

1.1 OH&S Legislative Requirements

Introduction

Element	1. Identify and explain OHS legislative requirements
Performance Criteria	1.1 Applicable <i>Occupational Health and Safety (OHS) legislative requirements</i> relevant to own work and responsibilities are identified and explained
Learning outcome:	By the end of this session participants will have a basic knowledge of the applicable OHS legislation, regulations, codes of practice, guidelines and Australian Standards and compliance requirements.
Key coverage:	Trainers will need to provide a brief overview of key aspects of legislation and issues relating to OHS, such as: <ul style="list-style-type: none"> - OHS Acts and regulations - National Code of Practice for Induction Training for Construction Work - safety codes of practice - national safety standards - Construction industry OHS standards and guidelines - licences, tickets or certificates of competency - duty of care - Australian Standards - health and safety representatives, committees and supervisors.
Suggested session outline: (approx 20 minutes)	<ol style="list-style-type: none"> 1. Introduce the legislative framework by explaining the benefits of OHS legislation and the personal impact of work-related incidents. This should be supported by a diagram or flowchart that links each of the key elements. 2. Use the illustration to summarise the key commonwealth and state OHS legislation, regulations, standards and/or codes which are relevant to work in the Construction industry, and requirements for their compliance (eg relating to identifying hazards, controlling risks, safe use of equipment and PPE and safe working practices etc). 3. Use an illustration to demonstrate the interaction of OHS Acts, regulations, codes of practice and Australian Standards. 4. Allow discussion of how legislation benefits construction workers.
Assessment criteria:	Through oral or written responses, participants can demonstrate a basic knowledge of: <ul style="list-style-type: none"> - the OHS legislation that affects the Construction industry in their state/territory (eg NSW OHS Act 2000, NSW OHS Regulation 2001) - the differences between OHS Acts, regulations, codes of practice and Australian Standards.

Overview

Occupational health and safety (OHS) legislation varies in each state and territory in Australia. These laws are enforced by the relevant state and territory authority. Click on the relevant state and open the OHS authority website.



NSW - [WorkCover NSW](#)

QLD - [QLD Workplace Health and Safety](#)

VIC - [WorkSafe Victoria](#)

SA - [SafeWork SA](#)

WA - [WorkSafe Western Australia](#)

TAS - [Workplace Standards Tasmania](#)

ACT - [ACT Office of Regulatory Services WorkCover](#)

NT - [NT WorkSafe](#)

All state and territory legislation is similar in so far as a safe work place must be provided, adequate training and supervision made available and workplace hazards and risks must be controlled.

Employers and employees may face punitive and monetary penalties for breaching OHS legislation. It is therefore very important that in each workplace, every worker receives the appropriate level of OHS training, instruction and supervision to do their job safely.



OHS Acts, Legislation and Regulations

You need to know the OHS legislation that covers you and your workplace. This means relevant OHS Acts, Regulations, Codes of Practice and Safety Standards.

Every worker is required by law to comply with these and you will need to know how these apply to you, your job and your specific workplace.

Regulations are made under the act and set out the general principles and practical steps to follow - they should be followed to prevent injuries and illness at work.

They all govern health and safety in your workplace. Be aware that some of this legislation is relevant to the whole of Australia, and some are only relevant to specific states. You should try to find out which acts, regulations, codes of practice and standards apply to your type of work. Your employer or OHS representative should be able to help you. It is your responsibility to make sure you comply with them.



Click on the relevant state to open their OHS Act and Regulations.

NSW - [Occupational Health and Safety Act 2000](#) -
[Occupational Health and Safety Regulation 2001](#)

QLD - [Workplace Health and Safety Act 1995](#) -
[Workplace Health and Safety Regulation 2008](#)

VIC - [Occupational Health and Safety Act 2004](#) -
[Occupational Health and Safety Regulations 2007](#)

SA - [Occupational Health, Safety and Welfare Act 1986](#) -
[Occupational Health, Safety and Welfare Regs 1995](#)

WA - [Occupational Safety and Health Act 1984](#) -
[Occupational Safety and Health Regulations 1996](#)

TAS - [Workplace Health and Safety Act 1995](#) -
[Workplace Health and Safety Regulations 1998](#)

ACT - [Work Safety Act 2008](#) -
[Work Safety Regulation 2009](#)

NT - [Workplace Health and Safety Act 2009](#) -
[Workplace Health and Safety Regulations](#)

Australia's safety community is waiting to see how state and territory ministers respond to the report Workplace Relations Minister Julia Gillard intends will form the basis of national laws for OHS, following a meeting of the Workplace Relations Minister's Council (WRMC). A number of safety experts agree that consistent national OHS will benefit employees as well as employers, if the best of each state system is integrated into the laws.

