



COVID-19 Construction Requirements – FAQs

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Permitted Work

1. What construction work is permitted in the ACT?

The following construction work is permitted in the ACT, under the *Public Health (Lockdown Restrictions) Emergency Direction 2021 (No 9)*:

- All construction, repair, and maintenance activities other than occupied residential apartment complexes
- Residential construction (including renovation), repair or maintenance activities on an individual class 1 building, as defined under the National Construction Code (see below for further information).
- Manufacturing, fabrication, testing, assembly, professional regulatory, off-site administrative and equipment supply activities necessary to facilitate permitted construction activities.
- Activities to keep construction sites safe and secure during lockdown.

2. What work is permitted in occupied residential premises (class 1)?

If you commenced physical work in an occupied residential premise (class 1 building) prior to 12 August 2021 (the day of lockdown), then you may recommence work both inside and outside the premises, subject to the following density limits

- The lesser of either 1 per 4m² on site, OR
- 5 workers and 1 supervisor
- INSIDE: no more than 2 people

You must comply strictly with the Construction Requirements, including to avoid contact with the occupants at all times.

If you DID NOT commence physical work prior to lockdown, you may commence work on the premises, but only OUTSIDE. The density limits outlined above continue to apply.

3. Where can I find a copy of the ACT Building and Construction Industry COVID-19 Requirements (the “Construction Requirements”)?

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A copy of the [Construction Requirements](#) has now been finalised and is available on the ACT Lockdown website. The latest version is Version 1.4.

If you have a question that is not covered in these FAQs or wish to seek clarification about the Construction Requirements, please send an email to canberra@mba.org.au.

4. Are ACT Housing projects considered to be ACT Government projects, or residential??

You should consider ACT Housing projects as ACT Government projects and comply with the requirements for other construction (not class 1 residential). The ACT Government will determine which ACT Government projects will recommence and their timing. ACT Government projects are still expected to comply with the ACT Building and Construction Industry COVID-19 Requirements.

If you are working on an ACT Government project, and require clarification whether it is recommencing, please contact the relevant ACT Government project officer for your project.

5. Can a building company, subcontractor or supplier reopen their main office if necessary to work on a permitted construction project?

Yes. The guiding principle should be that workers must work from home unless they are unable to do so. This applies even for construction activities, including off-site administrative requirements.

Up to two people can now enter a closed work premises or business at any one time for the following reasons:

- For essential maintenance work or other work undertaken for the purpose of ensuring the safety of the premises
- As required or authorised by the law.
- For emergency purposes (e.g. to operate critical systems such as alarms, monitoring, cold storage and utilities).
- To accept deliveries that cannot reasonably be delayed or diverted to a person's residential premises.
- To provide urgent and essential services for the administration of the business or undertaking which cannot be undertaken at home (e.g. administering a payroll system which cannot be operated from a person's residence).
- For any other purpose permitted by the public health directions.

It is our recommendation the people should continue to work from their residence, unless they are unable to do so. For example, if they need to attend the office to process payroll, or access documents that are subject to security clearances and conditions.

6. I am a residential builder, and my client has asked to come on to site to inspect the work. Is this permitted under the Construction Requirements and public health orders?

Updated: 27 September

The public health orders state that a person cannot leave their current residence unless it is for an essential reason. It is unlikely that a routine inspection by the homeowner of the building site would be considered an essential reason.

The Construction Requirements strongly encourage that all non-essential people are not permitted on to the site. This is to manage the risk of spread of COVID-19 and to protect both the workers on-site, and the home-owners. Where possible, inspections should be conducted virtually.

It is acknowledged in the Construction Requirements that it is reasonable for a home-owner to attend site from time to time. Social distancing must be adhered to all times and the time spent on site must be kept to a minimum. Where any visitor is attending the site, they count towards the density limits.

7. How many workers can I have on a residential site during a concrete pour?

The public health orders have been amended to reflect the specific circumstances involving concrete pours. Rather than being limited to 5 workers and 1 supervisor, if the work being undertaken is concreting, the works may be undertaken with the minimum number of concreters required for safety reasons.

This change reflects the reality that more than 5 concreters are required to safely pour a concrete slab.

