

Occupational Licensing (Supervision of Prescribed Work) Code of Practice 2010

OCCUPATIONAL LICENSING ACT 2005

15 December 2010

I, Kerrie Davidia Crowder, 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 2010*.

2. Commencement

This Code of Practice takes effect on 15 December 2010.

3. Revocation of previous Code

The *Occupational Licensing (Supervision of Prescribed Work) Code of Practice 2008* is revoked.

4. Purpose

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

5. Application of Acts Interpretation Act 1931

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

6. 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;

“**competence**” means the acquisition – through training, qualifications or experience (or a combination of these) - of knowledge and skills to enable a person to carry out prescribed work to the appropriate standard and in a safe manner;

“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, or other instruments of a like nature 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; and
- (c) a person who may be licensed who has not previously proven themselves to the supervisor that they are competent to undertake the directed task; and
- (d) a person employed to assist licence holders in carrying out prescribed work;

“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:

7. Important points on supervision

- (1) This Clause is for guidance only and is subject to the application of Clauses 8-10.
- (2) The supervision of prescribed work has been split into two main categories - direct and general (see definitions) - to assist supervisors in the application of their duties under this Code.
- (3) This Code does not remove or limit 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.

**Note: Further information on “fit and proper” is available on the Workplace Standards Tasmania website, www.wst.tas.gov.au*

- (4) Without diminishing the effect of Clause 8, and in particular Clause 8(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 4th 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 1st 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 of this Code; and
 - (d) unlicensed persons (other than an apprentice) who perform work in association with prescribed work or assist licence holders in carrying out prescribed work must be supervised at a level commensurate with their competence.

8. Duties relating to supervision

- (l) 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 competence 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 competence 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.

9. 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 9(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.

10. 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 -

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- 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.

Kerrie Crowder

ADMINISTRATOR OF OCCUPATIONAL LICENSING

15 December 2010

EXPLANATORY NOTE

(This note is not part of the Code)

This Code replaces the *Occupational Licensing (Supervision of Prescribed Work) Code of Practice 2008*. This Code differs from the previous Code by:

- (a) expanding the definition of supervised persons; and
- (b) clarifying the supervision of unlicensed persons (other than an apprentice) who perform work in association with prescribed work or assist licence holders in carrying out prescribed work, previously termed “labourers”; and
- (c) adding guidance on the use of the Schedules 1A, 1B, 2 and 3; and
- (d) adding Schedules 2 and 3 to cover the supervision of plumbing work and gas-fitting work.

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**Tasmanian
Government**

SCHEDULES FOR THE SUPERVISION OF PRESCRIBED WORK**SCHEDULE 1A – Electrical work;****SCHEDULE 1B – Cable jointing and Linework;****SCHEDULE 2 – Plumbing work****SCHEDULE 3 – Gas-fitting work**

- (1) Schedules 1A, 1B, 2 and 3 list the minimum supervision requirements that a supervisor should consider.
- (2) Supervised persons should not be assumed to be competent to undertake the task assigned. Any deviation from the suggested minimum supervision requirements should be supported by the appropriate risk assessment that identifies the supervised person's competence, as well as the associated mitigation and control measures that support that deviation.
- (3) In some cases a licensed practitioner may need to be considered in accordance with these schedules.

SCHEDULE 1A

Supervision of Electrical Work (other than Cable Jointing or Linework)			
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	Not permitted
		2	Not permitted
		3	Direct
		4 th year and beyond	Direct or General after demonstrated skill
2.	Verify isolation of network and equipment from all sources of supply (<i>proving de-energised</i>)	1	Direct
		2	General
		3	General
		4 th year and beyond	General
3.	New installation (<i>not connected to electricity supply</i>) including mechanical protection, cables and terminations, apparatus and equipment	1	Direct
		2	Direct or General after demonstrated skill
		3	General
		4 th year and beyond	General
4.	Alterations and additions (<i>existing installations after isolation</i>)	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	General
5.	Maintenance of installations, apparatus and equipment (<i>after isolation</i>)	1	Direct
		2	Direct
		3	General
		4 th year and beyond	General
6.	Workshop tasks	1	Direct
		2	General
		3	General
		4 th year and beyond	General
7.	Diagnose and rectify faults associated with apparatus and circuits (<i>after isolation</i>)	1	Direct
		2	Direct
		3	Direct or General after demonstrated skill
		4 th year and beyond	General

