

## What are the relevant safety standards?

### Legislation

- *Workplace Health and Safety Act 1995*
- *Workplace Health and Safety Regulations 1998*

### Codes of practice

- Managing the Risk of Falling in Housing Construction — Tasmanian, available at [www.wst.tas.gov.au](http://www.wst.tas.gov.au)
- Code of Practice for the Safe Removal of Asbestos 2<sup>nd</sup> Edition — national, available at [www.ascc.gov.au](http://www.ascc.gov.au)

### Australian Standards

- AS/NZS 1576 Scaffolding (a series)
- AS/NZS 1892 Portable ladders (a series)
- AS 2601—2001 Demolition of structures
- AS/NZS 2865:2001 Safe working in a confined space
- AS/NZS 3012:2003 Electrical installations — construction and demolition sites
- AS/NZS 3760:2003 In-service safety inspection and testing of electrical equipment
- AS/NZS 6001—1999 Working platforms for housing construction

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## What are the relevant building and plumbing standards?

### Legislation

- *Building Act 2000*
- *Building Regulations 2004*
- *Plumbing Regulations 2004*

### Mandatory technical codes

- Building Code of Australia (annually)
- Tasmanian Plumbing Code 2006

### Useful Workplace Standards building publications

- Are You Using an Accredited Building Practitioner? (GB163)
- Owner Builders – Do You Know Your Responsibilities? (GB164)
- Construction Industry: Guide to OHS (GB134)
- Owner Builder Kit (GB177)

### Please note

This information is for guidance only and is not to be taken as an expression of the law. It should be read in conjunction with the *Workplace Health and Safety Act 1995*, the *Workplace Health and Safety Regulations 1998* and any other relevant legislation. Copies of the legislation can be purchased from Print Applied Technology: call (03) 6233 3289 or freecall 1800 030 940. It is also available on the Internet at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au)

This guide was produced by staff from WorkCover Tasmania and Workplace Standards Tasmania.

We welcome your feedback on this guide.  
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# WORKPLACE HEALTH and SAFETY

# ON RESIDENTIAL HOUSING PROJECTS



## Are you building a new home? Or renovating your existing home?

If you're building a new home or renovating or extending your current home, you should know how occupational health and safety (OHS) legislation can affect your plans.

The building tradespeople you use must:

- know what the OHS requirements and minimum safety standards are for a construction workplace and should:
- hold (as a minimum) public liability insurance and sickness and accident insurance
- be as professional in their approach to safety as they are to the quality of their workmanship.

Residential construction has never been more challenging. Innovative and modern designs — multi-storey levels, steep pitched roofs, challenging angles, atriums and decks — create significant OHS challenges for the building industry.

## What safety standards apply to your housing project?

A residential construction workplace is any place where an employee, contractor or self-employed person is engaged in housing construction. This includes building new projects; altering, extending or repairing existing buildings of Classes 1, 2 and 10 (as defined by the Building Code of Australia 1996); and all associated work.

Work on any construction site must meet the requirements of:

- the *Workplace Health and Safety Act 1995*
- the *Workplace Health and Safety Regulations 1998*
- any relevant codes of practice
- any relevant Australian Standards.

## Who is responsible for workplace health and safety?

Everyone at the workplace is responsible for meeting minimum safety standards.

However, the *accountable person* has primary control over the workplace — and therefore the greatest OHS responsibility.

Engaging a builder (known as your *principal contractor*) to manage the project and organise the relevant sub-contractors makes them the accountable person. They must ensure that they and their employees work in a safe manner.

The principal contractor should consider the cost of complying with OHS standards during construction — in particular, the cost of providing height safety systems that meet the requirements of the *Code of Practice for Managing the Risk of Falling in Housing Construction*. Falls from height present the greatest risk to building tradespeople.

If your project (as notified to council) is valued at more than \$200,000 the person contracted must appoint a *responsible officer*. The responsible officer assumes the OHS responsibilities of the accountable person, and therefore must notify Workplace Standards Tasmania, at least 14 days prior to start, of their appointment, of the intended construction, with a declaration (signed by them) that safe systems of work are in place to meet the requirements of the *Workplace Health and Safety Act 1995*. A notification form is available at [www.wst.tas.gov.au](http://www.wst.tas.gov.au) by searching for 'GB006'.

## Are you an owner builder?

If you are an *owner builder* — intending to do work yourself but, in the main, engaging independent trades people as required — you are responsible for ensuring your sub-contractors comply with safety standards. In effect, you become the accountable person.

If your project (as notified to council) is valued at more than \$200,000 you become the responsible officer and must provide a signed declaration that safe systems of work are in place to meet the requirements of the *Workplace Health and Safety Act 1995*.

If you engage labour for reward, you must be familiar with the safety requirements of the particular work being done. You must take all reasonable steps to ensure compliance with minimum safety standards.

## Are you a contractor?

If you are a contractor, you must:

- have a current workers compensation insurance policy if you have your own employees
- consider in your quote the cost of complying with OHS standards during construction.

## What happens where non-compliance exists?

What happens if the accountable person does not allow for compliance costs? Or fails to ensure work is carried out in a safe manner?

A Workplace Standards Tasmania inspector can demand that you improve the way you do your work. They can also immediately stop any work being done in an unsafe manner, or issue an infringement notice.

If the accountable person does not improve or stop work as requested, the Workplace Standards Tasmania inspector can collect evidence and prosecute those involved. Under the *Workplace Health and Safety Act 1995*, penalties can be as high as \$180,000 for a body corporate and \$60,000 for an individual.