



New South Wales

Construction Safety Amendment (Amenities and Training) Regulation 1998

under the
Construction Safety Act 1912

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Construction Safety Act 1912*.

JEFFREY SHAW, Q.C., M.L.C.,
Minister for Industrial Relations

Explanatory note

The objects of this Regulation are:

- (a) to repeal Part 10 of the *Construction Safety Regulations 1950* dealing with the provision of shelter, change and dining accommodation, sanitary conveniences and washing facilities for persons engaged in building work, compressed air work or excavation work as those matters are covered by a code of practice that has been approved under section 44A of the *Occupational Health and Safety Act 1983*, and
- (b) to insert a new Part in those Regulations requiring principal contractors and employers to ensure that occupational health and safety induction training has been undertaken by construction workers and to keep records of such training and requiring self-employed construction workers to undertake such training.

This Regulation refers to the "Code of Practice—Occupational Health and Safety Induction Training for Construction Work 1998" which is a document prepared by the WorkCover Authority.

This Regulation is made under the *Construction Safety Act 1912*, including section 22 (the general regulation-making power).

1998 No 642

Clause 1 Construction Safety Amendment (Amenities and Training) Regulation 1998

Construction Safety Amendment (Amenities and Training) Regulation 1998

1 Name of Regulation

This Regulation is the *Construction Safety Amendment (Amenities and Training) Regulation 1998*.

2 Commencement

- (1) This Regulation (except Schedule 1 [1]) commences on 1 April 1999.
- (2) Schedule 1 [1] commences on 1 December 1998.

3 Amendment of Construction Safety Regulations 1950

The *Construction Safety Regulations 1950* are amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Part 10

Omit the Part.

[2] Part 15

Insert after Part 14:

Part 15 OHS Induction training

162 Definitions

In this Part:

Code of Practice means the document prepared by the Authority entitled "Code of Practice—Occupational Health and Safety Induction Training for Construction Work 1998" as in force at 1 April 1999.

construction project means a project involving construction work.

education or training provider means:

- (a) in relation to Workplace Training Category 1 qualifications—an education or training provider within the meaning of the *Vocational Education and Training Accreditation Act 1990* who is registered under that Act to conduct courses accredited under that Act leading to those qualifications. and
- (b) in relation to Workplace Training Category 2 qualifications—an education or training provider within the meaning of the *Vocational Education and Training Accreditation Act 1990* who is registered under that Act to conduct courses accredited under that Act leading to those qualifications.

employee includes a subcontractor.

employer includes a contractor.

OHS induction training has the meaning given by Regulation 162D.

principal contractor for a construction project means the person who has the overall responsibility and control for the construction project until it is completed.

statement of OHS induction training means a statement issued under Regulation 162H.

162A Principal contractors to ensure OHS induction training is undertaken

- (1) A principal contractor for a construction project must not direct or allow another person to carry out construction work on the construction project unless the principal contractor is satisfied that the person has undergone OHS induction training.
- (2) A principal contractor for a construction project must:
 - (a) identify any change in the construction site, and in the activities performed by each person carrying out construction work at the construction site, that might affect the health or safety of any person on the construction site, and
 - (b) if any such change is identified, ensure that each person carrying out construction work at the construction site undergoes such OHS induction training referred to in Regulation 162D (b) or (c) as is necessary to enable the person to carry out that work safely despite the change.

162B Employers to ensure OHS induction training is undertaken

- (1) An employer must ensure that any employee whom the employer employs to carry out construction work is provided with the OHS induction training required to be undertaken by the employee in accordance with this Part.

- (2) An employer must not direct or allow an employee to carry out construction work unless the employer is satisfied that the employee has undergone OHS induction training.
- (3) An employer who employs any employee to carry out construction work must:
 - (a) identify any change in the construction site, and in the activities performed by each employee carrying out construction work at the construction site, that might affect the health or safety of any person on the construction site, and
 - (b) if any such change is identified, ensure that each employee carrying out construction work at the construction site undergoes such OHS induction training referred to in Regulation 162D (b) or (c) as is necessary to enable the employee to carry out that work safely despite the change.

Note. Section 21 of the *Occupational Health and Safety Act 1983* provides that an employer must not levy any charge on an employee in respect of anything done or provided in pursuance of any specific requirement made by or under that Act or the associated health and safety legislation.

