

# National Standard for Construction Work

Guidance for:  
**Clients**

October 2007



Department of Consumer  
and Employment Protection  
Government of Western Australia



## 1. Introduction

New regulations relating to the National Standard for Construction Work came into operation for the civil/commercial construction sector on 3 January 2008 and will commence for the residential construction sector on 1 October 2008.

The new regulations introduce requirements relating to the provision of information, consultation, planning, documentation and other measures to ensure occupational safety and health in the building and construction industry.

These regulations are contained in Division 12 of Part 3 of the Occupational Safety and Health Regulations 1996.

## 2. Who do the new regulations apply to?

The following people have responsibilities under the new regulations:

- Clients commissioning design and/or construction work as part of a trade or business;
- Main contractors and people with control of construction work; and
- Designers doing design work for construction projects.

## 3. Who is a client?

A client is anyone who, in carrying out a trade or business, commissions design and/or construction work, and directly benefits from all the work. Some examples of clients who may have responsibilities under the new regulations are:

- An insurance company commissioning the design and construction of a new office block either for its own use or for use by others.
- A manufacturing company commissioning the construction of a new factory, or the dismantling or demolition of an existing factory.
- A company commissioning the design and build of an extension to its existing premises to provide additional office accommodation for its staff.
- A storage company commissioning the construction of a new warehouse.

People who commission design and/or construction work in a private capacity rather than as part of a trade or business are not clients for the purposes of the new regulations.

## 4. What responsibilities do clients have under the new regulations?

Clients commissioning design work and/or construction work in the course of a trade or business must:

- Consult with the designer to ensure, as far as practicable, that those doing the construction work may do so without risk to their safety and health;
- Consult with the main contractor (if this is someone other than the client) to ensure, as far as practicable, that:
  - the people doing the construction work can do so without risk to their safety and health; and
  - no-one else on or near the construction site is put at risk from the construction work; and
- Ensure, as far as practicable, that any information they receive that relates to:
  - identifying hazards at the construction site;
  - assessing the risks posed by those hazards; and
  - considering the means by which the risks can be reduced;

is given to the main contractor (if this is someone other than the client) and to anyone who obtains the end product of the construction work from the client.

## 5. Who is a designer?

The designer is defined in the new regulations as the person who is in charge of all or part of the 'design of the end product of the construction work'. Examples of designers who may have obligations under the new regulations include:

- Architects
- Civil and structural engineers
- Building surveyors
- Landscape architects
- Building service engineers
- Engineering practices or others designing fixed plant (including ventilation systems, electrical systems and permanent fire extinguisher installations)
- Contractors carrying out design work as part of their contribution to the overall project - for example, engineering contractors
- Interior designers, including shop-fitters who help with the design
- Anyone specifying or designing how demolition, dismantling work, structural alterations or the formation of openings is to be carried out
- Anyone who specifies or alters a design or who specifies the use of a particular work method or construction material

## 6. What is design work?

Design work in relation to any building or structure includes the preparation of any drawing, design detail, scope of works document or specification about the building or structure. Design work also includes variations to a plan or changes to a structure.

## 7. What does consultation with the designer involve?

This involves discussing the safety and health aspects of the design, and aims to ensure, as far as practicable, that the construction work required to build the design can be done without risk to the safety and health of the people doing the work.

The range of issues clients should discuss with the designer might include:

- The construction methods to be employed;
- The building materials to be used;
- The structural features of the design;
- Any hazards or difficulties posed by the location, layout or accessibility of the proposed construction site;
- The nature and pitch of any roofing; and
- The need to consider the ongoing maintenance, repair and cleaning requirements for the completed building or structure.

The designer is required to give a written report to the client on the safety and health aspects of the design. The client must pass this information on to the main contractor and to anyone who obtains the end product of the construction work from the client. Further detail on the client's obligation to pass on information is given in paragraph 10. Information about the designer's report is provided in the document entitled "*The National Standard for Construction Work - Guidance for Designers*".

