

National Standard for Construction Work

Guidance for:
Designers

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;
- Designers doing design work for construction projects; and
- Main contractors and people with control of construction work.

3. Who is a designer?

The designer is defined in the new regulations as being the person in charge of all or part of the 'design of the end product of the construction work'. 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 e.g. 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; and
- Anyone who specifies or alters a design or who specifies the use of a particular work method or construction material.

4. What is design work?

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

5. What responsibilities do designers have under the new regulations?

Designers must give a written occupational safety and health report to all clients commissioning design and/or construction work as part of a trade or business (referred to as 'commercial clients').

The designer's report must set out:

- the hazards associated with the construction work required to build the design, (for example, hazardous structural features, hazardous construction materials or hazardous procedures or practices.);
- the designer's assessment of the risk of injury or harm resulting from those hazards;
- the action the designer has taken to reduce those risks, (for example, changes to the design or changes to construction methods or construction materials); and
- any parts of the design where hazards have been identified but not resolved.

The level of detail given in the designer's report must be appropriate for the client, the nature of the hazard(s) and the degree of risk.

Designers are not required to give written occupational safety and health reports to clients commissioning work in a private capacity. However, as designers have a general duty of care under section 23(3a) of the *Occupational Safety and Health Act 1984* (the Act) to ensure, as far as practicable, that their designs are such that people who properly construct, maintain, repair, service or use the building or structure are not exposed to hazards, the preparation of written occupational safety and health reports for all clients is considered good practice, and may assist designers in meeting their general duty obligation under the Act.

6. What else do designers need to know about the new regulations?

Designers should be aware that 'commercial clients' have a specific obligation under the new regulations to consult with them about the safety and health aspects of the design. The consultation aims to ensure, as far as practicable, that those doing the construction work required by the design may do so without risk to their safety and health.

Further information on the consultation requirements for clients is given in the guidance document "*The National Standard for Construction Work - Guidance for Clients*".

'Commercial clients' must also ensure, as far as practicable, that any information they receive 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 and to anyone who obtains the end product of the construction work from the client. This information will include:

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

Designers should also be aware that during a project's construction phase, main contractors may advise the client 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.

Designers should also note their general duty obligation under section 23(3a) of the *Occupational Safety and Health Act 1984* to ensure, as far as practicable, that the design of the building or structure is such that those who properly construct, maintain, repair, service or use it are not exposed to hazards.

Further guidance to help designers to comply with their general duties under the occupational safety and health legislation in Western Australia is given in the *Draft Code of Practice: Safe Design of Buildings and Structures* and the *Guidance Note: General Duty of Care in Western Australian Workplaces* published by the Commission for Occupational Safety and Health.

7. Other sources of information

(a) **The *Occupational Safety and Health Act 1984* and *Occupational Safety and Health Regulations 1996***

Copies of the *Occupational Safety and Health Act 1984* and 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]. 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.

(c) Commission for Occupational Safety and Health publications

- *Code of Practice: Safe Design of Buildings and Structures*
- *Guidance Note: General Duty of Care in Western Australian Workplaces*

(d) Contact for further information

WorkSafe

5th Floor

Westcentre

1260 Hay Street

WEST PERTH WA 6005

Telephone: 1300307 877

TTY: (08) 9327 8838

Fax: (08) 9321 8973

Email address: safety@docep.wa.gov.au

Website: www.worksafe.wa.gov.au