1 OBJECTIVES

a) To provide a working environment that is safe and healthy for employees and independent Contractors and their employees in accordance with the Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011.

b) To detail the requirements placed on Kempsey Shire Council Staff and Contractors whom may be engaged.

2 STATEMENT

a) This is a general document to be read as a prelude to assist and determine the appropriate contract level procedural document which may apply to any contractor engagement.

b) This document is the parent document of a group of procedural documents explaining the management of Contract Health and Safety responsibilities for Kempsey Shire Council.

c) The family consists of five member documents being:

i) Managing Contractor Health and Safety General (Parent)

ii) Managing Contractor Health and Safety Basic Level 4

iii) Managing Contractor Health and Safety Minor Level 3

iv) Managing Contractor Health and Safety Medium Level 2

v) Managing Contractor Health and Safety Major Level 1.

d) Each of these documents has associated attachments to be used within the implementation of the procedure.

e) All documents have been colour coded within their level to assist in the identification for use. The colour coding used is demonstrated above.

f) The following factors apply to each and every aspect of work carried out by a Contractor:

i) Outsourcing work to Contractors will not remove Council’s absolute obligation to ensure the Health, Safety and Welfare of those that actually perform the work.
ii) Council has a legal obligation to ensure that no person is exposed to risk as a result of its activities, even those with which there is no direct or formal relationship e.g. members of the public. At times these obligations may be shared with other PCBU operators.

iii) Council may be considered to have management or control of the workplace even though a Contractor has the practical day-to-day control. Employees and officers of the Council may be liable for prosecution for a failure to manage health and safety at work, where the actions or omissions of a contractor result in a risk of injury to others.

iv) Council engaging a Contractor to provide services to the community will have a duty to ensure so far as is practicable in all of the circumstances that no one suffers a risk to their health and safety from the carrying out of work or the provision of the facilities by the Contractor. Council must accordingly monitor and regulate the conduct of the Contractor.

v) It is therefore important that Council be able to show the exercise of due diligence in attempting to meet health and safety obligations when engaging Contractors.

vi) The extent of this duty to provide a working environment that is safe and healthy for independent Contractors, and their employees, depends on the degree to which Council has influence or control of the workplace in which the contractor is working.

vii) The degree and mechanism for the monitoring of any contract activities shall be included within the contract details. Where applicable a Principle Contractor shall be nominated and advised.

g) This may be achieved by taking steps that are reasonable in the circumstances to see that a competent Contractor with relevant experience is engaged, and that the Contractor and its employees carry out the work in safe premises, using proper and safe plant and substances, employing systems of work that are safe, and in which there has been adequate instruction, training and supervision.

h) This document provides practical guidelines to assist Council staff to establish a systematic approach to managing Contractor health and safety risks.

3 REFERENCES

External
- The Work Health & Safety (WHS) Act 2011
- The Work Health & Safety (WHS) Regulations 2011 in particular Chapter 6 Construction Work
- Tendering Guidelines for NSW Local Government
- Code of Practice for Work Health and Safety Training for Construction
- AS/NSZ 4801 - Occupation Health and Safety Management Systems
- AS/NSZ ISO 31000 - Risk Management

Internal
- 5.6.14.1 Managing Contractor Health and Safety Risks Basic Level
- 5.6.14.2 Managing Contractor Health and Safety Risks Minor Level
- 5.6.14.3 Managing Contractor Health and Safety Risks Medium Level
- 5.6.14.4 Managing Contractor Health and Safety Risks Major Level
- 5.9 Procurement Policy
- 5.9.1 Procurement Procedure Manual
4 DEFINITIONS

Contract Levels

These are particular types of contracts identified by a level to allow Kempsey Shire Council to list requirement to aide in management function to ensure WHS requirement are meet.

