



## General Construction Induction Training – Owner Builders

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### Application to owner builders undertaking building Work

The *Work Health and Safety Act 2011* (the Act) and the *Work Health and Safety Regulation 2011* (the Regulation) place duties on a person conducting a business or undertaking (amongst others).

This Guidance Note provides advice to owner builders undertaking building work in relation to the application to them of the requirement under the Regulation to provide general construction induction training to “workers” engaged by them.

### Person Conducting a Business or Undertaking

A person conducting a business or undertaking is defined in section 5 of the Act which provides that a person conducts a business or undertaking whether the person conducts the business or undertaking alone or with others or the business or undertaking is conducted for profit or gain.

### Meaning of “Undertaking”

“Undertaking” is not defined in the Act or the Regulation. As a result, the dictionary definition is applied by WorkSafe ACT. By this definition, construction work undertaken by an owner builder is considered to be an undertaking for the purposes of the Act and the Regulation. An owner builder is therefore a PCBU under the Act and Regulations.

### Meaning of “Worker”

A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

- an employee; or
- a contractor or subcontractor; or
- an employee of a contractor or subcontractor; or
- an employee of a labour hire company who has been assigned to work in the person’s business or undertaking; or
- an outworker; or
- an apprentice or trainee; or
- a student gaining work experience; or
- a volunteer; or
- a person of a prescribed class.

The person conducting the business or undertaking is also a worker if the person is an individual who carries out work in that business or undertaking.

### General Construction Induction

The Regulation requires that if a worker has either not successfully completed general construction induction training or has successfully completed general construction induction training more than 2 years previously but has not carried out construction work in the preceding 2 years, a person conducting a business or undertaking which carries out construction work must not direct or allow the worker to carry out construction work and must ensure that general construction induction training is provided to a worker engaged by the person.

General construction induction training provides basic knowledge of construction work, the work health and safety laws that apply, common hazards likely to be encountered in construction work, and how the associated

risks can be controlled. General construction induction training must be delivered in Australia by a Registered Training Organisation (RTO) and cover the content set out in the specified Vocational Education and Training (VET) course for general construction induction training.

The training should include:

- the roles, responsibilities and rights of duty holders
- health and safety consultation and reporting processes
- the principles of risk management
- common construction hazards and control measures
- safety information and documentation (for example, WHS management plans and SWMS).

Any person who is to undertake construction work must successfully complete general construction induction training for example, project managers and engineers, foreman, supervisors, surveyors, labourers and tradespersons.

### General Construction Induction Training Cards

Construction induction training cards are required for construction work, which is defined in section 289 of the Regulation. The Regulation requires that a person conducting a business or undertaking must ensure workers have successfully completed general construction induction training before starting construction work. Each construction worker must hold:

- a general construction induction training card
- a general construction induction training certification that has been issued within the preceding 60 days if the worker has applied for but not yet been issued with a general construction induction training card.

WorkSafe ACT considers that an owner builder should have a Construction Induction Card as arguably, the owner builder is a “worker” as defined in the Act. In any event, WorkSafe ACT would consider it best practice for owner builders to have a construction induction card, as one way of demonstrating that they have received adequate training in complying with their primary duty of care under the Act.

The specific requirements (ie whether a construction induction card is needed or not) also sit within the broader obligations set out in section 19 of the Act. That section requires, amongst other things, that a PCBU ensure, so far as is reasonably practicable, the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking. It also provides that a self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work. The Act notes that a self-employed person is also a person conducting a business or undertaking for the purposes of s19.

Once a person has successfully completed general construction induction training, they may apply to the Office of Regulatory Services for a general construction induction training card.

An application for a general construction induction training card must include either a general construction induction training certification issued to the applicant or a written declaration by the person who provided the training on behalf of the relevant RTO that the applicant has successfully completed the training. If the application is accompanied by a declaration, the application may be made at any time after completion of the general construction induction training.

The Office of Regulatory Services may cancel a general construction induction training card it has issued if it is satisfied that the cardholder, when applying for the card, gave information that was false or misleading in a material particular or failed to give information that should have been given or produced a general construction induction training certification that had been obtained on the basis of the giving of false or misleading information by any person or body.

If the worker receives a cancellation notice, they must return the card as requested in the notice. The Regulation recognise that a general construction induction card can be issued in different jurisdictions under their work

health and safety legislation. Where a worker holds a card that is issued in a different jurisdiction to where the work is being carried out, then the card is recognised as being valid as long as it is used in accordance with the terms and conditions under which it was granted. However, this does not apply if the card has been suspended, cancelled or has expired.

## Duties of Workers

A worker carrying out construction work must keep available for inspection by a WorkSafe ACT inspector, his or her general construction induction training card or if a decision hasn't yet been made on their application for the general construction induction training card, a copy of the general induction training certification held by the worker. Failure to do so could result in the issuing by a WorkSafe ACT inspector of an Infringement Notice.

## Workers Compensation

Owner Builders should also be aware of the requirements of the *Workers Compensation Act 1951* if they employ someone to carry out work for them as a paid employee.

Further information see *Work Health and Safety (Construction Work) Code of Practice 2011* at [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au)

Further information

[worksafe.act.gov.au](http://www.worksafe.act.gov.au)

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Note: This guidance material has been prepared using the best information available to WorkSafe ACT. Any information about legislative obligations or responsibilities included in this material is only applicable to the circumstances described in the material. You should always check the legislation referred to in this material and make your own judgement about what action you may need to take to ensure you have complied with the law. Accordingly, WorkSafe ACT extends no warranties as to the suitability of the information for your specific circumstances. WorkSafe ACT disclaims all responsibility and liability for all expenses, losses, damages and costs you might incur as a result of the information being inaccurate or incomplete.