

Australian Association of Live Steamers Ltd Ages of Operators and Attendants for Miniature Railways.

Background

At the 2010 AGM a motion regarding ages of operators and attendants was withdrawn due to legislated requirements potentially being different to that proposed. As a result, this paper has been produced to explain the legislative requirements and propose a reworded motion, that can be commented upon during the 2010 Consultation Process before the motion is formally put again next year.

Relevant Legislation

OH, & S Regulations NSW Page 206 Chapter 9 Part9.1 Division 1 section 265 (d) (ii) and in the Victorian Regulations Schedule 4 Sections 2.7 & 2.8 on pages 484 & 485 states that an AMBSC boiler is not considered a boiler for the purposes of **certification of the operator** if it is operated by a person over 18 when in a public place.

AS 3533 (Amusement Devices). This document excludes us by scope, however it was used as the basis for our Code of Practice it is useful as a guide. Appendix G (clause a) of AS3533.2 requires operators to be more than 18. Attendants (clause b) may be under 18, but it is not specific on how old they should be.

There is no specific requirement in OH&S legislation or regulations regarding ages for amusement devices, as far as can be ascertained.

Current AALS CoP Requirements

Extract from Code of Practice for Operations Section 5.2:

5.2 Minimum Age

- 5.2.1 The minimum age for Attendants when operating on Public Running days shall be fifteen (15) years of age.
- 5.2.2 The minimum age for Operators on Public Running days shall be fifteen (15) years of age. Persons fifteen (15) to seventeen (17) years of age inclusive shall be under direct supervision of an Operator, eighteen (18) years of age or older at all times.
- 5.2.3 The minimum age for Operators on Non-Public Running days shall be nine (9) years of age. Persons nine (9) to seventeen (17) years of age inclusive shall be under direct supervision of a competent person, eighteen (18) years of age or older at all times.

The proposed motion attempted to reduce the age of Operators to 15 on public days and to 7 at other times. It has also been pointed out that the term 'days' is inappropriate and any restrictions should be actually only during public running.

Proposed Legislation

Currently the Federal Government is producing 'model' O, H & S Legislation for adoption by the States. The Act itself is high level and does not directly impact AALS members; however the regulations have a much more direct impact. The 'model' regulations are due for release in September 2010. When these are released, AALS will review and make any necessary submissions to assist the application of the new Regulations to be appropriate and concise to member clubs operations. In the interim however the following alterations to the minimum age requirements are suggested.

Proposed Wording of Section 5.2

5.2.1 to be unchanged.

5.2.2 The minimum age for Operators during Public Running shall be fifteen (15) years of age, and eighteen (18) years of age if operating a steam boiler. Persons fifteen (15) to seventeen (17) years of age inclusive shall be under direct supervision of an Operator, eighteen (18) years of age or older at all times.

5.2.3 The minimum age for Operators during Non-Public Running shall be seven (7) years of age. Persons seven (7) to seventeen (17) years of age inclusive shall be under direct supervision of a competent person, eighteen (18) years of age or older at all times.

Commentary

The proposed changes are highlighted above in yellow and reflect the minimum age of 18 when a boiler is involved. Inclusion of the age of 7 under supervision and during non public running is as desired in the previous motion attempt and allows for training of younger persons.

AS 3533 provisions catered for by the specific AALS code provisions which provide a more specific control on the risks present, where the standard has to cover a wide variety of devices.

Legislative requirements for other states have not been specifically checked. Members of Societies in other states are requested to confirm any specific requirements that may differ from the above.

Pending any changes that may result from the model legislation, the above is proposed to be presented to the 2011 AGM for adoption. Comments are welcome.

Warwick Allison
Chairman

Alf Grigg
Secretary

Australia Live Steamers Safety Committee.
7 June 2010