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**Revised Model Work Health and Safety Code of Practice: *Construction Work*  
Public Comment Response Form**

**Model Code of Practice – Construction Work including Housing**

<b>Chapter 1: Introduction</b>
<p><b>Comments:</b></p> <p><u>Page 7 - Scope and Application</u> The housing symbol is very small and is lost amongst the text. Suggest enlarging the symbol and placing it at the beginning of the paragraph followed by the wording in bold "<b>housing construction work</b>" and then wording as in the current paragraph e.g. "while the information... is relevant to all types of construction additional housing construction guidance is denoted by this symbol."</p> <p><u>Page 11 - 1.4 What is 'high risk construction work'?</u> For consistency the paragraph should start with "<b>Regulation 291</b>" in bold as in the paragraph that follows this first one.</p> <p><u>Page 12 - 1.6 Builder</u> In the sentence "A 'builder' is also known as the 'head contractor'", terminology is introduced that is not in the legislation. To avoid confusion, the terms "builder" and "principal contractor" should be used but not "head contractor".</p> <p><u>Page 12 - 1.7 Multiple duties</u> The first sentence is the same wording as in the unrevised Construction Work Code of Practice but needs to be reworded. It states that a number of businesses/undertakings have duties relating to construction work. It then states "ranging from a PCBU who..." with a list of dot points following. If it is a range it should state ranging "from" followed by "to". Suggest delete the words "ranging from" so that the sentence reads "...there are a number and a range of businesses or undertakings with duties relating to construction work. For example a PCBU that..." followed by the dot points.</p>
<b>Chapter 2: Specific Duties relating to Construction Work</b>
<p><b>Comments:</b></p> <p><u>Page 16 - Principal Contractor</u> As stated in the Code and in the WHS Regulations there can only be one principal contractor (PC) for a construction project at any one time. A construction project is defined as construction work costing \$250,000 or more and a principal contractor is defined as the PCBU that commissions a construction project. On larger construction projects there may be a number of activities taking place at the same workplace each with a different PC (for each construction project on that site). The reference to a monetary figure only when defining a construction project can allow for a situation where multiple persons meet the definition of PC for the one project.</p> <p>One solution to overcome this situation would be an amendment to the WHS Regulations. The amendment could expand the definition of a construction project to include a reference to the physical workplace as well as the current monetary value. Ai Group supports exploring regulatory reform as part of the wider review of the WHS laws but not as a response to this draft Code. In the interim, perhaps further guidance on principal contractors e.g. an expansion of the information available on Queensland's Workplace Health and Safety website could be developed to help clarify the situation.</p>
<b>Chapter 3: Managing Risks with Construction Work</b>
<p><b>Comments:</b></p> <p><u>Page 23 – The hierarchy of control measures</u> The text states that "some control measures are more effective than others" and further describes the hierarchy of control "control measures can be ranked from the highest level of protection and reliability to the lowest." What is missing from this information is that higher order controls must always be considered first. There is an explanation for 'elimination' – "this...must always be considered before anything else" but not for the other higher controls.</p> <p><u>Page 24 – Minimising the risk by using PPE</u> The text states that "PPE should also only be considered when other higher order control measures are not reasonably practicable or to increase protection from the hazard." There needs to be some explanation about having to justify why PPE has been chosen rather than the higher order controls i.e.</p>

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**why** the higher order controls are not reasonably practicable for that particular situation. As currently written the information suggests that the reader can just decide that the higher order controls are not reasonably practicable and use PPE instead without there being any consequences of doing so.

#### Chapter 4: Safe Work Method Statements

##### Comments:

##### Page 26 – 4.1 What is a SWMS

Some confusion exists in the construction industry with people thinking that SWMS are only required where there is a construction project, rather than for all high risk construction work. To emphasise the information that is being provided in this section we suggest the following minor alteration to the first sentence:

**“SWMS and high risk construction work:** A SWMS is required for **all** high risk construction work. It is a written document...”

##### Page 27-28 – 4.2 Preparing a SWMS

As there are specific requirements for SWMS in relation to a construction project, we suggest moving the fourth paragraph to the bottom of the page alongside the other information that describes what needs to be done if the work is in connection with a construction project. The revised section would read:

**“SWMS and construction projects:** If the high risk work is being carried out in connection with a construction project, a person conducting a business or undertaking must provide the principal contractor with a copy of the SWMS before commencing the high risk work. The principal contractor must...prior to the high risk construction work commencing.

If the work is being carried out a construction project, the SWMS may also include:

- The name of the principal contractor
- The address where the high risk construction work will be carried out
- The date the SWMS was prepared and the date it was provided to the principal contractor
- The review date (if any)”

##### Page 29 - Reviewing a SWMS

A cross reference or 'signpost' to the SWMS template in Appendix B would be useful at the end of this section.