No.	Type of electrical work	Year of Apprenticeship or equivalent experience	Minimum Level of Supervision to be considered
8.	Commission apparatus and circuits (not exposed to live parts)	1	Direct
		2	Direct
		3	Direct or General after demonstrated skill
		4 th year and beyond	General
9.	Install and maintain explosion protection equipment	1	Direct
		2	Direct
		3	Direct or General after demonstrated skill
		4 th year and beyond	Direct or General after demonstrated skill
10.	Live work (including live testing, activating and fault finding)	1	Not permitted
		2	Not permitted
		3	Not permitted
		4 th year and beyond	Direct

Notes re Schedule IA:

Live electrical work

Supervised persons, unless a formal risk assessment identifies it is safe to do so, are not to work:

- on or near exposed energised high voltage conductor, apparatus and/or accessories; or;
- where there is a risk of coming into contact with any exposed energised low voltage electrical part.

When the formal risk assessment identifies the work can be performed safely by a supervised person, the risk assessment and the mitigation and controls measures must document that the supervised person;

- has the appropriate skills and competence to perform the work;
- has been provided with and instructed in the requirements of AS/NZS 4836 – Safe working on low voltage electrical installations and other relevant standards and information;
- works to the appropriate safe work methods and instructions; and
- will be directly supervised when performing that work.

Restricted Electrical Work Licence Supervised Persons

Supervised persons performing prescribed work under the *Occupational Licensing (Electrical Work) Determination 2008*, Restricted Electrical Work Licences:

- (1) for classes determined in clauses 10-13, when performing prescribed work under supervision, the supervision 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.**
- (2) for classes determined in clauses 14-20, shall **not perform live work** and must be directly supervised at all times when performing prescribed work.

SCHEDULE 1B

Supervision of Electrical Work - Cable Jointing or Linework			
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	Not permitted
		2	Direct
		3	Direct
		4 th year and beyond	Direct
2.	Verification of Isolation of Network and Equipment from all sources of supply (<i>proving de-energised</i>)	1	Not permitted
		2	Direct
		3	Direct
		4 th year and beyond	Direct
3.	New installation (<i>not connected to electricity supply</i>)	1	Direct
		2	Direct
		3	Direct or General after demonstrated skill
		4 th year and beyond	General
4.	Alterations and additions (<i>existing installations after isolation</i>)	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	General
5.	Maintenance of installations and equipment (<i>after isolation</i>)	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	General
6.	Workshop tasks	1	Direct
		2	Direct or General after demonstrated skill
		3	Direct or General after demonstrated skill
		4 th year and beyond	General
7.	Conducting Network Switching Operations	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	Direct
8.	Testing network integrity and operability - energised	1	Not permitted
		2	Direct
		3	Direct
		4 th year and beyond	Direct

Notes re Schedule 1B:**Live electrical work**

Supervised persons, unless a formal risk assessment identifies it is safe to do so, are not to work:

- on or near exposed energised high voltage conductor, apparatus and/or accessories; or;
- where there is a risk of coming into contact with any exposed energised low voltage electrical part.

When the formal risk assessment identifies the work can be performed safely by a supervised person, the risk assessment and the mitigation and controls measures must document that the supervised person;

- has the appropriate skills and competence to perform the work;
- has been provided with and instructed in the requirements of AS/NZS 4836 – Safe working on low voltage electrical installations and other relevant standards and information;
- works to the appropriate safe work methods and instructions; and
- will be directly supervised when performing that work.

