Comcare, acting under regulation 684 of the Work Health and Safety Regulations 2011 (WHS Regulations), having taken into account all relevant matters, grants an exemption from compliance with regulation 316 and subregulations 317(1), 317(2) and 326(1) of the WHS Regulations on the terms prescribed in the attached Exemption Instrument.

Dated this 2\textsuperscript{nd} day of September 2014

Signed

Cathy Skippington

Cathy Skippington
Deputy Chief Executive Officer, Comcare
1. **Name**
   
   This Instrument may be cited as the *Work Health and Safety Exemption (Construction induction training — ASC AWD Shipbuilder Pty Ltd and overseas technical specialists) (September 2014)*

   **NOTE:** This Instrument is a legislative instrument within the meaning of the *Legislative Instruments Act 2003* (see regulation 692(2) of the *Work Health and Safety Regulations 2011*).

2. **Applicant**

   This exemption has been granted on the written application of ASC AWD Shipbuilder Pty Ltd (ASC AWD), being a body corporate prescribed by the *Work Health and Safety Act 2011* (WHS Act) as a public authority for the purposes of the WHS Act.

3. **Persons to whom the exemptions apply**

   This exemption applies to

   (a) ASC AWD; and

   (b) technical specialists.

   In this Instrument, *technical specialists* means persons:

   (i) recruited from overseas by ASC AWD; and

   (ii) who carry out construction work involving the provision of technical support for the installation, set-to-work, integration and testing of platform and combat system hardware equipment fitted to Air Warfare Destroyer ships under construction at ASC AWD’s shipyard at Osborne, South Australia.
4. **Circumstances in which the exemptions will apply**

The exemptions will apply so that:

(a) ASC AWD:

   (i) is not required to ensure that general construction induction training (CIT) (as defined in regulation 5 of the WHS Regulations) is provided to the technical specialists before they carry out construction work (regulation 316);

   (ii) may direct or allow the technical specialists to undertake construction work notwithstanding that they have not successfully completed CIT (subregulation 317(1)); and

   (iii) is not required to ensure that the technical specialists hold a construction induction training card (CITC) or a general construction induction training certification (GCITC) issued within 60 days before carrying out construction work (subregulation 317(2)); and

(b) Technical specialists will not have to keep available for inspection under the Act:

   (i) a CITC (subregulation 326(1)(a); or

   (ii) a GCITC held until a decision is made on a CITC application (subregulation 326(1)(b)).

The exemptions are granted subject to the conditions stated at paragraph 7 below.

5. **The thing in relation to which the exemptions apply**

The exemptions will apply in relation to general construction induction training and evidence of this training which takes the form of a CITC and, where a CITC has yet to be issued, the GCITC.

6. **Regulations to which the exemptions apply**

The exemptions will apply in relation to:
(a) regulation 316 and subregulations 317(1) and (2) which impose duties on ASC AWD as the relevant person conducting a business or undertaking; and

(b) subregulation 326(1) which imposes duties on technical specialists (as workers who carry out construction work).

7. Conditions placed on the grant of the exemptions

The exemptions are granted on the following conditions:

1) ASC AWD provides work health and safety induction training (ASC safety induction training) to the technical specialists before they carry out construction work.

2) ASC AWD must ensure that the ASC safety induction training:

   (a) is provided by trainers who hold at least a Certificate IV in training and assessment (or equivalent);

   (b) includes the following subject areas:

      (i) the roles, responsibilities and rights of duty-holders under the WHS Act and WHS Regulations;

      (ii) health and safety consultation and reporting processes;

      (iii) the principles of risk management;

      (iv) common construction hazards and control measures;

      (v) safety information and documentation;

   (c) includes a WHS tour of the workplace at ASC AWD’s shipyard at Osborne, South Australia;

   (d) caters for technical specialists who are not fully conversant in English by providing them with a suitable interpreter during training; and

   (e) requires the technical specialists to achieve a mark of at least 80% in a written examination upon completion of the training.
3) ASC AWD must maintain documents of course content of the ASC safety induction training.

4) ASC AWD must keep a record, until the completion of the Air Warfare Destroyer Program, for each technical specialist showing that he or she successfully completed the ASC safety induction training.

5) ASC AWD may only issue a site security pass to technical specialists upon their satisfactory completion of ASC safety induction training.

8. Commencement date

This instrument commences on the day after it is registered on the Federal Register of Legislative Instruments.

9. Expiration date

This instrument expires five years after taking effect, or upon completion of the Air Warfare Destroyer program—whichever is earlier—unless the expiration date is amended or the exemptions are cancelled under regulation 697 of the WHS Regulations.