The levels are:

<table>
<thead>
<tr>
<th>Contract Level</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1 Major</td>
<td>A contract involving Construction work where the cost of that work exceeds $250,000.00.</td>
</tr>
<tr>
<td>Level 2 Medium</td>
<td>Is a contract involving construction work where the cost of the work does not exceed $250,000.00 but is classified as high-risk construction work. This level will also apply to demolition work or asbestos removal work for which a license is required under the WHS Regulation 2011, Part 8, regardless of the cost of the work.</td>
</tr>
<tr>
<td>Level 3 Minor</td>
<td>Any construction work under $250,000.00 and not classified as high risk construction work. Any work which, through a process of risk assessment, has been determined to be at a risk level of between moderate and high (see 5.6.4 Risk Assessment). Such contract work may involve flammables, explosives and pyrotechnics, confined spaces, hazardous substances, manual handling, work at heights, public health etc. to which the requirements of the WHS Act 2011, the WHS Regulation 2011 or other relevant legislation (e.g.: Pure Foods, Public Health etc.) will apply. Typically these are trade type contracts.</td>
</tr>
<tr>
<td>Level 4 Basic</td>
<td>Non construction work that is office based and of an administrative nature only. Such as specialist consultants, Trainers, or data entry operators from labor hire agencies for example.</td>
</tr>
</tbody>
</table>

**Construction Work** - means any of the following in accordance with the WHS Regulation 2011:

- Excavation, including the excavation or filling of trenches, ditches, shafts, wells, tunnels and pier holes, and the use of caissons and cofferdams.

- Building, including the construction (including the manufacturing of prefabricated elements of a building at the place of work concerned), alteration, renovation, repair, maintenance and demolition of all types of buildings at a construction site.

- Civil engineering, including the construction, structural alteration, repair, maintenance and demolition of, for example, airports, docks, harbors, inland waterways, dams, river and avalanche and sea defense works, roads and highways, railways, bridges and tunnels, viaducts, and works related to the provision of services such as communications, drainage, sewerage, water and energy supplies.

**Contractor** – A company, sole trader, or partnership that is engaged to work on site at Council for a discrete task or project specified under a contract. A contractor is not an employee of the Council, and is required to have independent workers compensation and other insurance policies.
**Council Representative** – The responsible Council Manager who has control of a specific work area, who directs and controls contractors at the workplace.

**Hierarchy of Control** – means a tool which defines the order in which hazard controls should be considered during the risk control stage of a risk assessment. They are: Elimination of the hazard; Substitute the hazard; Engineering Controls; Administration Controls and Personnel Protective Equipment Controls.

**High Risk Work** means:

- construction work involving structural alterations that require temporary support
- construction work at a height above 2-metres
- construction work involving excavation to a depth greater than 1.5metres
- demolition work for which a license is required
- construction work in tunnels
- construction work involving the use of explosives
- construction work near traffic or mobile plant
- construction work in or around gas or electrical installations
- construction work over or adjacent to water where there is a risk of drowning
- working in a confined space
- working with plant that produces significant heat to cause burns, or has the capacity to cut, shear or otherwise shape or mold products and materials
- work involving hazards to the public
- electrical installation work
- working with chemicals that are classified as Hazardous Substances or scheduled Poisons (Schedules 4-6)
- work that presents a substantial risk of infection from biological organisms.

**Induction training for Construction** - means general construction induction training ‘white card NSW’, construction workers can work in NSW using valid construction induction cards issued by all states and territories under the National Code of Practice for Induction for Construction Work as well as the following induction cards issued under previous arrangements:- 'blue cards' issued in Queensland; ‘red cards' issued in Victoria; Western Australian ‘blue’ cards.

**Insurances** - means the amount of insurance coverage required by a contractor will be determined by Council and copies of relevant policies are required to be provided. If the Contractor or Sub Contractor is a member of the Contractor Insurance Management System (CIMS) then they only need to provide their CIMS account number as part of the tender in lieu of forwarding insurance information.

**JSA** – means a tool to assist in the development of a Safe Work Method Statement.

**Permit to Work** - means an authority issued to a contractor by Kempsey Shire Council which gives authority to occupy the site and commence works defined within the scope of works details on the permit.
The format of the permit will be a subject to the level of the contract for which the permit is issued. By way of example for Level 1 and 2 it will be a formal permit to work for Level 3 or 4 it will be the purchase order provided by Council.

**Prequalification of a Contractor** means a process of assessment of contractors Work Health and Safety abilities prior to any engagement, to ensure the contractors safe work system is robust enough to undertake works on behalf of Kempsey Shire Council. There are two parts to prequalification. That is undertaken by the Tender-link Administrator prior to the identification of a package of work and that undertaken by the Project Manager which is specific to a package of work.

Prequalification normally occurs at Contract level 3.

