

Australian Capital Territory

Occupational Health and Safety (National Standard for Construction Work) Code of Practice 2008

Disallowable instrument DI2008–30

made under the

***Occupational Health and Safety Act 1989*, section 206 (Codes of Practice)**

Explanatory Statement

Section 206(1) of the *Occupational Health and Safety Act 1989* provides that the Minister may approve a code of practice to provide practical guidance about the Act. Section 206(2) provides that, before approving a proposed code of practice, the Minister must refer the proposed code to the ACT Occupational Health and Safety Council (the Council) for its consideration, and take into account any relevant recommendation made by the Council. At its 88th meeting on 23 November 2007, the Council approved the National Standard for Construction Work [NOHSC:1016 (2007)] as a Code of Practice (the Code).

The object of the Code is to protect persons from the hazards associated with construction work by-

- requiring specified classes of persons to ensure these hazards are identified, the risks they pose assessed, and either the risks eliminated or, where this is not reasonably practicable, the risks are minimised; and
- requiring the provision of information, consultation, planning, documentation, training and other measures to ensure occupational health and safety.

‘Construction work’ means any work on or in the vicinity of a construction site carried out in connection with the construction, alteration, conversion, fitting out, commissioning, renovation, repair, maintenance, de-commissioning, demolition or dismantling of any structure.

This Code applies to-

- (a) clients and designers of construction projects;
- (b) persons with control of a construction project;
- (c) persons with control of construction work;
- (d) persons engaged to undertake construction work; and
- (e) construction sites;

but does not apply to owners or occupiers of dwellings personally performing construction work on those dwellings. The Code does not supersede obligations under relevant legislation.

The Code provides that an obligation to comply with a provision of the Code is an obligation to comply as far as is reasonably practicable.

The Code requires a 'safe work method statement'. This is a statement that-

- (a) identifies a work activity that is assessed as having a safety risk or risks;
- (b) states the safety risk or risks;
- (c) describes the control measures that will be applied to the work activity;
- (d) describes how safety measures will be implemented to do the work safely; and
- (e) includes a description of the equipment used in the work, the qualifications of the personnel doing the work and the training required to do the work safely.

For the purpose of the Code, an obligation to control a risk to health and safety is an obligation to eliminate the risk; or, if elimination of the risk is not reasonably practicable, to minimise the risk through measures which must be considered in the following order-

1. substitute the hazard giving rise to the risk with a hazard that gives rise to a lesser risk;
2. isolate the hazard from persons who might be put at risk;
3. minimise the risk by engineering means;
4. apply administrative measures such as the adoption of safe systems of work; and

5. use personal protective equipment.

When no single measure is sufficient to eliminate the risk, or when it is not reasonably practicable to minimise the risk, a combination of the above measures must be applied.

The benefits of following the Code could include-

- improved business performance, efficiency and productivity;
- fewer workers' compensation claims, which may lead to lower premiums;
- faster and easier return to work for workers who do sustain an injury;
- fewer absences from work, and less disruption;
- retention of skilled workers; and
- a safe workplace with a positive safety culture.

This instrument takes effect the day after it is notified on the ACT Legislation Register.

An approval under section 206(1) is a disallowable instrument.