

New workplace health and safety laws fact sheet



What is construction work under the new definition?

The expanded definition of construction work will bring changes for the construction industry but will help improve safety for Queensland workers and the public.

The definition of 'construction work' includes:

- elements of the former definition of 'building work' and 'demolition work'
- prescribed activities (demolition work and asbestos removal work that requires a certificate)
- reference to a definition of a 'structure', which includes 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. In addition, 'relevant persons' who perform the prescribed activity of asbestos removal work are now considered to be undertaking 'construction work'.

Who does this affect?

Types of work such as renovations and refurbishment (regardless of whether the work involves structural alteration) and repairs are now captured in the new definition of 'construction work'. These principal contractors, 'relevant persons' and workers conducting this type of work will need to comply with relevant construction legislation.

It is not possible to identify and document every specific activity that may be considered 'construction work' under the new 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 new 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).

People performing these new activities have until 1 January 2007 to obtain a General Safety Induction (Construction Industry) Card.

What is 'construction work': a two step process

'Construction work' is an activity on a 'structure'. Therefore any interpretation of 'construction work' starts with the definition of 'structure' and is a two step process. Look at 'structure' first and then the 'work' to be applied to it.

Working example: the erection and dismantling of a tower crane

Step 1: apply structure definition	Step 2: apply construction work definition	Conclusion
The new definition of 'structure' includes a 'tower' and the <i>Workplace Health and Safety Regulation 1997</i> defines 'tower crane' as "... a crane with a boom that is mounted on a tower structure".	The new definition of 'construction work' includes work to erect, commission, or decommission a structure or part of a structure. A 'structure' already includes a 'tower'.	Looking at the ordinary meaning of the words then, 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	Maintenance
Cable on fixed plant is replaced following it breaking during the operation of the plant.	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:	Structure means:
<p>(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</p> <p>(b) work connected with site preparation, excavation and landscaping for work mentioned in paragraph (a); or</p> <p>(c) the assembly or installation of prefabricated components to form a structure, or part of a structure, for work mentioned in paragraph (a); or</p> <p>(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</p> <p>(e) a prescribed activity that is asbestos removal work or demolition work.</p> <p>Construction work is not:</p> <ul style="list-style-type: none"> • 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. 	<p>(a) a building, a steel or reinforced concrete construction, wall, mast, tower, pylon, structural cable or telecommunications structure; or</p> <p>(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</p> <p>(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</p> <p>(d) production, storage or distribution facilities for heavy industries; or</p> <p>(e) fixed plant; or</p> <p>(f) a ship or submarine; or</p> <p>(g) formwork, falsework, scaffold or other construction designed or used to provide support, access or containment during construction work.</p>

Further information

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