162C Self-employed persons to undergo OHS induction training

- (1) A self-employed person must not carry out construction work unless the person has undergone OHS induction training.
- (2) A self-employed person carrying out construction work must:
 - (a) identify any change in the construction site, and in the activities performed by the person at the construction site, that might affect the health or safety of any person on the construction site, and
 - (b) if any such change is identified, undergo such OHS induction training referred to in Regulation 162D (b) or (c) as is necessary to enable the person to carry out that work safely despite the change.

162D Meaning of "OHS induction training"

For the purposes of this Part, *OHS induction training* means training referred to in each of the following paragraphs completed to the satisfaction of the person conducting the training:

- (a) general health and safety induction training that complies with Regulation 162E,
- (b) work activity based health and safety induction training that complies with Regulation 162F and relates to the particular type of construction work to be carried out,
- (c) site specific health and safety induction training that complies with Regulation 162G and relates to the particular site at which the construction work is to be carried out.

162E General health and safety induction training

General health and safety induction training must:

- (a) cover the relevant health and safety topics set out in the Code of Practice, and
- (b) be approved by the Authority, and
- (c) in the case of training conducted on or after 1 April 1999:
 - (i) be developed by a person who has Workplace Trainer Category 2 qualifications awarded by an education or training provider or a certificate issued by an education or training provider stating that the person has qualifications that are equivalent to Workplace Trainer Category 2 qualifications, and
 - (ii) be conducted by a person who has Workplace Trainer Category 1 qualifications awarded by an education or training provider or a certificate issued by

an education or training provider stating that the person has qualifications that are equivalent to Workplace Trainer Category 1 qualifications.

162F Work activity based health and safety induction training

Work activity based health and safety induction training must:

- (a) cover the relevant health and safety topics set out in the Code of Practice. and
- (b) in the case of training conducted on or after 1 August 1999:
 - (i) be developed by a person who has Workplace Trainer Category 2 qualifications awarded by an education or training provider or a certificate issued by an education or training provider stating that the person has qualifications that are equivalent to Workplace Trainer Category 2 qualifications. and
 - (ii) be conducted by a person who has Workplace Trainer Category 1 qualifications awarded by an education or training provider or a certificate issued by an education or training provider stating that the person has qualifications that are equivalent to Workplace Trainer Category 1 qualifications.

unless the training is conducted by the employer of the person undertaking the training and that employer employs not more than 10 employees.

162G Site specific health and safety induction training

Site specific health and safety induction training must cover the relevant health and safety topics set out in the Code of Practice.

162H Statements of OHS induction training

A person who conducts training referred to in Regulation 162D (a) or (b) must issue to each person who has undergone the training to the satisfaction of the person conducting the training a written Statement that:

- (a) states that the person to whom the statement is issued completed the training to the satisfaction of the person conducting it, and
- (b) identifies the types of activities covered by the training, and
- (c) specifies the date or dates on which the training was provided, and
- (d) specifies the name and qualifications of the person who conducted the training, and
- (e) is signed by the person who conducted the training.

162I Lapsing of statement of OHS induction training

A statement of OHS induction training ceases to be valid for the purposes of this Part if the person to whom it was issued has not carried out construction work for any consecutive period of 2 years or more since its issue.

162J Principal contractors and employers to keep records

- (1) A principal contractor for a construction project must keep a record containing the following, in relation to each person carrying out construction work on the project, until 3 years after the project is completed:
 - (a) a copy of any relevant statement of OHS induction training, or a statement indicating that the principal contractor is satisfied that the relevant OHS induction training has been undertaken and the reason why the principal contractor is so satisfied.

- (b) a brief description of the site specific training that has been undertaken by the person in accordance with this Part for the site at which the construction work is carried out.
- (2) An employer must keep a record containing the following, in relation to each employee employed to carry out construction work, until 3 years after the employee has ceased to be employed by the employer:
 - (a) a copy of any relevant statement of OHS induction training, or a statement indicating that the employer is satisfied that the relevant OHS induction training has been undertaken and the reason why the employer is so satisfied.
 - (b) a brief description of the site specific training that has been undertaken by the employee in accordance with this Part for the site at which the construction work is carried out.

162K Savings and transitional provisions

For the purposes of this Part, an employee or self-employed person who has carried out construction work in the course of employment for any period within the period of 2 years immediately preceding the commencement of this Part is taken to have undergone:

- (a) the course referred to in Regulation 162D (a), and
- (b) the course referred to in Regulation 162D (b), but only in relation to the particular type of construction work that the employee or self-employed person carried out within that 2-year period.

162L Notes

Notes in this Part do not form part of these Regulations.