



Fact Sheet – Definitions of ‘Builder’ and ‘Building Work’

The Scheme

The Work Health and Safety Accreditation Scheme (the Scheme) is established under the *Building and Construction Industry (Improving Productivity) Act 2016* (the Act) and specified in the *Building and Construction Industry (Improving Productivity) (Accreditation Scheme) Rules 2019* (the Rules).

The Scheme operates such that only ‘builders’ who are accredited under the Scheme can enter into head contracts for building work that is funded directly or indirectly by the Commonwealth or a Corporate Commonwealth Entity, subject to certain conditions.

Definition of a “Builder”

The Act defines a builder, in relation to ‘building work’, as ‘a person who carries out any of the building work’.

A project or contract manager, or developer who carries out ‘building work’ will be required to obtain accreditation in order to undertake projects covered by the Scheme.

However, where a project manager, contract manager or developer is not carrying out building work, they will not require accreditation.

In these circumstances, they will be required to engage an accredited builder to carry out the ‘building work’.

Subcontractors and accreditation

A subcontractor is a person who carries out building work under a contract with a builder.

Subcontractors do not require accreditation for work covered by the Scheme because they work under the Work Health and Safety Management Systems of accredited builders.

Joint venture requirements

In joint venture arrangements only the person/s conducting ‘building work’ (that is, the builder) will require Scheme accreditation.

Definition of “Building Work”

Building work for Scheme purposes includes the:

- construction
- alteration
- extension
- restoration
- repair
- demolition
- dismantling

of any buildings, structures or works that form, or are to form, part of land, whether or not they are permanent. Any of these activities carried out on railways (not including rolling stock) and docks are captured by the definition of building work.

Building work also includes activities which involve the installation in any buildings, structures or works of fittings forming, or to form part of land, including:

- heating
- lighting
- air-conditioning
- ventilation
- power supply
- drainage
- sanitation
- water supply
- fire protection
- security
- communications systems

Finally, building work includes operations that are preparatory to, or to complete, any of the building activities listed above, including, for example:

- site clearance
- earth-moving
- excavation

- tunnelling
- boring
- laying of foundations
- erection, maintenance and dismantling of scaffolding
- on-site prefabrication of made-to-order components to form part of any building, structure or works
- site restoration
- landscaping
- roadways and other access works

What is not included as “Building Work”?

Single-dwelling house

Building work does not include any work that is part of a project for the construction, repair or restoration of a single-dwelling house or any building, structure or work associated with a single-dwelling house. It also includes any work that is part of a project for the alteration or extension of a single-dwelling house, if it remains a single-dwelling house.

Transportation or supply of goods

Building work does not include the transportation or supply of goods, to be used in building work, directly to building sites (including any resources platform) where that work is being or may be performed.

Prefabrication

Building work does not include the prefabrication of made-to-order components to form part of any building, structure or works, that is carried out at a place that is not:

- the site where the construction, alteration, extension, restoration, repair of, or the installation of fittings in, the building, structure or works occurs or is to occur; or
- a site that is separate from the main site and is either merely auxiliary to the main site or merely a holding site for components of the building, structure or works.

For further information:

- Visit the FSC website at www.fsc.gov.au
- Contact the FSC Assist Line on **1800 652 500**
- Contact the OFSC via email at ofsc@jobs.gov.au

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