



Safety and health obligations for owner builders

An owner builder is a person who constructs or renovates a domestic building on his or her own land, who is not in the business of building.

Owner builders who are renovating or extending a current dwelling or building a new home may have obligations to meet safety and health requirements under the Occupational Safety and Health Act 1984 (the Act)

The Act also sets out general duty of care responsibilities for people such as employers, employees, self employed people, principals who engage contractors, people who have control of the workplace and workers hired out by labour hire companies.

This bulletin sets out duties that could be relevant to people that may work on an owner builder site, which is considered a workplace under the definitions of the Act.

Duties of owner builders as people in control of a workplace

As an owner builder, when you have contractors on site you have safety and health responsibilities to the contractor's employees and others at the workplace. Therefore it is important for the owner builder to consult with contractors to ensure that responsibilities are understood and agreed prior to work commencing.

The owner builder, as the person in control of the workplace, is required to take measures as far as are practical to ensure the workplace and means of access to and egress from the workplace, is safe for workers and visitors to the site.

For instance an owner builder may be required to provide:

- scaffolding for working at heights safely;
- site toilets;
- amenities;
- provide temporary power; and
- maintain housekeeping at the site by providing debris chutes/bins and site fencing if required.

Other people at the workplace

Workers must take reasonable care to ensure their own safety and health at work, and that the safety and health of others are not affected by their work.

Self-employed people must take reasonable care to ensure their own safety and health at work and, as far as practical, ensure their work does not affect the safety and health of others.

Designers, manufacturers, importers and suppliers of plant (equipment) must ensure that as far as practical; plant/equipment intended for use in the workplace is safe to install, maintain and use, adequate information is provided about any dangers associated with the plant/equipment provided;

Designers and builders of a building or structure for use at a workplace must ensure, so far as practical, that people constructing, maintaining, repairing, servicing or using the building or structure are not exposed to hazards.

What happens in situations of non compliance?

A WorkSafe inspector can enter and inspect a site at all reasonable times of the day or night. Where minimum standards are not met the inspector has the powers to take a range of actions including giving verbal directions, improvement notices and where there is a serious and imminent risk to safety and health, the inspector can activity.

The Act and supporting regulations provides for a range of penalties up to \$500,000 for non compliance.

Further information

The Commission for Occupational Safety and Health's guidance note General duty of care in Western Australian workplaces.

The First Step provides information on analysing and assessing risks at the workplace.

Download free copies at
www.worksafe.wa.gov.au.

Alternatively, copies are available directly from WorkSafe (small fee applies).

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