

HOME OWNER SAFETY WHEN YOUR HOME IS A BUILDING SITE

WHILE A HOUSE IS BEING BUILT OR RENOVATED IT IS A 'CONSTRUCTION SITE' AND A WORKPLACE FOR THE BUILDER DOING THE WORK.

Everyone needs to be clear about the requirements for safe access to residential construction sites by anyone other than the builder, including home owners. This includes house extensions where the owner is occupying the premises during construction.

STAY SAFE AROUND YOUR NEW HOME BUILDING SITE

The builder you chose to construct your new home or extension has a legal obligation to ensure the health and safety of **everyone** who enters the construction site. This includes you the home owner, your family and any visitors.

Entering the construction site without the knowledge of the builder may expose you to safety hazards which could result in death, injury or property damage. This can also put your builder at risk of breaching work health and safety legislation which could hold up construction.

If you would like to organise regular inspections of the construction work, you should communicate and consult with your builder to organise accompanied site visits.

LEGAL OBLIGATIONS

Under the *Work Health and Safety Act 2011* people entering a workplace, including homeowners and visitors, have an obligation to observe any reasonable instruction by the builder while construction work is being carried out. This includes times when there is no actual work being done.

An example of a 'reasonable instruction' would be a letter about safe entry and movement around the site provided to you by the builder.

The contract you have with your builder may include specific clauses about safety and access to the site during construction. Contracts usually recognise that the builder has control of the site.

WHAT IS THE ROLE OF SAFEWORK NSW AND FAIR TRADING?

SafeWork NSW has a responsibility under the work health and safety legislation to provide advice and information to duty holders and the community and to monitor and enforce compliance with the Act.

Fair Trading administers the *Home Building Act 1989* which sets out the requirements for the conduct of consumers and builders for all residential building work. Accidents or incidents on a residential building site can cause disputes that delay or interfere with the proper completion of work.

For further information contact SafeWork NSW on 13 10 50 or Fair Trading on 13 32 20

Disclaimer

This publication may contain information about the regulation and enforcement of work health and safety in NSW. It may include some of your obligations under some of the legislation that SafeWork NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website www.legislation.nsw.gov.au

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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