

LEGISLATION

Competent Persons

Sections of the Workplace Health and Safety Regulations call for workers to be competent or for a competent person to assess certain situations. Obviously there are varying degrees of competency depending on the nature of the worker's task or what is being assessed. This bulletin is intended to clarify what a competent person is.

Competent Person

Section 2 of the regulations – Interpretations

Competent person means a person who is suitably qualified (whether by experience, training or both) to carry out the work or function described in the relevant regulation.

The following list is to assist in clarifying the types of competency intended in each Regulation.

Inspection, Test and Tag of portable electrical equipment – Regulations 36 and 64

A person with the appropriate training and/or experience in the interpretation of the Standards ([AS/NZS 3760](#) and [AS/NZS 3012](#)) and in the use of test equipment to carry out this function.

Monitoring – Regulation 41

An employer must identify, assess and control any risk to the health and safety of a worker. Any exposure of the worker to a risk must be controlled. A competent person must monitor these control measures. In this case the competent person must understand the risks that workers are exposed to and how the control measures operate. Examples of this would be an occupational hygienist monitoring airborne contaminants, or a supervisor monitoring the wearing of protective equipment.

Health surveillance – Regulation 42

Sometimes an employer must provide health surveillance where there is a risk to a worker's health. The competent person carrying out this surveillance must be trained in the relevant health field. This could be a doctor, audiologist, optometrist, occupational health nurse, etc.

Electrical installations and equipment – Regulation 62

A person with the appropriate electrical licence should carry out all maintenance on electrical installations.

Work in proximity to exposed live equipment – Regulation 63

People working in such situations must have specific training to enable them to undertake the work safely. A record of such training must be kept.

An example would be an electrical linesman trained by PAWA to work on live cables.

Residual Current Devices (RCD's) – Regulation 65

An example of a competent person able to maintain and test RCD's is a licensed electrician.

Safety bells and anchorages – Regulation 82

The person must have undertaken training in the skill required. Details of this training must be recorded. An example would be a licensed rigger.

Repair and maintenance of designated plant – Regulation 104

An example would be an engineer with appropriate experience in plant design and structural loads.

Installation, erection and commissioning of plant – Regulation 87

For example, an engineer with appropriate experience in the design of the plant would be considered to be a competent person.

Inspection – Lifts – Regulation 116

Examples are persons trained in the operation of the plant such as a lift mechanic.

Lasers – Regulation 132

A person with specific training in the setting up and use of lasers. Details of the training must be recorded.

Crane Landing Platforms – Regulation 136

An example would be an engineer with appropriate experience in designing for structural loads.

Underwater work – Regulation 168

A working diver must have been trained to an appropriate level by a recognised instructor or diving training organisation.

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