A summary of the proposed major changes and HIA’s recommendations to COAG are outlined below:

- **Working at Heights** – The model regulations require that physical fall protection measures be used where reasonably practical, but does not impose a height threshold for when this is to be applied. This could lead to the use of physical fall protection measures at any height, which is impractical and inconsistent with the Nation Code of Practice for the Prevention of Falls in Housing Construction.

  HIA has recommended that the housing industry be excluded from the general falls provision of the model regulations. HIA has recommended that the threshold for providing physical fall protection measures be no less than 3 metres.

- **Overlapping Duties** - The model regulations impose a number of obligations on a “person conducting a business or undertaking” (PCBU). On a building site there will at any one time be a number of PCBUs operating as contracting parties. Whilst it is suggested that there will be an increased responsibility of contractors to engage in safety measures, the practical consequences are that the regulator will be able to select which of a number of parties they choose to hold responsible. Inevitably, the person held responsible by the regulators will be the builder who on most occasions does not have ‘actual control’ over the work being undertaken.

  HIA has recommended in its submissions to COAG that we support a duty structure that provides for individual responsibility to the extent that the person is in ‘control’ of a certain activity.

- **Definition of Construction work** – The following inclusions have been proposed:
  - Minor maintenance, testing and repair work (i.e. window cleaning)
  - Installation, testing and maintenance of some plant and structures
  - Installation of essential services
  - Prefabrication of customized elements such as windows, trusses and kitchens (excluding off-site prefabrication work)

  HIA has recommended that the Model regulations exclude the above inclusions.

- **Threshold for Principal Contractors** – The model regulations specify that a PCBU who commissions a ‘construction project’ at a cost of $200,000 or more is considered to be the principal contractor of that project.

  HIA has recommended that housing construction be excluded.

- **Construction Safety Plans** - The model regulations require a principal contractor to prepare a Construction Safety Plan for all jobs $200,000 or more. The plan will have to include all on-site safety rules, the names and positions of those who have WPHS obligations as well as procedures for reviewing Safe Work Method Statements (SWMS).

  Although Queensland currently requires construction safety plans, HIA is recommending that the provision be removed from the model regulations.
• **Safe Work Method Statements** - The model regulations require that a PCBU who is carrying out high risk work to have a SWMS.

Although Queensland currently requires SWMSs for high risk work, HIA is recommending that the provision be removed from the model regulations as there is no evidence to suggest that such administrative requirements improve safety on site.

• **Duties of Designers** – The model regulations require a designer to give a safety report to the principal contractor that specifies the safety risks associated with the design.

There are currently no states or territories with such requirements. HIA is also concerned as to how this provision will be enforced where the designer and principal contractor are one in the same person. HIA has recommended that this provision be removed from the model regulations.

• **Excavation Notification** – The model regulations specify that all ‘high risk’ excavation work (i.e. 1.5m or more deep) be notified to the regulator prior to excavation work commencing. As this would include general ‘cut and fill’ work on a housing project and there is no evidence as to why this would be necessary, HIA has opposed its inclusion into the model regulations.

• **Construction Amenities** – Currently QLD, NSW and Victoria specify provisions for amenities on construction sites. Additionally these states have developed guidance material for housing construction. HIA has recommended that the provisions from the eastern seaboard guidance material be recognized for housing sites.

• **General Construction Safety Induction** – The model regulations require a General Construction Safety Induction be completed by all persons before undertaking building and construction work. Whilst this is an accepted practice there are still concerns that may arise from the definition of construction work that relates to when a GSI is needed, i.e. whether delivery drivers, maintenance workers, or prefabrication work and persons not actually conducting construction work (but are on site) are required to have a card.

HIA NQ has already organised information nights in connection with the Safety Harmonisation matter in some regional areas. Members in other areas where sessions have not taken place will be notified of their time, date and venue shortly.

Members requiring further information should contact HIA Safety Services on (07)3846 1298.

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