

## **Occupational Licensing Act 2005**

### **Occupational Licensing (Supervision of Prescribed Work) Code of Practice 2008**

I, Robert Lindsay Pearce, Administrator of Occupational Licensing, establish the following Code of Practice under section 53 of the *Occupational Licensing Act 2005*.

#### **1. Short title**

This Code of Practice may be cited as the Occupational Licensing (Supervision of Prescribed Work) Code of Practice 2008.

#### **2. Commencement**

This Determination takes effect on the day fixed for commencement of section 7(1) of the *Occupational Licensing Act 2005*.

#### **3. Purpose**

This code sets minimum standards for the supervision of those required to be supervised in the performance of prescribed work.

#### **4. Application of Acts Interpretation Act 1931**

The *Acts Interpretation Act 1931* applies to this Code of Practice.

#### **5. Interpretation**

In this Code, unless the context otherwise requires -

“**Act**” means the *Occupational Licensing Act 2005*;

“**apprentice**” includes a person -

- (a) undergoing an approved course of training in the performance of prescribed work; and;
- (b) falling within the terms of section 36(4) and (5) of the Act;

“**approved course of training**” means a course approved by the Administrator;

“**code**” means this Code of Practice;

“**contractor**” means the holder of a contractor's licence under section 21 of the Act who -

- (a) enters into a contract to carry out any prescribed work; or
- (b) employs another person to carry out any prescribed work; or
- (c) has the management or control of any other person carrying out any prescribed work;

“**direct supervision**” means supervision applied by a practitioner to a supervised person performing prescribed work, to ensure the discharge of their duties under this Code including, at all times -

- (a) being physically in the immediate presence of the supervised person;
- (b) visually observing the supervised person; and
- (c) remaining within earshot of the supervised person;

**“general supervision”** means supervision applied by a practitioner to a supervised person performing prescribed work and includes–

- (a) as often as is necessary, ensuring the discharge of their duties under this Code is maintained by -
  - (i) being physically present with the supervised person; and
  - (ii) observing the supervised person’s work;

**“practitioner”** means a person who is the holder of a licence authorising him or her to carry out any prescribed work;

**“prescribed work”** means any work that is governed by the *Occupational Licensing Act 2005* or associated Regulations made under the Act;

**“schedule”** means the Schedules attached at the end of this code;

**“supervised person”** means –

- (a) an apprentice; and
- (b) a person undergoing an approved course of training without a contract of training;

**“supervision”** means the level and pattern of control exercised over a supervised person when allocating work to be performed, and includes general supervision and direct supervision, and has the purpose of ensuring, among other things, the supervised person performs prescribed work in –

- (a) a safe manner;
- (b) accordance with required work standards; and
- (c) compliance with the Act and this code;

**“supervisor”** means a practitioner performing the duties required by this code and the Act.

## 6. IMPORTANT POINTS ON SUPERVISION

- (1) This clause is for guidance only and is subject to the application of clauses 7-9.
- (2) The supervision of prescribed work has been split into two main categories - direct and general (refer to the definitions) - to assist supervisors in the application of their duties under this code.
- (3) This code does not diminish or lessen the duty to comply with -
  - (a) the *Workplace Health and Safety Act 1995* and the obligations that relate to supervision and the duties of employers and employees to take reasonable care for their own health and safety, and that of others;
  - (b) other obligations created under the *Occupational Licensing Act 2005* and, in particular –
    - (i) the duty of practitioners to perform or supervise prescribed work only within their area of competence; and
    - (ii) to be, and to remain, \**“fit and proper”* to hold a practitioner’s licence.
- (4) Without diminishing the effect of clause 7, and in particular clause 7(1)(c) -
  - (a) provisional licence holders, or previously licensed persons re-entering the trade, would ordinarily be supervised in line with the requirements of a 4<sup>th</sup> year apprentice for the prescribed work;

- (b) Vocational Education and Training (VET) students and the equivalent who require supervision, would ordinarily be supervised in line with the requirements of a 1<sup>st</sup> year apprentice for the prescribed work, dependent on the verification of acquired skills and knowledge;
- (c) persons in an approved course of training, prior to their application for a restricted licence (prescribed work), would ordinarily be supervised in accordance with the relevant Schedule; and
- (d) labourers who perform work in association with prescribed work must be supervised at a level commensurate with their knowledge, skills and experience.

