

LEGISLATIVE APPLICATION

Falling objects and construction work

Issue:	Principal Contractor (PC) and Relevant Person provisions for the protection of persons from falling objects under the <i>Workplace Health and Safety Regulation 1997</i> .
Relevant Legislation:	<i>Workplace Health and Safety Regulation 1997</i> (Version No. 6C as in force 1 September 2006) <ul style="list-style-type: none">➤ Part 17, Division 2 subdivision 11➤ Part 17, Division 3, subdivision 14
Conclusion:	Inspectors should use this document to determine principal contractor and relevant persons compliance with obligations for falling object risks.

Background

In 2002, amendments to the *Workplace Health and Safety Regulation 1997* introduced control measures for the prevention, or minimisation of, exposure to the risk of death or injury to members of the public from being hit by a falling object from a workplace while they are in an area adjacent to that workplace.

Although these control measures did not apply to the protection of persons within a workplace, relevant persons had an obligation to protect such persons from the risk of falling objects under sections 28(1) of the *Workplace Health and Safety Act 1995* (the Act) while principal contractors obligation to protect persons from the risk of falling objects were under section 31.

On 1st January 2006, the *Worker's Compensation and Rehabilitation and Other Legislation Amendment Regulation (No. 1) 2005* amended the regulation to expand the application of the control measures to protect against falling objects to *all* persons. Mandatory control measures now apply for the protection of both members of the public beyond the workplace and persons within the workplace.

Enforcement Information – inside the proposed line

Under section 181 the principal contractor must ensure that a relevant person identifies and decides the line along which any barricading or hoarding required to be erected is to be placed. This is the proposed line, and can be taken to be the site boundary.

For the protection of persons inside the proposed line, principal contractors and relevant persons must assess the risk of death or injury to persons from falling objects and ensure that control measures are implemented to prevent or minimise that risk.

Principal contractors and relevant persons must use regulatory control measures such as perimeter containment screening, catch platforms, gantries or closing an adjoining area as outlined in sections 184 – 188 of the Regulation to prevent or minimise the risk of death or injury from falling objects. However, where the effective use of control measures prescribed in the Regulation is limited by the practicality of their implementation, inspectors may use their discretion to judge whether any alternative control measures are sufficient to discharge the obligations of principal contractors or relevant persons.

The following table outlines possible control measures for construction activities (not exhaustive) which may have an inherent risk of injury or death to persons from falling objects and possible controls that may be used above or in conjunction with others to effectively control the risk of death or injury from falling objects. Safety helmets can be considered for all activities.

Activity	Recommended controls measures
Use of swinging stage and EWP	<ul style="list-style-type: none"> • Tool and material lanyards • Exclusion zones below area of operation • Work materials stored on floor (not stacked above kickboard height)
Use of Mast Climber	<ul style="list-style-type: none"> • Tool lanyards • Engineer-approved extended frame on all sides (other than the working face adjacent to the building) to a height of at least 2 metres and fully enclosed with shadecloth. • Engineer approved containment screening mesh • Exclusion zone below area of operation
Erecting of and stripping formwork	<ul style="list-style-type: none"> • Full containment screening • Exclusion zones
Demolition	<ul style="list-style-type: none"> • Full containment screening • Exclusion zones
Installing and climbing perimeter screens and climbing formwork systems	<ul style="list-style-type: none"> • Exclusion zones • Spotters (safety observers to ensure exclusion zone is not breached by unauthorised persons)
Erecting and dismantling typical perimeter scaffolding	<ul style="list-style-type: none"> • Exclusion zones (as per Scaffolding Code of Practice)
Erecting and dismantling cantilevered scaffolding on the upper floors of a high-rise building.	<ul style="list-style-type: none"> • Exclusion zones • Tool lanyards • Material lanyards on all components (ledgers, needles, ladder beams, standards, transoms, braces, brickguards) that are likely to fall outside the building during erection and dismantling). Note that lanyards for these components must be tied off to a suitable structure and never to the worker. • Industrial safety nets erected below base of scaffold.
Erection, climbing and dismantling of tower cranes	<ul style="list-style-type: none"> • Exclusion zones (as per Tower Crane COP) • Spotters • Tool lanyards • Work scheduled outside normal working hours

For demolition work, work erecting or dismantling formwork or construction work where the measured angle is greater than or equal to 75°, principal contractors and relevant persons must implement the mandatory control measures cited in sections 180, 181, 182 or 183.

Enforcement Information – outside the proposed line

For the protection of persons beyond the proposed line, where the construction work is civil construction work or housing construction work, Section 180 applies. Inspectors must ensure that principal contractors have undertaken a risk assessment and implemented control measures which prevent, or minimise the level of, exposure to the risk.

For construction work which is not civil construction work or housing construction work, the control measures in Section 181 apply. For inspectors, when assessing whether an implemented control measure is compliant, the angle from the proposed line to the highest point where work is being undertaken determines the required control measure.

Additional control measures for construction work which is not civil construction work or housing construction work and where the measured angle is greater than 75° and the work is not demolition work or work erecting or dismantling formwork are specified in Section 182. Inspectors must ensure that principal contractors have implemented at least one of the prescribed control measures before conducting work, while continuing to discharge their obligations to persons within the workplace under the Act.

Inspectors must refer to section 183 regarding specific control measures for demolition work or work erecting or dismantling formwork.