**Principal Contractor** for workplaces where a contractor is the principal employing authority and has control over the worksite, this contractor is the Principal Contractor for the project. Where a major project is undertaken, the Principal Contractor may engage the services of subcontractors and/or suppliers.

For workplaces where the contract does not stipulate who is the Principal Contractor, Council will assume the role of Principal Contractor.

A Principle Contractor shall be appointed when:

- Construction work is undertaken and the cost of the work exceeds $250,000, or
- High risk construction work is undertaken and the cost of the work does not exceed $250,000, but due to the nature and type of risks involved warrant closer supervision, or
- Demolition work or asbestos removal work for which a licence is required. That is the removal of all friable asbestos or quantities of bonded asbestos of more than 10 square meters.
- A Principle Contractor may be appointed for a Medium rated contract subject to the risk assessment.
- A Principle Contractor shall be appointed for contracts rated as Major.
- The Principle Contractor can be Kempsey Shire Council.
- If a Principle Contractor is required under the definition above and one has not been appointed the Regulator may assume that the Principle is the Principle Contractor.

**Principal Contractor Statement** - means a statement that identifies the Principal contractor and confers the responsibilities as defined within the Work Health and Safety Regulation.

**Project Manager** – means for the purpose of this procedure any delegated Council worker who engages the services of a contractor to perform works on behalf of Council.

**Site Induction** Site specific health and safety induction training that relates to the particular site at which the construction work is to be carried out.

**Site-Specific Work Health and Safety Management Plan** - means a written document supplied by the Principal Contractor which must include all these items (as listed in the WHS Regulation 2011 Chapter 6).
**Substantial Risk** - means a Risk Assessment of a task or activity is identified as having a Risk Score of 'M' as classified by the risk matrix in the Kempsey Council document Risk Assessment Matrix / Tool.

**SWMS** - means a system of work designed to ensure the task is completed in a safe manner.


**Workers** - means for the purpose of this document includes Council Staff, Contractors, Volunteers and work site visitors.

### 5 RESPONSIBILITIES

#### 5.1 Council Representative, (Manager)

a) Implement the requirements of the Contractor Management family of documents within their area of control.

b) Appoint a Project Manager.

c) Support the Project Manager in the monitoring and implementation of the requirements of this procedure.

d) Monitor the works conduct of any Contractor engaged.

#### 5.2 Contractor, Sub Contractor

a) Provide all information (policies, induction, certificate copies etc.) as required by the tendering documents.

b) Develop Safe Work Method Statements as required by the contract and by the Principal Contractor or their representative.

c) Comply with, and ensure that all persons working for them comply with, the appropriate Safe Work Method Statements.

d) Comply with the requirements of the Site Specific Safety Management Plan.

e) Comply with, and ensure that all persons working for them comply with, the requirements of the Council’s safety rules.

f) Comply with, and ensure that all persons working for them comply with, all reasonable instructions of the Principal Contractor.

g) Comply with the requirement of the WHS Regulations at all times.

h) Maintain records of any incidents, risk assessments and toolbox meetings undertaken during the course of the contract. These records are to be held for a period of five years after completion of the contract.

i) Advise Council project manager of all incidents occurring on site.

#### 5.3 General Manager and Directors

a) **Person Conducting a Business or Undertaking (PCBU)**

b) The WHS ACT requires all persons who conduct a business or undertaking to ensure, so far as is reasonably practicable, that workers and other persons are not put at risk from work carried out as part of the business or undertaking.
c) Provide the resources necessary to allow the implementation of this procedure.

5.4 Project Manager

a) Prepare specifications for tenders using a risk management approach.

b) Undertake and record the completion of due diligence assessments prior to Contractor engagement.

c) Obtain all necessary insurance documentation unless the engagement is for a prequalified contractor.

d) Review or develop Project Safety Plans for Contract levels 1 and where required Level 2.

e) Issue contracts using WHS documentation and history of WHS performance as a decision making tool in the selection of contractors.

f) Develop and maintain Project files in the Trim record system for each project.

g) Issue Permit to Work for Contractors engaged.

h) Monitor the contractor’s safety performance throughout the life of the contract.

i) Obtain and file completed Subcontractor Statements with regards to Workers Compensation.

j) Deliver Site Induction to contractors engaged in accordance with contractual arrangements.

k) Undertake Site Inspection on behalf of Kempsey Shire Council in accordance with contract provisions.

l) Review the contractor’s safety performance at the completion of the contract.

m) For level 3 contracts and where the contractor has demonstrated adequate safety performance, advise the Council’s Tender Link Administrator so that the contractor can be added to the Register of Prequalified suppliers.