## **7. DUTIES RELATING TO SUPERVISION**

- (1) The supervisor of a supervised person who is about to, or is, performing prescribed work must -
  - (a) apply direct or general supervision, or a mixture of the two where it is appropriate to do so;
  - (b) give consideration to the type of prescribed work to be undertaken;
  - (c) assume, until the contrary is made apparent by the conduct of the supervised person, that the supervised person –
    - (i) has no or minimal skills or knowledge required technically to perform the work;
    - (ii) has no or limited awareness of the risks associated with performing prescribed work; and
    - (iii) requires direct supervision at all times and the undivided attention of the supervisor;
  - (d) consider, in conjunction with (a), (b) and (c) above, the tasks included in the schedules, as well as all other tasks not set out in the schedules, to be done by the supervised person in performing the prescribed work;
  - (e) in light of the prescribed work to be performed, make a conscious appraisal of the technical knowledge and practical skills of the supervised person, including their -
    - (i) previous experience; and
    - (ii) progress in their approved course of training;
  - (f) in light of the prescribed work to be performed, consider the suitability, efficacy and safety of the tools, materials and equipment required to be used by them;
  - (g) perform any isolation, de-energisation, disconnection, de-commissioning or de-activation of the installation that may be required;
  - (h) determine, and thereafter maintain, the level of supervision required, to ensure the supervised person performing prescribed work does so safely and in compliance with the Act and this Code;
  - (i) instruct the supervised person in the prescribed work that he or she is about to perform, to ensure he or she understands –
    - (i) the tasks required to perform the prescribed work;
    - (ii) the application of this Act and this Code to the performance of prescribed work; and
    - (iii) the risks inherent in that work and how to control and mitigate those risks;

- (j) ensure, before leaving the workplace, that the prescribed work performed by the supervised person is -
  - (i) thoroughly checked by the supervisor; and
  - (ii) in compliance with the Act and this Code; and
- (k) ensure any testing, activating or commissioning of the prescribed work by the supervised person is, where applicable, under the direct supervision of the supervisor.
- (2) The duties imposed on the supervisor by sub-paragraph (1) must be discharged before and whilst the supervised person performs prescribed work and must be varied, where the case requires it, whilst the supervised person is performing prescribed work.
- (3) A supervised person must not supervise the performance of prescribed work by any other person.
- (4) A supervised person must have access to a supervisor at all times.

## **8. RESPONSIBILITY FOR PRESCRIBED WORK PERFORMED UNDER SUPERVISION**

- (1) The nominated manager for the contractor's licence must appoint a practitioner responsible for the supervision of the performance of prescribed work by a supervised person, if the nominated manager does not appoint himself or herself to undertake the supervision.
- (2) A practitioner appointed under clause 8(1) is responsible for -
  - (a) the supervision of the performance of prescribed work by the supervised person; and
  - (b) any direction given by that practitioner to the supervised person.
- (3) Any person giving a direction to a supervised person is responsible for that direction.
- (4) Where a nominated manager has failed to appoint a supervisor, the holder of a contractor's licence must appoint a practitioner as the supervisor.
- (5) Where there is no nominated manager under section 26(5) of the Act, the holder of the contractor's licence must appoint a practitioner as the supervisor.
- (6) A supervised person must not perform prescribed work where there is no duly appointed supervisor.
- (7) A duly appointed supervisor must personally ensure that the prescribed work of a supervised person is carried out in accordance with the Act and this Code.

## **9. RATIO OF SUPERVISORS TO SUPERVISED PERSONS**

- (1) A nominated manager or a holder of a licence under the Act responsible for the supervised person, must ensure the ratio of supervisors to supervised persons is one to one, subject to sub-clauses (2) and (3) of this clause.
- (2) The nominated manager may vary this ratio, after the completion of a formal risk assessment, that includes consideration of the -
  - a) competence and experience of the supervisor;
  - (b) nature of the prescribed work being undertaken;
  - (c) hazards associated with the work;
  - (d) competence of the supervised person, and
  - (e) risks associated with the work environment where the work is being undertaken.

- (3) Where the ratio has been varied, the obligations and duties imposed by this Code prevail.