The MBA advises that the builder should undertake a risk assessment for each specific project to determine the number of workers (including the truck driver, pump operator and any supporting trades) necessary to safely complete the pour. Only workers required onsite should be present during the pour.

8. Can I carry out defect rectification or maintenance work in occupied residential premises?

If the occupied residential premises is a class 1 building, you can carry out routine defect rectification and maintenance work in accordance with your contract. You must adhere to the density limits (maximum of 2 workers inside, 5 workers in total on the premises) and social distancing at all times. The occupants must always remain in a separate area, and there is to be no interaction between workers and the occupants.

No routine defect rectification or maintenance work is currently permitted on occupied residential apartment complexes. Emergency works are permitted.

9. I am building a row of townhouses. What density limits apply?

If you are building a row, block or other configuration of townhouses, that will ultimately be separate class 1 dwellings, you are able to apply the “5 workers” to each separate townhouse.

Your COVIDSafe Plan should set out the measures you will implement to ensure that the workers adhere to the 5 worker density limit and do not all congregate together.

10. I am an architect and need to access my office. Am I allowed to do this?

If you are doing work that supports permitted construction activities, you are able to go to your office to perform work that cannot be done from home. Wherever possible, you and your staff should continue to work from your residence.

11. Can I attend an occupied premise to provide a quote for future work?

Updated: 27 September

Yes. The Construction Requirements now confirm that contractors are able to visit occupied residential sites to provide contactless quotations for projects. The resident must remain outside while the contractor is inside.

This does not apply to residential apartment complexes.

12. I am a manufacturer / fabricator. Am I allowed to go back to work and where can I deliver to?

Yes, you can go back to work.

Provided that you comply with the standing freight exemptions, you can deliver products throughout Australia.

You are required to have a COVID Safe Plan before resuming work.

There are special requirements for deliveries in section 3.20 of the Construction Requirements document which must be adhered to.

13. My concrete pumps were due for the 12 monthly inspections during lockdown, and the inspector would usually come from Sydney to perform this work. Will WorkSafe ACT provide an automatic extension or grace period for these inspections?

No. We are continuing to raise this with ACT Government.

You can apply for an exemption from ACT Government, but we have been advised by ACT Government that they are unlikely to be considered for construction projects at this time. WorkSafe ACT do not provide exemptions under the Health Directions. Exemptions must be applied for through ACT Health.

14. When do I need a QR Code?

The head contractor must ensure that a QR Code is registered and installed for every site. A subcontractor does not need to have their own QR code for each site.

The Construction Requirements states that a QR code for a worksite is **not required** for repair, maintenance or construction activities if taking place in a private occupied residence, provided the employer maintains a record of who attended the worksite and at what time.

Anyone visiting a site which has a Check In CBR App code must check in, regardless of the length of time they plan to stay there.

15. Do the delivery drivers need to use the CBR Check In App?

If the delivery driver does not exit the vehicle, then no, they do not need to check in.

If they exit the vehicle and they are on site, they must check in. Other controls must also then be put in place to limit contact between the delivery drivers and workers on site, in accordance with the Construction Requirements.

16. Do delivery drivers need to agree to the Declaration required by the Construction Requirements?

Yes, they must make the required declaration. This applies regardless of whether the delivery driver exits the vehicle.

17. Where can I find a template Authorised Worker Permit?

The ACT Government has developed a template which can be found [here](#) or on the [ACT Government COVID19 Lockdown Page](#). It is also referred to as the Construction Industry Worker Permit.

It is important to note that an Authorised Worker Permit has a specific meaning in the ACT Construction Requirements. This Permit does not constitute a Travel Exemption allowing works to travel from outside the ACT + 10 Postcode region.

Occupied Residential Apartment Complexes

18. Am I able to undertake construction work (including defect rectifications) on an occupied residential apartment complex?

No.

The [public health orders](#) were amended on Friday, 10 September and now **do not** permit any construction work to take place on an occupied residential apartment complex.

This applies even if the work was scheduled to take place in a vacant apartment, or where physical work had commenced prior to 12 August.

We have been advised that this is due to the risk of transmission between construction workers and residents, and the experience in other jurisdictions.