[Update on National OHS Harmonisation](#) >>>

National Code of Practice for Induction for Construction Work

The National Standard for Construction Work [NOHSC:1016 (2005)] (the National Standard), aims to protect persons from the hazards associated with construction work. This Code of Practice provides guidance to persons working in the general and residential construction sectors on the types of induction training that may be needed to provide construction workers with an awareness and understanding of common hazards on construction sites and how they should be managed.

The instruction and training required to ensure people can work safely on construction sites needs to recognise the pattern of employment and the way the construction industry operates. Therefore, three types of OHS induction training may be required:

- > **General induction** provides persons entering the construction industry with a basic knowledge of requirements under OHS laws, the common hazards and risks likely to be encountered on construction sites and how these risks should be controlled.
- > **Site induction** provides information and instruction to anyone engaged on a particular construction site with a knowledge of the contractor's rules and procedures for site safety, emergency management, the supervisory and reporting arrangements and other site-specific issues.
- > **Task-specific induction** provides information and instruction to anyone undertaking a particular construction activity of the risk factors and control measures relating to that task.

This Code of Practice provides guidance on these three types of OHS induction training. Click on this link to open the Code of Practice.



[National Code of Practice for Induction for Construction Work](#) (PDF 199kB)

Codes of Practice

Codes of practice give practical guidance on how to comply with the legal requirements of the state regulation. Examples of Codes of Practice from each state can be accessed by selecting the appropriate state here.



Australian Standards

Australian Standards have been developed to provide minimal levels of performance or quality for a specific hazard, work process or product
An example is : AS 6001-1999 Working platforms for housing construction.



National Standards, Codes of Practice and related Guidance Notes

On 7 September 2009, the Senate passed without amendments the Safe Work Australia Bill 2008 [No. 2]. Safe Work Australia will now be established as an independent statutory agency with primary responsibility to improve occupational health and safety and workers' compensation arrangements across Australia.

Click this banner to open the Safe Work Australia website reference index.



Licences, Tickets and Certificates of Competency

All workplace staff and contractors must know and understand the particular OHS requirements for each state. People are usually instructed in OHS policies and procedures at the site induction or toolbox meetings. Relevant OHS information must be kept on site, usually in the site office so that everyone has access to it.

Some worksites require operators to hold specific permits or operating licences, while others require specific training before a person is allowed to work on the site.

A licence to perform high risk work is now required by people working with plant and equipment considered to be high risk. These high risk work areas include: pressure equipment, scaffolding and rigging, forklift operation, crane and hoist operation, asbestos removal, using carcinogenic substances, handling dangerous goods and explosives.

[Click here to open the NSW WorkCover National licence to perform high risk work .](#)

Duty of Care

There is a legal requirement for employers to be responsible for managing workplace health and safety. This requirement, expressed as the 'Duty of Care' principle, is the basis of many Occupational Health and Safety Acts, across Australia. Employers have a 'Duty of Care' to ensure the health, safety and welfare at work of employees and others. Employers also must take all practicable measures to control risks against injuries in the workplace. Employees have an obligation to co-operate with their employers on health and safety matters. Failing to comply with the 'Duty of Care' provisions of an OHS Act is an offence.



OHS Representatives, Committees and Supervisors

The OH&S Representatives' responsibility is to represent the OH&S concerns of employees to Management. Therefore, they must be informed of issues as they arise and consulted to establish the most appropriate way of resolving the issue.

An OHS committee does not necessarily need to be large or formal. A health and safety committee may be set up to develop and review OHS systems and address ongoing and emerging issues. The function of an OHS committee is the facilitation of cooperation between

an employer and employees in instigating, developing and carrying out measures to ensure health and safety at work

Managers and supervisors play an important role in instructing and supervising employees in health and safety as well as monitoring work practices. Responsibility for managing health and safety could be included in a supervisor's role and discussion on health and safety included in regular team meetings as well as in catch-ups with individual employees. Managers should also consult with health and safety representatives on health and safety issues.