Robert L Pearce  
**Administrator of Occupational Licensing**

23 December 2008

## SCHEDULE IA – Electrical Work - Electrician

<b>Supervision of Electrical Work - Electrician</b>			
No.	Type of electrical work	Year of Apprenticeship or equivalent experience	Minimum Level of Supervision to be considered
1.	Isolation of installations and equipment	1	<b>Not permitted</b>
		2	<b>Not permitted</b>
		3	<b>Direct</b>
		4 <sup>th</sup> year and beyond	<b>Direct or General after demonstrated skill</b>
2.	Verify isolation of network and equipment from all sources of supply ( <i>proving de-energised</i> )	1	<b>Direct</b>
		2	<b>General</b>
		3	<b>General</b>
		4 <sup>th</sup> year and beyond	<b>General</b>
3.	New installation ( <i>not connected to electricity supply</i> ) including mechanical protection, cables and terminations, apparatus and equipment	1	<b>Direct</b>
		2	<b>Direct or General after demonstrated skill</b>
		3	<b>General</b>
		4 <sup>th</sup> year and beyond	<b>General</b>
4.	Alterations and additions ( <i>existing installations after isolation</i> )	1	<b>Direct</b>
		2	<b>Direct</b>
		3	<b>Direct</b>
		4 <sup>th</sup> year and beyond	<b>General</b>
5.	Maintenance of installations, apparatus and equipment ( <i>after isolation</i> )	1	<b>Direct</b>
		2	<b>Direct</b>
		3	<b>General</b>
		4 <sup>th</sup> year and beyond	<b>General</b>
6.	Workshop tasks	1	<b>Direct</b>
		2	<b>General</b>
		3	<b>General</b>
		4 <sup>th</sup> year and beyond	<b>General</b>
7.	Diagnose and rectify faults associated with apparatus and circuits ( <i>after isolation</i> )	1	<b>Direct</b>
		2	<b>Direct</b>
		3	<b>Direct or General after demonstrated skill</b>
		4 <sup>th</sup> year and beyond	<b>General</b>
8.	Commission apparatus and circuits ( <i>not exposed to live parts</i> )	1	<b>Direct</b>
		2	<b>Direct</b>
		3	<b>Direct or General after demonstrated skill</b>
		4 <sup>th</sup> year and beyond	<b>General</b>
9.	Install and maintain explosion protection equipment	1	<b>Direct</b>
		2	<b>Direct</b>
		3	<b>Direct or General after demonstrated skill</b>
		4 <sup>th</sup> year and beyond	<b>Direct or General after demonstrated skill</b>
10.	Live work ( <i>including live testing, activating and fault finding</i> )	1	<b>Not permitted</b>
		2	<b>Not permitted</b>
		3	<b>Not permitted</b>
		4 <sup>th</sup> year and beyond	<b>Direct</b>

### Notes re Schedule IA:

#### For Restricted Electrical Licence Supervised Persons

- (a) For trade inclusive Restricted Electrical Work Licences [licence classes determined in clauses 10-13 of the Occupational Licensing (Electrical Work) Determination 2008] – the supervision of prescribed work is to be in line with the supervision requirements in Schedule I, with the exception that all fault finding and other activities are to be on de-energised equipment. **No live work.**
- (b) For Restricted Electrical Work Licences that are incidental to the occupation [for those licence classes determined in clauses 14-20 of the Occupational Licensing (Electrical Work) Determination 2008] – supervised persons require direct supervision at all times when performing prescribed work. **No live work** is to be undertaken by persons under direct supervision.

## SCHEDULE 1B – Electrical work – Cable Jointer or Lineworker

<b>Supervision of Electrical Work – Cable Jointer or Lineworker</b>			
No.	Type of electrical work	Year of Apprenticeship or equivalent experience	Minimum Level of Supervision to be considered
1.	Isolation and Earthing ( <i>if applicable</i> ), of Network and Equipment	1	<b>Not permitted</b>
		2	<b>Direct</b>
		3	<b>Direct</b>
		4 <sup>th</sup> year and beyond	<b>Direct</b>
2.	Verification of Isolation of Network and Equipment from all sources of supply ( <i>proving de-energised</i> )	1	<b>Not permitted</b>
		2	<b>Direct</b>
		3	<b>Direct</b>
		4 <sup>th</sup> year and beyond	<b>Direct</b>
3.	New installation ( <i>not connected to electricity supply</i> )	1	<b>Direct</b>
		2	<b>Direct</b>
		3	<b>Direct or General after demonstrated skill</b>
		4 <sup>th</sup> year and beyond	<b>General</b>
4.	Alterations and additions ( <i>existing installations after isolation</i> )	1	<b>Direct</b>
		2	<b>Direct</b>
		3	<b>Direct</b>
		4 <sup>th</sup> year and beyond	<b>General</b>
5.	Maintenance of installations and equipment ( <i>after isolation</i> )	1	<b>Direct</b>
		2	<b>Direct</b>
		3	<b>Direct</b>
		4 <sup>th</sup> year and beyond	<b>General</b>
6.	Workshop tasks	1	<b>Direct</b>
		2	<b>Direct or General after demonstrated skill</b>
		3	<b>Direct or General after demonstrated skill</b>
		4 <sup>th</sup> year and beyond	<b>General</b>
7.	Conducting Network Switching Operations	1	<b>Direct</b>
		2	<b>Direct</b>
		3	<b>Direct</b>
		4 <sup>th</sup> year and beyond	<b>Direct</b>
8.	Testing network integrity and operability - energised	1	<b>Not permitted</b>
		2	<b>Direct</b>
		3	<b>Direct</b>
		4 <sup>th</sup> year and beyond	<b>Direct</b>

\*Note: Further information on “fit and proper” is available on the Workplace Standards Tasmania website, [www.wst.tas.gov.au](http://www.wst.tas.gov.au)