If no one has moved into the entire complex, then you are permitted to undertake construction work, including defect rectification.

19. What is considered a 'residential apartment complex'?

A residential apartment complex is where there is a common entrance for more than one dwelling or apartment. There is no minimum or maximum number of storeys required for a building to be a residential apartment complex.

For example, a townhouse complex where each townhouse has a separate entry/exit point and there is no requirement to access common property, would not be a residential apartment complex under these public health orders.

We are waiting for further clarification from the ACT Government on residential aged care or assisted living facilities.

20. Our contact has a 90-day maintenance period that is about to expire. What do I do?

You will need to look at your contractual terms. Given that you are prevented from carrying out your obligations under the contract due to the public health orders, you would ordinarily be entitled to an extension.

You should consider letting your clients know as soon as possible that you may be unable to fulfil your obligations, until the public health orders change.

21. Can I do emergency works on an occupied residential apartment complex?

Yes. If work is required that is '**urgent repair and maintenance services**', that is permitted under section 28 of the public health orders. This may include but is not limited to plumbing, electrical and heating repair, or other circumstances where there is water leaking that is impact the health and safety of residents or a lift out of order preventing accessibility.

22. Can I do work OUTSIDE if it is only outside the apartment complex?

The public health orders state that no construction work is permitted on an occupied residential apartment complex. MBA has requested clarification from ACT Government about whether work that is only required on the outside of an apartment complex can continue.

In the interim, we advise members should not be undertaking any work on an occupied residential apartment complex, unless it is emergency works.

Cross-Border

23. Do the Construction Requirements apply in NSW?

No. The ACT Construction Requirements do not apply for construction work in regional NSW. All construction work can continue.

There are capacity limits for renovations, repairs, maintenance and cleaning in NSW that are similar to what is allowed in ACT. They are:

- No more than 2 people are working in an indoor area of the home at the same time
- A resident must stay in a separate indoor area to where the work is being carried out
- No more than 5 people are working in an outdoor area at the same time.

24. Can ACT based construction workers travel to NSW to work on construction projects that would be permitted in the ACT?

Yes, provided that the ACT based construction workers only travel within the 10-postcode bubble region and are working on projects permitted.

Workers must not travel to regional NSW, outside of the approved 10-postcodes, unless they have received an exemption from ACT Health.

25. Can my workers travel into the ACT from NSW?

Inside the 10-postcode region

Yes, provided that they are carrying out work that is deemed essential under the ACT Public Health Orders. This includes any local council area that is subject to stay-at-home orders in NSW.

The workers will need to complete a [NSW Travel Declaration](#) every 72 hours, when they return back to NSW.

Regional NSW

No – workers must not travel from the ACT into regional NSW. We are continuing to raise the impact this decision has on construction projects in the ACT.

Workers can apply for an exemption, but we have been advised by ACT Government that they are very unlikely to be considered for construction projects at this time.

COVID Safe Plan

26. Do I need a COVID Safe Plan?

YES. Every site for permitted construction work requires a COVID Safe Plan. This includes off-site manufacturing, fabrication and assembly sites.

If you have an existing COVID Safe Plan, it must be updated to implement each aspect in the Construction Requirements.

Each worker must be inducted into the construction site under the updated COVID Safe Plan.

The update COVID Safe Plan does not need to be approved by the ACT Government or WorkSafe ACT prior to you reopening.

MBA ACT has produced a template COVIDSafe Plan. If you require access to this document, please contact us via canberra@mba.org.au. The template will be updated when necessary.

COVID Marshals

27. Does every site need a COVID Marshal?

YES.

28. What are the requirements for a COVID Marshal on a civil site?

If there are 15 workers or less on the site at any given time, you must appoint a COVID Marshal, however, that person can be a COVID Marshal on multiple sites. If a COVID Marshal is performing this role on multiple sites:

- The onus is on the PCBU to demonstrate the COVID Marshal has sufficient oversight to ensure COVID safety;
- While not on site, they need to have identified a delegate to support COVID control on site, such as wearing masks and social distancing, and to facilitate contact with the COVID Marshal when required; and
- The COVID Marshal must be contactable at any stage to support site management activities and liaison with ACT Government agencies such as ACT Health and WorkSafe.

