



Fair Work (Building Industry— Accreditation Scheme) Amendment Regulation 2014

Select Legislative Instrument No. 189, 2014

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),
Governor-General of the Commonwealth of Australia, acting with the
advice of the Federal Executive Council, make the following regulation.

Dated 11 December 2014

Peter Cosgrove
Governor-General

By His Excellency's Command

Eric Abetz
Minister for Employment

OPC60830 - A

1 Name

This is the *Fair Work (Building Industry—Accreditation Scheme) Amendment Regulation 2014*.

2 Commencement

Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | |
|--|--|
| Column 1 | Column 2 |
| Provisions | Commencement |
| 1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table | The day after this instrument is registered. |
| 2. Schedule 1 | 1 January 2015. |
| 3. Schedule 2, item 1 | The latest of: (a) the start of 1 January 2015; and (b) the start of the day section 3 of the <i>Building and Construction Industry (Improving Productivity) Act 2014</i> commences; and (c) immediately after the commencement of the provisions covered by table item 2. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur. |
| 4. Schedule 2, item 2 | The latest of: (a) the start of 1 January 2015; and (b) the start of the day paragraph 6(1)(ea) of the <i>Building and Construction Industry (Improving Productivity) Act 2014</i> commences; and (c) immediately after the commencement of the provisions covered by table item 3. However, the provisions do not commence at all if an event mentioned in paragraph (b) or (c) does not occur. |
| 5. Schedule 2, item 3 | The latest of: |

No. 189, 2014 *Fair Work (Building Industry—Accreditation Scheme) Amendment Regulation 2014* 1

OPC60830 - A

| Commencement information | |
|---------------------------------|--|
| Column 1 | Column 2 |
| Provisions | Commencement |
| | (a) the start of 1 January 2015; and (b) the start of the day section 3 of the <i>Building and Construction Industry (Improving Productivity) Act 2014</i> commences; and (c) immediately after the commencement of the provisions covered by table item 2. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur. |
| 6. Schedule 2, item 4 | The latest of: (a) the start of 1 January 2015; and (b) the start of the day paragraph 6(1)(ea) of the <i>Building and Construction Industry (Improving Productivity) Act 2014</i> commences; and (c) immediately after the commencement of the provisions covered by table item 3. However, the provisions do not commence at all if an event mentioned in paragraph (b) or (c) does not occur. |

3 Authority

This instrument is made under the *Fair Work (Building Industry) Act 2012*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Fair Work (Building Industry—Accreditation Scheme) Regulations 2005

1 Regulation 3

Repeal the following definitions:

- (a) definition of *AS/NZS 4801:2001*;
- (b) definition of *OHSAS 18001:2007*.

2 Regulation 3

Insert:

WHSMS means a workplace health and safety management system.

3 Regulation 3 (definition of *Workplace Health and Safety Management System*)

Repeal the definition.

4 Paragraph 6(2)(a)

Repeal the paragraph, substitute:

- (a) the applicant's WHSMS;

5 Regulation 7

Omit “(other than an individual)”.

6 Regulation 9

Before “The following”, insert “(1)”.

7 Paragraph 9(a)

Repeal the paragraph.

8 At the end of regulation 9

Add:

- (2) The Federal Safety Commissioner may waive a requirement to provide evidence or an indication in relation to a matter under subregulation (1) if:
- (a) the applicant is, or has been, an accredited person; and
 - (b) the Commissioner is satisfied that the applicant has previously provided sufficient information in relation to that matter.

9 Paragraph 12(1)(a)

Omit “3 years”, substitute “6 years”.

10 After paragraph 14(1)(b)

Insert:

- (ba) the person agrees to take all reasonable steps to facilitate the post-accreditation audits and the audit process mentioned in regulation 16;

11 Regulation 19 (table item 1A)

Omit “3”, substitute “6”.

12 Subparagraphs 24(1)(c)(i) and (d)(i)

Omit “\$3 000 000”, substitute “\$4 000 000”.

13 Sub-subparagraph 24(1)(d)(ii)(A)

Omit “\$5 000 000”, substitute “\$6 000 000”.

14 Subparagraph 24(1)(e)(i)

Omit “\$3 000 000”, substitute “\$4 000 000”.

15 Subparagraph 24(1)(h)(ii)

Repeal the subparagraph, substitute:

- (ii) the building work is to be carried out, in whole or in part, by a builder who is not an accredited person;

16 At the end of subregulation 24(1)

Add:

- ; (i) any work that is part of a project for:
 - (i) the construction, repair or restoration of a single-dwelling house; or

-
- (ii) the construction, repair or restoration of any building, structure or work associated with a single-dwelling house; or
 - (iii) the alteration or extension of a single-dwelling house, if it remains a single-dwelling house after the alteration or extension.

17 At the end of the regulations

Add:

Part 4—Transitional

25 Application of the *Fair Work (Building Industry—Accreditation Scheme) Amendment Regulation 2014*

- (1) Item 4 of Schedule 1 to the Fair Work (Building Industry—Accreditation Scheme) Amendment Regulation 2014 applies to a decision on an application made by the Federal Safety Commissioner on or after the commencement of that item, whether or not the application was made before the commencement of that item.
- (2) Item 10 of Schedule 1 to the Fair Work (Building Industry—Accreditation Scheme) Amendment Regulation 2014 applies to an accredited person in relation to a period of accreditation that starts on or after the commencement of that item.
- (3) Items 12 to 16 of Schedule 1 to the Fair Work (Building Industry—Accreditation Scheme) Amendment Regulation 2014 apply to building work carried out under a contract entered into on or after the commencement of item 12.

Schedule 2—Contingent amendments

Fair Work (Building Industry—Accreditation Scheme) Regulations 2005

1 At the end of subregulation 24(1)

Add:

- ; (j) the prefabrication of made-to-order components to form part of any building, structure or works where the prefabrication is carried out off-site;
- (k) building work covered by paragraph 6(1)(e) of the *Building and Construction Industry (Improving Productivity) Act 2014*.

2 At the end of subregulation 24(1)

Add:

- ; (l) building work covered by paragraph 6(1)(ea) of the *Building and Construction Industry (Improving Productivity) Act 2014*.

3 At the end of regulation 25

Add:

- (4) Item 1 of Schedule 2 to the Fair Work (Building Industry—Accreditation Scheme) Amendment Regulation 2014 applies to a contract entered into on or after the commencement of that item.

4 At the end of regulation 25

Add:

- (5) Item 2 of Schedule 2 to the Fair Work (Building Industry—Accreditation Scheme) Amendment Regulation 2014 applies to a contract entered into on or after the commencement of that item.