

MEMBER GUIDE

When and how do the amendments apply?

The new amendments passed by the ACT Government require principal contractors to consult with eligible unions about the formation of work groups, the number of health and safety representatives, and the formation of health and safety committees.

The amendments do not provide any additional right of entry power to the unions.

You must comply with the new requirements if:

- You have a contract for **construction work** with an initial contract value of **\$5 million** or greater, unless it is a contract for a single residential dwelling, which are excluded; **AND**
- The contract is dated on or after **1 January 2019**; **AND**
- The construction work is to take place in the ACT.

*If any of the three pre-conditions are not applicable, you are not required to comply with these amendments.
Your existing WHS obligations under the legislation continue to apply.*

Before you commence construction

- Complete the [Approved Form AF/2018-44: Notice of requirement to consult](#) and send it to all **eligible unions**. A list of all potential eligible unions is available [here](#).

Eligible union response

If an eligible union wants to be involved in the consultation process, they must complete the [Approved Form AF/2018-45: Response to notice of consultation with eligible union](#) and return it to you **within 14 days**.

You should consider the content of the response, but you are **not required to implement any of the suggestions**.

When you commence construction: representatives

When you commence construction work, you must **NEGOTIATE** with your workers (this includes but is not limited to employees, sub-contractors and labour hire employees) about the formation of **work groups** and the number of **health and safety representatives**.

Once this is determined, you must facilitate an election of the number of negotiated health and safety representatives.

When you commence construction: committees

Within two months of commencing construction, you must also form a health and safety committee (no less than 50% can be workers) and facilitate an election for the committee positions.

Training of representatives and committee members

All elected health and safety representatives, and committee members **must** attend an accredited course.

Contact Us

If you have any questions, please contact:

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