alert – Tiger Tails*

Standards and Codes offer practical guidance on health and safety for work. However, these are subject to change from time to time. For further information contact the WorkCover Assistance Service on: **13 10 50**.

For information about the wide range of other codes of practice, certification guides and publications on OHS, rehabilitation and workers compensation, contact the Publications Order line: 1300 797 003.

Information on the latest laws can be checked at www.legislation.nsw.gov.au or contact 1300 656 986.

AUSTRALIAN STANDARDS

Australian Standards can be purchased from SAI Global by contacting the Customer Service Centre on 131 242 or over the net at <http://www.saiglobal.com/shop>

- AS 2550.1** Crane, hoist and winches – Safe use Part 1: General requirements
- AS 2550.1** Crane, hoist and winches – Safe use Part 5: Mobile and vehicle loading cranes
- AS/NZS 4576** Guidelines for Scaffolding

NATIONAL ELECTRICITY NETWORK SAFETY GUIDELINES

National Guidelines can be purchased from the Electricity Supply Association of Australia by phoning 03 9670 0188 or over the net at <http://www.esaa.com.au>

- NENS 04-2003 *National guidelines for safe approach distances to electrical apparatus*

NETWORK OPERATORS – CONTACT NUMBERS

- Energy Australia: 13 15 25
- Integral Energy: 13 10 81
- Country Energy: 13 23 56
- Rail Corp: (02) 9379 4911
- Transgrid is divided into three regional areas:
 - Central Region – 1800 625 108
 - Northern Region – 1800 998 049
 - Southern Region – 1800 654 195.

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TENDERS

Department of Commerce

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

KEMPSEY SHIRE COUNCIL

Roads Act 1993, Part 2, Section 10

Dedication of Land as Public Road

THE land in the Schedule hereunder is hereby dedicated as public road pursuant to the provisions of Section 10 of the Roads Act 1993. (Ref LA 12528). A. V. Burgess, General Manager, Kempsey Shire Council, PO Box 78, West Kempsey, NSW, 2440.

SCHEDULE

Lots 5, 6, 7 and 8 DP 1095627, Locality of Fishermans Reach, Parish of Clybucca, County of Dudley.

[2380]

LAKE MACQUARIE CITY COUNCIL

Proposed Naming/Re Naming of Roads

NOTICE is given by Council in pursuance of Section 162.1 of the Roads Act 1993, as amended, proposes to name / re name following roads:

LOCATION / DESCRIPTION	NAME
Lot 46 DP 17261, Tennent Road, Mount Hutton	Merrivale Road
Lot 454 DP 1043766, Wymeera Circuit, Wyee Point	Halwin Close
Lots 1 to 4 DP7394, Lots 4 to 21 / 40 to 42 Sec. 2 DP 5615, Lot 38 DP 755243 and Lot 8 DP 129377, Morisset Park Road, Morisset Park	Edgewater Drive Trinity Point Drive Celestial Drive Springtide Place Compass Drive Sundial Drive Baysend Drive Mirrabay Drive Sailors Way Bathers Way Holiday Drive Bluff Point Way
Road Re naming of Nine Acres Road Murrays Beach	Nine Acres Way

Written submissions to the proposed naming will be accepted up to one month after publication date of this Notice. For further information contact Stephen Pichaloff on (02) 4921 0534. BRIAN BELL, General Manager, Lake Macquarie City Council, Box 1906 Hunter Region Main Centre NSW 2310.

[2381]

PARRAMATTA COUNCIL

Roads Act 1993, Section 162

Road (General) Regulation 2000

Naming of Roads – Allambie Street, Yarramona Street, Haleym Street, Corsair Street, Zanana Street, Winnya Street, Rondelle Street, Nordica Street, Silverse Street, Bundarra Street, Koorine Street, Allura Crescent, Arista Way and Seamist Avenue.

NOTICE is hereby given that the Council of the City of Parramatta, in pursuance of the above Act and Regulation, proposes the names of the newly constructed roads, within the

new residential subdivision on the former Ermington Naval Defence Store site, currently known as 2A & 2B Spurway Street Ermington.

Council also proposes to name the park within the site as Halverson Park.

Written objection to the proposed names can be made until 4:00pm Tuesday 24 October 2006. The reasons for any objection will need to be clearly stated and forwarded to the General Manager, Parramatta City Council, PO Box 32 Parramatta NSW 2124.

[2382]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of VERA MAY JACKSON, late of Strathfield, in the State of New South Wales, spinster, who died on 26th July 2006, must send particulars of their claim to the executor, Gloria May Jackson (in the will called Gloria Jackson), c.o. Truman Hoyle Lawyers, Level 18/68 Pitt Street, Sydney NSW 2000, within one (1) calendar month from the publication of this notice. After that time the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 13th September 2006. TRUMAN HOYLE LAWYERS, Level 18/68 Pitt Street, Sydney NSW 2000 (DX 263, SYDNEY). Reference: TFE (SR) 4069.

[2383]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of BRIAN GEORGE HOAD, late of Glebe, in the State of New South Wales, Journalist, who died on 21 June 2006, must send particulars of the claim to the executors, Douglas Evans and Phillip Davies, c.o. Messrs Olliffe & Co., Solicitors, 7/1-5 Jacobs Street, Bankstown within one calendar month from publication of this notice. After that time, the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 8 September 2006. Olliffe & Co., Solicitors, 7/1-5 Jacobs Street, Bankstown 2200, (DX11213 Bankstown), tel.: (02) 9790 3903.

[2384]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ELIZABETH FALVO, late of Dee Why, in the State of New South Wales, widow, who died on 11 December 2005, must send particulars of his claim to the executor, c.o. Rees & Tuckerman, Solicitors, 678 Pittwater Road, Brookvale, NSW 2100, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales to Anita Spaliviero and Rosetta Freeman on 6 September 2006. REES & TUCKERMAN, Solicitors, 678 Pittwater Road (PO Box 34), Brookvale, NSW 2100 (DX831, Sydney), tel.: (02) 9905 1469.

[2385]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of THEODORE CYHYLYK, late of Caringbah, in the State of New South Wales, pensioner, who died on 21 April 2006, must send particulars of this claim to the executors, Andrew Mark Cyhylyk and Sonia Anna Cyhylyk, c.o. Denis M. Anderson, Solicitor, 10 Regent Street, Kogarah, NSW 2217, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 16 August 2006. DENIS M. ANDERSON, Solicitor, 10 Regent Street, Kogarah, NSW 2217 (PO Box 148, Kogarah 1485), tel.: (02) 9587 0440. Reference: DA.CD.

[2386]

OTHER NOTICES

LOCAL COURTS & SHERIFF

Nsw Attorney General's Department

Re: Notice Of Sale

UNLESS the Local Court Downing Centre Writ for Levy of Property (No 101845/05) is previously satisfied, the Sheriff's Officer at Liverpool intends to sell by Public Auction the following Real Property of Vanessa Haddad known as house and land Lot 5105 in Deposited Plan 828670 at Wattle Grove also known as 151 Australia Avenue Wattle Grove or so much as may be necessary to satisfy an outstanding Judgment Debt.

The sale will be held on site at 151 Australia Avenue Wattle Grove on Saturday 28th October. Please address all enquiries on sale to Azam Dabbagh c/- Coldwell Banker Real Estate on 9825 2100. SHERIFF'S OFFICE, Liverpool, PO Box 3435, Liverpool Westfields, NSW 2170, tel.: (02) 9821 7851, fax.: 9821 7849.

[2387]