SCHEDULE 2

Supervision of Plumbing Work			
No.	Type of plumbing work	Year of Apprenticeship or equivalent experience	Minimum Level of Supervision to be considered
1.	Work at heights	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	General
2.	Use of high risk hand and power tools	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	General
3.	Use of low risk hand and power tools	1	Direct
		2	General
		3	General
		4 th year and beyond	General
4.	Work that will be covered up	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	General
5.	High pressure systems	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	General
6.	Explosive	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	General
7.	Toxic (Including use of pesticides, fumigants, chemicals)	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	General
8.	Hot (thermostatic valves)	1	Direct
		2	Direct
		3	General
		4 th year and beyond	General
9.	Environmental (refrigeration)	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	Direct
10.	Back flow	1	Direct
		2	Direct
		3	General
		4 th year and beyond	General
11.	Health (including biological waste, septic systems, legionella, waste water)	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	General
12.	Ventilation (air conditioning)	1	Direct
		2	Direct
		3	General
		4 th year and beyond	General

No.	Type of plumbing work	Year of Apprenticeship or equivalent experience	Minimum Level of Supervision to be considered
13.	Commissioning/testing	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	Direct
14.	Planning and design	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	Direct
15.	Excavation work	1	Direct
		2	Direct
		3	General
		4 th year and beyond	General
16.	Working in confined spaces	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	Direct
17.	New installation (piping, systems and fixtures)	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	General
18.	Alterations and additions to installation	1	Direct
		2	Direct
		3	General
		4 th year and beyond	General
19.	Maintenance of fixtures and installations	1	Direct
		2	Direct
		3	General
		4 th year and beyond	General
20.	Maintenance of systems and equipment	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	Direct

SCHEDULE 3

Supervision of Gas-fitting Work			
No.	Type of gas-fitting work	Year of Apprenticeship or equivalent experience	Minimum Level of Supervision to be considered
1.	Planning and designing gas installations and gas storage systems	1	Not permitted
		2	Not permitted
		3	Direct
		4 th year and beyond	Direct or General after demonstrated skill
2.	Install new gas storage systems 500L to 8Kl	1	Not permitted
		2	Not permitted
		3	Direct
		4 th year and beyond	Direct or General after demonstrated skill
3.	Install new gas storage systems up to 500L	1	Not permitted
		2	Direct
		3	Direct or General after demonstrated skill
		4 th year and beyond	General
4.	Connect gas supply / purge gas installation.	1	Not permitted
		2	Direct
		3	Direct or General after demonstrated skill
		4 th year and beyond	General
5.	Work on gas installations where operating pressure exceeds 7kPa	1	Not permitted
		2	Direct
		3	Direct
		4 th year and beyond	Direct or General after demonstrated skill
6.	Convert Type A appliances (<i>using manufactures kits/procedures</i>)	1	Direct
		2	Direct
		3	Direct
		4 th year and beyond	Direct or General after demonstrated skill
7.	Install consumer piping systems/ service, repair and maintain Type A appliances in caravans and boats	1	Direct
		2	Direct
		3	Direct or General after demonstrated skill
		4 th year and beyond	Direct or General after demonstrated skill
8.	Repair and replace consumer piping system regulators, set working pressures and fault pressures.	1	Direct
		2	Direct
		3	Direct or General after demonstrated skill
		4 th year and beyond	Direct or General after demonstrated skill
9.	Install new consumer piping systems and install new Type A appliances and flues	1	Direct
		2	Direct
		3	Direct or General after demonstrated skill
		4 th year and beyond	General
10.	Alter and repair consumer piping systems	1	Direct
		2	Direct
		3	Direct or General after demonstrated skill
		4 th year and beyond	General
11.	Test consumer piping and/or use appropriate equipment for the gas leak detection.	1	Direct
		2	Direct
		3	Direct or General after demonstrated skill
		4 th year and beyond	General
12.	Commission consumer piping and gas storage systems	1	Direct
		2	Direct
		3	Direct or General after demonstrated skill
		4 th year and beyond	General

No.	Type of gas-fitting work	Year of Apprenticeship or equivalent experience	Minimum Level of Supervision to be considered
13.	Replace and commission Type A appliances	1	Direct
		2	Direct
		3	Direct or General after demonstrated skill
		4 th year and beyond	General
14.	Service, repair and maintain Type A appliances (<i>excludes caravans and boats</i>)	1	Direct
		2	Direct
		3	Direct or General after demonstrated skill
		4 th year and beyond	General