



Building and Construction Industry Improvement (Accreditation Scheme) Amendment Regulations 2006 (No. 2)¹

Select Legislative Instrument 2006 No. 198

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Building and Construction Industry Improvement Act 2005*.

Dated 27 July 2006

P. M. JEFFERY
Governor-General

By His Excellency's Command

KEVIN ANDREWS
Minister for Employment and Workplace Relations

1 Name of Regulations

These Regulations are the *Building and Construction Industry Improvement (Accreditation Scheme) Amendment Regulations 2006 (No. 2)*.

2 Commencement

These Regulations commence on 31 July 2006.

3 Amendment of *Building and Construction Industry Improvement (Accreditation Scheme) Regulations 2005*

Schedule 1 amends the *Building and Construction Industry Improvement (Accreditation Scheme) Regulations 2005*.

4 Application of amendments

(1) If:

- (a) an accreditation under the *Building and Construction Industry Improvement (Accreditation Scheme) Regulations 2005* was given before 31 July 2006; and
- (b) the period of accreditation commenced before 31 July 2006;

the amendment made by item [5] of Schedule 1 applies in relation to the application, but the remainder of those Regulations, as in force immediately before 31 July 2006, is taken to apply in relation to the application.

(2) If:

- (a) either:
 - (i) an accreditation under the *Building and Construction Industry Improvement (Accreditation Scheme) Regulations 2005* was given before 31 July 2006; or

- (ii) an application for accreditation under the *Building and Construction Industry Improvement (Accreditation Scheme) Regulations 2005* was made before 31 July 2006; and
- (b) the period of accreditation did not commence before 31 July 2006;

the amendment made by item [6] of Schedule 1 applies in relation to the accreditation, but the remainder of those Regulations, as in force immediately before 31 July 2006, is taken to apply in relation to the accreditation.

- (3) If:
 - (a) an applicant wishes to make an application for accreditation under the *Building and Construction Industry Improvement (Accreditation Scheme) Regulations 2005* on or after 31 July 2006 and before 1 October 2006; and
 - (b) the Commissioner is satisfied that, if:
 - (i) the application were made; and
 - (ii) the applicant were successful;the period of accreditation that would be imposed would commence before 1 October 2006;

the amendment made by item [6] of Schedule 1 applies in relation to the application, but the remainder of those Regulations, as in force immediately before 31 July 2006, is taken to apply in relation to the application.

Note An applicant wishing to apply for accreditation should contact the Office of the Federal Safety Commissioner first to establish whether (and how) the amendments in Schedule 1 will apply to the application. This will allow the applicant to identify what information must be in, or must accompany, the application.

The Federal Safety Commissioner has arrangements in place for prospective applicants that will allow the Commissioner to identify when the period of accreditation would commence if the applicant were successful.

- (4) If:
 - (a) an applicant wishes to make an application for accreditation under the *Building and Construction Industry Improvement (Accreditation Scheme) Regulations 2005* on or after 31 July 2006; and

- (b) the Commissioner is satisfied that, if:
 - (i) the application were made; and
 - (ii) the applicant were successful;the period of accreditation that would be imposed would commence on or after 1 October 2006;

the amendments made by items [1], [2], [3], [4], [6], [7] and [8] of Schedule 1 apply in relation to the application, but the remainder of those Regulations, as in force immediately before 31 July 2006, is taken to apply in relation to the application.

Note An applicant wishing to apply for accreditation should contact the Office of the Federal Safety Commissioner first to establish whether (and how) the amendments in Schedule 1 will apply to the application. This will allow the applicant to identify what information must be in, or must accompany, the application.

The Federal Safety Commissioner has arrangements in place for prospective applicants that will allow the Commissioner to identify when the period of accreditation would commence if the applicant were successful.

Schedule 1 Amendments

(regulation 3)

[1] Subregulations 6 (2) and (3)

substitute

- (2) In deciding an application, the Federal Safety Commissioner must have regard to the following matters:
 - (a) whether the applicant's OHSMS:
 - (i) has been certified to the AS/NZS 4801:2001; or
 - (ii) has been certified to the international OHSMS standard OHSAS 18001:1999;
 - (b) the applicant's experience (if any) in dealing with construction hazards or high risk activities;
 - (c) the applicant's record in relation to workplace safety;
 - (d) the findings of a pre-accreditation audit.

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- (3) The Federal Safety Commissioner must also have regard to the performance of the applicant against the following focus points:
- (a) demonstrated senior management commitment to OH&S;
 - (b) demonstrated effective subcontractor OH&S management;
 - (c) integration of safe design principles into the risk management process;
 - (d) whole of project OH&S consultation and communication;
 - (e) whole of project OH&S performance measurement;
 - (f) OH&S training requirements.

[2] Regulation 9

substitute

9 Matters to accompany application

The following must accompany an application made under regulation 7:

- (a) a copy of a certificate mentioned in paragraph 6 (2) (a);
- (b) evidence of the applicant's experience (if any) in dealing with construction hazards or high risk activities;
- (c) an indication that the applicant has agreed to the pre-accreditation audit and process mentioned in Division 2.4;
- (d) evidence of the commitment of the applicant's senior management to appropriate OH&S policies and procedures and safe work practices;
- (e) evidence of the applicant's work practices in relation to the applicant's building contractors and the applicant's building sites;
- (f) evidence that the applicant integrates safe design principles into the risk management process;
- (g) evidence that the applicant has mechanisms for effective consultation and communication of OH&S issues across an entire project;

- (h) evidence of the applicant's capability to collect and analyse information about, and report on, OH&S performance across an entire project;
- (i) evidence that the applicant ensures that workers at all levels on a project are suitably trained and competent to deal with OH&S risks associated with the project.

[3] Subregulation 12 (1)

substitute

- (1) The Federal Safety Commissioner must decide an application for accreditation, including:
 - (a) the period of accreditation (which must not be longer than 3 years); and
 - (b) whether or not the applicant is to be accredited subject to a condition.

[4] Paragraph 12 (3) (b)

substitute

- (b) if the applicant is successful:
 - (i) the date from which the applicant is accredited; and
 - (ii) the period of accreditation; and

[5] Subregulation 13 (1)

substitute

- (1) If the period of accreditation commenced before 31 July 2006, the period of accreditation ends 12 months after the date on which the period of accreditation commenced.

Note The period of accreditation commenced on the date notified under paragraph 12 (3) (b).

[6] After subregulation 13 (2)

insert

- (3) If the period of accreditation commences on or after 31 July 2006, and before 1 October 2006, the period of accreditation ends at the end of 31 July 2007.

Note The period of accreditation commences on the date notified under paragraph 12 (3) (b).

- (4) If the period of accreditation commences on or after 1 October 2006, the period of accreditation is the period determined by the Federal Safety Commissioner under subregulation 12 (1).

Note The period of accreditation commences on the date notified under paragraph 12 (3) (b).

- (5) The period under subregulation (3) or (4) must not be extended.

[7] Regulation 13, note

substitute

Note At the end of the period of accreditation, to remain accredited, an accredited person must apply for a new accreditation.

[8] Regulation 19, table, after item 1

insert

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|----|--|----------------------|
| 1A | To determine a period of less than
3 years' accreditation | subregulation 12 (1) |
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Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.