## 8. Who is the main contractor?

The main contractor is defined in regulation 1.3 of the Occupational Safety and Health Regulations 1996 as being:

- the person for whose direct benefit all the work done at a construction site exists upon its completion; or*
- if the person mentioned in paragraph (a) has engaged another person, other than as his or her employee, to do or cause to be done all the work at the construction site, the other person so engaged.*

Depending on the nature of the contracting arrangements and the particular circumstances of the project, this means that the main contractor and the client could be the same person. In this case, the client will need to comply with the main contractor and client requirements of the new regulations.

Further information about the requirements for main contractors is given in the document entitled *"The National Standard for Construction Work - Guidance for main contractors and people with control of construction work"*.

## **9. What does consultation with the main contractor involve?**

This involves discussing the various aspects of the construction project to ensure, as far as practicable, that the construction work can be done without risk to the health and safety of either those doing the work, or anyone else who may be at or near the construction site. Consultation between the client and the main contractor should occur before construction work starts and continue at appropriate intervals as the project progresses.

The client should discuss the safety and health aspects of the construction work required to build the design, and find out what risk control measures will be, or have been, put in place to protect the safety and health of everyone involved. Although the range of issues and level of detail that might be discussed with the main contractor will vary depending on the nature of the construction project, the consultation should always cover matters such as:

- The hazards associated with the construction work;
- The measures that will be, or have been, put in place either to eliminate those hazards or, where that is not practicable, reduce the risks they pose. This might include such things as: edge protection and other fall protection measures, traffic management plans, and any site safety rules and procedures;
- Any checks that will be, or have been, carried out to ensure that those required to undergo safety and health training have done so;
- The measures that will be, or have been, put in place to protect visitors to the site or any members of the public or other workers who may be on or near the site;
- Who has specific occupational safety and health responsibilities at the site and what those responsibilities are; and
- The arrangements that will be, or have been, put in place to manage and respond to any safety and health incidents that may occur at the site.

## **10. What safety and health information must the client pass on, and to whom?**

In situations where the client is not the main contractor for the construction project, the client must ensure, as far as practicable, that any information he or she receives about the hazards that have been identified and the risk control measures that have been considered and/or put in place, is passed on to the main contractor. This will include:

- The written occupational safety and health report given to the client by the designer;

- Any other safety and health information the client may have received as a result of any consultation with any other person involved in the project, such as other contractors, any safety and health representatives, any safety officers or occupational safety and health professionals, or any safety and health committee members;
- Any safety and health information the client may have compiled having completed his or her own hazard identification and risk assessment process in relation to the project; and
- Any particular issues the client may be aware of in relation to the project or the site which may have a bearing on safety and health but which may not be evident to anyone without the same local or background knowledge.

Clients must ensure, as far as practicable, that the same information is passed on to anyone who obtains the end product of the construction work from the client.

Clients should be aware that during a project's construction phase, main contractors may advise them of instances where it becomes apparent that a change to the design could either eliminate or better control a risk to safety and health at the site. In such cases, the client should bring the information to the attention of the designer and seek a change to the design to eliminate or otherwise better control the identified risk.

## 11. Other sources of information

### (a) Occupational Safety and Health Regulations 1996

Copies of the Occupational Safety and Health Regulations 1996 can be purchased from State Law Publisher, 10 William Street, Perth [Tel. (08) 9321 7688 Website: [www.slp.wa.gov.au](http://www.slp.wa.gov.au)]. Reference copies are also held in the WorkSafe library, 5th Floor, Westcentre, 1260 Hay Street, West Perth.

### (b) The National Standard for Construction Work [NOHSC: 1016 (2005)]

Copies of the National Standard for Construction Work can be downloaded from the website of the Office of the Australian Safety and Compensation Council at [www.ascc.gov.au](http://www.ascc.gov.au).

### (c) Contact for further information

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