



## Fact Sheet

# The Building and Construction Industry Improvement Amendment (OHS) Bill 2007

### The amendments

The amendments to the *Building and Construction Industry Improvement Act 2005* (BCII Act) are necessary to ensure the continued improvement of OHS performance on Australian Government building and construction sites.

The amendments to the Act have three main purposes:

- to allow the Australian Government Building and Construction OHS Accreditation Scheme (the Scheme) to be applied to indirectly funded Australian Government projects;
- to simplify the processes required to engage Federal Safety Officers (FSOs); and
- to allow the disclosure of information between the Federal Safety Commissioner (FSC) and the Minister for Employment and Workplace Relations.

### Why are the changes necessary?

The Office of the Federal Safety Commissioner (OFSC) is committed to improving occupational health and safety performance in the building and construction industry, where work must be performed safely as well as on time and on budget.

The Scheme is being implemented in two stages: Stage One introduced the Scheme to directly funded projects, while indirectly funded projects will be covered by Stage Two.

Prior to the amendments, the Scheme applied only to projects directly funded by the Australian Government.

The amendments to the BCII Act will allow for the application of the Scheme to projects indirectly funded by the Australian Government.

The amendments will also ensure that builders maintain their accreditation while undertaking building work. This requirement will not introduce any complexity to the Scheme, as the requirements for accreditation will remain broadly the same as for Stage One.

### Simplified process for engaging FSOs

For a consultant to be appointed as an FSO, section 34 of the BCII Act currently requires that they must first be engaged as a consultant by the Secretary of the Department of Employment and Workplace Relations.

The amendments will allow the FSC to engage consultants for the purposes of appointment as FSOs and to determine the terms and conditions of their engagement.

The process of engaging consultants will still be subject to standard Australian Government procurement processes. The amendments do not change the powers of FSOs.

### Disclosure of information

The amendments to Section 65 of the BCII Act will clarify the FSC's ability to disclose



information to the Minister for Employment and Workplace Relations. The current provisions of the BCII Act prevent this.

The amendments will allow the FSC to better fulfil his obligation as outlined in the BCII Act by allowing him to more actively promote OHS in the building and construction industry. The amendments will also allow the FSC to provide appropriate and timely advice to the Minister regarding the Scheme.

### Next steps

The OFSC is in the process of drafting changes to the Regulations to support the changes to the BCII Act. The Office has consulted widely on Stage Two of the Scheme and will continue to consult leading up to the implementation of Stage Two.

To support the implementation of the Scheme after 1 October 2007, the OFSC is developing model clauses to assist Australian Government agencies. These clauses can be included in contracts, funding agreements, Request for Tender documentation and advertising.

It is proposed that Stage Two will take effect from 1 October 2007.

### For further information you can:

- visit the FSC website at [www.fsc.gov.au](http://www.fsc.gov.au)
- contact the FSC Assist Line on 1800 652 500
- contact the OFSC via email at [ofsc@dewr.gov.au](mailto:ofsc@dewr.gov.au)

This fact sheet is correct as of 10 April 2007

**Produced by the Office of the Federal Safety Commissioner**

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