#### Chapter 5: WHS Management Plans for Construction Projects

##### Comments:

This information is useful and is clearly set out and easy to read.

#### Chapter 6: Information, Training, Instruction and Supervision

##### Comments:

The information in this section is useful.

#### Chapter 7: General Workplace Management Arrangements

##### Comments:

##### Page 35 - General Workplace Management Arrangements

The wording in the paragraph immediately following the dot points is quite confusing, and is made more so by the abbreviation of "Principal Contractor" to "PC". Ideally neither "principal contractor" nor "person conducting a business or undertaking" should be abbreviated in this way. Alternatively, if the abbreviation remains then it must be explained in the first sentence of this section so that it reads: "The principal contractor (PC) must put in place arrangements..." and the wording in the paragraph following the dot points simplified.

#### Appendix A: Examples of Construction Work and High Risk Construction Work

##### Comments:

This is useful reference information.

#### Appendix B: Safe Work Method Statement Template

##### Comments:

##### Page 40 - Recommended steps for filling out the SWMS template

A cross reference to completion of a SWMS for 'high risk construction work' in relation to a 'construction

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project' is required in the explanatory information. For example that the SWMS must be given to the principal contractor by the PCBU carrying out high risk construction work in connection to a construction project.

The revised SWMS template is an improvement on the original and is a useful document.

#### **Appendix C: Safe Work Method Statement Example**

**Comments:**

The worked example of a SWMS gives clarity to the type of information that is required in a completed SWMS and is a useful document.

#### **Appendix D: General Construction Workplace Facilities**

**Comments:**

We support the revised matrix e.g. removal of the "must provide" wording that was included in the original version.

#### **Appendix E: Preparing a WHS Management Plan**

**Comments:**

This appendix provides important and useful information in an easy-to-read format.

#### **Appendix F: WHS Management Plan Template**

**Comments:**

A useful addition to the document.

#### **Appendix G: Sample Completed WHS Management Plan**

**Comments:**

The worked example gives clarity to the type of information that is required in a WHS Management Plan and is therefore a useful addition to the draft document.

#### **Appendix H: Housing Construction Workplace Management Arrangements**

**Comments:**

Pages 55 - 60

It is not immediately clear what the "R" numbering refers to e.g. "R40". Suggest that either the entire word is used i.e. "Regulation 40" or an explanation of the abbreviation is given.

This appendix is 5 pages long and contains information more suited to a guide than a Code of Practice. There is duplication of much of the information included in Appendix I because the same WHS Regulations apply to both housing construction and general construction.

#### **Appendix I: General Construction Workplace Management Arrangements**

**Comments:**

Pages 61 - 70

This appendix is 9 pages long and contains information more suited to a guide than a Code of Practice. There is duplication of much of the information included in Appendix H because the same WHS Regulations apply to both housing construction and general construction.

#### **Appendix J: Design Duties**

**Comments:**

The information in this appendix is useful but is more suited to a guide than a Code of Practice.

#### **General Comments**

Generally, the draft Code blends information well for both general and housing construction i.e. a separate Code specifically for housing construction is not required. However, the same WHS Regulations apply to both housing and general construction work which results in duplication of information when separate examples are given for the two construction sectors e.g. workplace management arrangements in Appendices H and I.

Additionally, having all the reference information in one document has resulted in a lengthy and overly

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<p>descriptive/prescriptive document which reads more like guidance material than a Code.</p>
<p><b>Comments on specific issues</b></p>
<p><b>Do the additional examples in the revised draft Code provide sufficient guidance to help the housing construction industry, including small business owners, understand and comply with the WHS regulations for construction work?</b></p> <p>The additional information, particularly the worked examples and the information associated with the templates is an improvement on the original Code and is useful for reference.</p>
<p><b>Are the terms used in the draft Code clear and appropriate, such as ‘housing construction work’, ‘builder’ and ‘owner-builder’?</b></p> <p>Generally the terms are clear and appropriate. However, need to be mindful that less appropriate additional terminology does not get included in the Code e.g. "head contractor" when the recognised term is "principal contractor".</p>
<p><b>Are the templates for a safe work method statement and a work health and safety management plan practical to implement?</b></p> <p>The revised templates are an improvement on the original. The practicality of implementing these in real situations and in a consistent manner remains to be seen.</p>
<p><b>What additional changes, if any, would make the revised draft Code more useful for the housing construction sector?</b></p> <p>Make the sections that are specific to housing construction a little more obvious - either by enlarging the "house" symbol and/or starting the relevant section/paragraph with the symbol followed by "<b>housing construction</b>" in bold text.</p> <p>Consider either moving the information contained in Appendices I and H into separate specific guidance material or condensing the information by removing the information that is duplicated.</p>