

Workplace Health and Safety Queensland

Laws about construction work

What is construction work?

The definition of construction work includes:

- elements of the former definition of building work and demolition work
- prescribed activities (demolition work and work to remove friable asbestos containing material)
- reference to a definition of a structure, including elements of the former definition of civil construction work.

The term construction workplace no longer exists. However, the requirement to appoint a principal contractor has not changed. Also, relevant persons who perform work to remove friable asbestos containing material are now considered to be undertaking construction work.

Who does this affect?

Principal contractors, relevant persons and workers will need to comply with relevant construction legislation when conducting work, such as renovations and refurbishment (regardless of whether the work involves structural alteration) and repairs, captured in the definition of construction work.

It is not possible to identify and document every specific activity that may be considered construction work under the definition. However, the following people should be familiar with the construction health and safety laws:

- Architects
- Asbestos removal workers
- Concrete pump operators
- Concrete workers on construction projects

- Demolishers
- Designers
- Drains constructors or repairers
- Earthmoving equipment operators
- Electrical or plumbing repairers
- Engineers
- Excavation workers
- Formwork workers
- Guttering or roof installer or repairer
- Hot water system installers
- Installers of fixed plant (e.g. cooling towers)
- Installers of household, industrial or commercial heating, refrigeration or air conditioning equipment
- Labourers
- Land clearers or levellers
- Landscapers
- Plasterers
- Plumbers
- Renovators
- Septic tank installer
- Shopfitters
- Solar hot water system installers
- Surveyors

What does this mean for you?

Businesses conducting activities under the construction work definition will have to follow all relevant construction regulations. This includes all workers, except people performing repair work on fixed plant, ships or submarines, having evidence that they have completed a general safety induction course (i.e. an induction card or statement of attainment).

Queensland workplace health and safety laws require that:

- principal contractors sight a relevant person's induction card or statement of attainment before they start construction work
- relevant persons and workers can not start construction work unless they hold general induction evidence.

What is construction work: a two-step process

Construction work is an activity on a structure. Therefore, any interpretation of construction work is a two-step process starting with the definition of structure and then looking at the work being applied to it.

Working example: the erection and dismantling of a tower crane

Step 1

Apply structure definition

The definition of structure includes a tower and the *Workplace Health and Safety Regulation 2008* defines tower crane as...*a crane with a boom that is mounted on a tower structure.*

Step 2

Apply construction work definition

The definition of construction work includes work to erect, commission, or decommission a structure or part of a structure. A structure already includes a tower.

Conclusion

Looking at the ordinary meaning of the words, the erection and dismantling of a tower crane is construction work.

What is the difference between repair and maintenance?

The definition of construction work includes repair but does not include maintenance.

Repair is work to bring an existing structure back into service following:

- a failure of the structure or part of the structure; or
- the structure reaching a state in which it is no longer fit for its intended purpose.

Maintenance is work to prevent a structure reaching a point where repair is required. Maintenance may involve disassembly or

decommissioning of the structure or part of the structure.

Example Repair

Cable on fixed plant is replaced after breaking during the operation of the plant.

Maintenance

Cable on fixed plant is replaced during a maintenance shutdown because an inspection of the plant has identified that the cable is worn to a level that could result in the failure of the plant.

Definitions

Construction work is:

- (a) work to erect, construct, extend, alter, convert, fit-out, commission, renovate, repair, refurbish, disassemble or decommission a structure, or part of a structure; or
- (b) work connected with site preparation, excavation and landscaping for work mentioned in paragraph (a); or
- (c) the assembly or installation of prefabricated components to form a structure, or part of a structure, for work mentioned in paragraph (a); or
- (d) the disassembly of prefabricated components for work mentioned in paragraph (a) that, immediately before the disassembly, formed a structure or part of a structure; or
- (e) a prescribed activity that is asbestos removal work or demolition work.

Construction work is not:

- work to erect or construct a structure that, when completed, is intended to be transported to another place. For example, construction of a manufactured home or prefabricated building.

Structure means:

- (a) a building, construction, wall, mast, tower, pylon, structural cable or telecommunications structure; or
- (b) an underground works (including shafts and tunnels) pipe, pipeline, sea defence works, river works, earthworks or earth retaining construction or other construction designed to preserve or alter a natural feature; or

- (c) a road or highway, footpath or driveway, railway line or siding, tramway line, airfield, dock or harbour, water storage or supply system (including a constructed lagoon), sewerage or drainage system, electricity or gas generation facility, transmission or distribution facility, gasholder, park or recreation ground (including, for example, a golf course, playing field, racecourse or swimming pool); or
- (d) production, storage or distribution facilities for heavy industries; or
- (e) fixed plant; or
- (f) a ship or submarine; or
- (g) formwork, falsework, scaffold or other construction designed or used to provide support, access or containment during construction work.

More information

For more information about workplace health and safety issues, call WHS Infoline on 1300 369 915, or visit www.worksafe.qld.gov.au

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