If there are more than 15 workers on the site at any given time, you must have a dedicated COVID Marshal who is an employee of the PCBU and not performing other roles on the site (unless they are the Site Safety Manager).

29. What are the requirements for a COVID Marshal on a large commercial site?

A large commercial site is defined as 4 or more storeys high (excluding basement), or over 1500m² in Gross Floor Area.

All these sites must have a dedicated COVID Marshal who is an employee of the PCBU and not performing other roles on the site (Unless they are the Site Safety Manager).

30. What are the requirements for a COVID Marshal on all other sites, including residential?

For all sites that are not considered a large site (4 or more storeys high, greater than 1500m² Gross Floor Area), you must appoint a COVID Marshal but they do not need to be on that site at all times, and can be a COVID Marshal on multiple sites.

If a COVID Marshal is performing this role on multiple sites:

- The onus is on the PCBU to demonstrate the COVID Marshal has sufficient oversight to ensure COVID safety;
- While not on site, they need to have identified a delegate to support COVID control on site, such as wearing masks and social distancing, and to facilitate contact with the COVID Marshal when required; and

The COVID Marshal must be contactable at any stage to support site management activities and liaison with ACT Government agencies such as ACT Health and WorkSafe.

31. Can a project manager or site supervisor be given the role of COVID Marshal?

For a large-scale project or a civil construction project, the COVID Marshal must be a dedicated employee of the PCBU and not performing other roles on the site (unless they are the Site Safety Manager).

However, a PCBU can appoint more than one COVID Marshal provided that (for large scale projects) each permitted construction site has a dedicated COVID Marshal on site at all times.

The Construction Requirements set out what the responsibilities of the COVID Marshal are.

MBA ACT has prepared Fact Sheets on the COVID Marshal and density limit requirements, which you can view [here for residential sites](#) and [here for commercial sites](#).

32. Where can I book the infection control awareness training or First Aid (level 2) training required for COVID Safety Marshals?

The Commonwealth Department of Health has developed COVID-19 infection control training. This training can be accessed [here](#).

The training is free of charge and takes around 20 minutes to complete. First Aid (level 2) training is currently available from a range of RTOs, including MBA Group Training. Details of available courses are available on the [MBA website](#).

Subcontractors & Suppliers

33. I am a subcontractor. What do I need to do before recommencing on a permitted construction site?

If you are a subcontractor on a permitted construction project you should contact the head contractor to find out about the COVID safety requirements for that site. The head contractor should provide you with a copy of the site's updated COVID Safe Plan.

You, and all of your workers, will need to:

- Follow the requirements of the site's COVID Safe Plan at all times,
- Have your workers inducted into the site again under the updated COVID Safe Plan,

Provide an Authorised Workers Permit to all of your workers. If you are a manufacturer or fabricator, you must have a COVID Safe Plan for your premises.

COVID Infection

34. What do I do if a COVID-19 positive person is found to have worked on my construction site?

Section 4 of the Construction Requirements outlines the process to follow to manage a COVID-19 positive case.

In summary:

- If a staff member is a confirmed case and attended the workplace while infectious, ACT Health will contact you to determine the appropriate next steps to minimise the risk of virus transmission within your workplace.
- You are advised to contact WorkSafe ACT immediately and complete a [Notifiable Incident form](#) upon being informed of a positive case of a worker on a project or site in the building and construction industry. [Guidance on the process can be found here](#).
- WorkSafe ACT will provide guidance about the actions that should be taken immediately, which may include:
 - Closing site for further works or overtime
 - Arranging for 'Deep Cleaning' of the affected areas
 - Communicating with staff, own and subcontractor workforces to isolate pending instruction by ACT Health

The SafeWork Australia website has [additional guidance](#) on what to do in case of a positive case in a workplace.

The ACT Government COVID-19 web page has [additional Guidance](#) for cleaning of venues with a confirmed or potential case of COVID-19.

Compliance

35. What happens if I don't comply with the Construction Requirements or Public Health Orders?

The Construction Requirements are now a subsidiary document of the Public Health Orders, and therefore the same maximum penalties apply for non-compliance.

For an individual - \$8,000

For a body corporate - \$40,500.