5.5 Principal Contractor

a) General

   i) Manage the work site during the life of the contract to ensure compliance with the requirements of WHS Act, regulation and current Codes of Practice.

   ii) Notify Kempsey Shire Council Contract Manager of any incidents which occur on site. In particular any incidents that are reportable to the Regulator.

   iii) Maintain records of any incidents, risk assessments and toolbox meetings undertaken during the course of the contract.

   iv) Provide site induction training and supervision for the duration of the task/project undertaken for the contract.
v) Sight and record details of licenses, certification and qualification to undertake works for all workers on the project site.

vi) Prepare and/or review Safe Work Method Statements or operational procedures for all work assessed as having safety risks.

vii) Develop and maintain a hazardous substance register for the project.

viii) Carry out and record hazardous substance risk assessments for all hazardous substances brought on to the project site.

b) Level 1 Contract

i) Develop, implement and maintain a Site Specific Safety Management Plan when requested to or required by the WHS Regulation.

ii) Keep records of any atmospheric testing or health surveillance undertaken when required.

iii) Determine the consultation arrangements and agreements reached with workers on the project and record these arrangements in the Site Specific Safety Management plan.

5.6 Tender Link Administrator

a) Act as the first point of contact for the provision of Prequalification documentation.

b) Maintain a register of Prequalified Contractors in a format that can be accessed by Project Managers.

c) Undertake and record the completion of Work Health and Safety due diligence assessments for contractors as part of prequalification Process. Prior to any actual engagement.

d) Obtain all necessary insurance documentation as part of the prequalification contractors.

6 PROCEDURE

6.1 The “Four” Stages of Managing Contractor WHS Risk - (Stages 1 to 4)

a) The aim of Managing Contractor Work Health & Safety Risks is to ensure that contractors (and their employees) perform their work in a manner that is safe and healthy.

b) There are four important stages that must be implemented by the Project Manager or Council representative when engaging contractors:
c) The classification of the contract (Stage 1: Contract Classification) is provided in this document, which determines the type of contract arrangements that need to be implemented.

d) Stages (2 to 4) are integrated into each of the four types of contract arrangements, and are available as separate documents. The four types of contract arrangements are:

i) **Basic Contract Level 4:** Procedure 5.6.14.4 - Managing Contractor Health And Safety Risks “Basic” Level 4 Contract or non-construction work activities that require minimal supervision, with very low levels of risk e.g. Consultants, Planners and trainers.

ii) **Minor Contract Level 3:** Procedure 5.6.14.3 - Managing Contractor Health And Safety Risks “Minor” Level 3 Contract or short-term construction work activities (Less than $50,000) and/or other work that presents a substantial or higher level risk e.g. Carpet laying and roadside weed spraying.

iii) **Medium Contract Level 2:** Procedure 5.6.14.2 - Managing Contractor Health And Safety Risks “Medium” Level 2 Contract for longer-term construction work and/or higher risk work where the value of the work will be more than $50,000, but less than $250,000 e.g. roof repairs and road patching.

iv) **Major Contract Level 1:** Procedure 5.6.14.1 - Managing Contractor Health And Safety Risks “Major” Level 1 Contract for longer-term construction work and/or higher risk work where the value of the contract will exceed $250,000 e.g. Road construction, Trenching.

### 6.2 Classification of Contract (Stage 1)

a) Council is involved in tendering and managing a very broad range of contracts. These can include long-term service contracts, through to quite small contracts for minor maintenance repairs, construction activities, or consultancies and training providers.
b) While the health and safety obligations between Council and Contractors remain the same regardless of the size and duration of the contract works, it is important to acknowledge the practical issues associated with engaging small contractors.

c) Small Contractors typically have less formalised WHS Management Systems when compared with larger contracting organizations. Consequently, Council’s WHS Contractor Management System has a level of flexibility to accommodate the different levels of WHS system development. To ensure practical measures are taken when engaging large or small Contractors a different approach should be considered for each category, which is classified as follows:

d) For Minor contracts, Contractors are only required to demonstrate a reasonable level of development in managing health and safety. This is considered to be the successful completion of Kempsey Shire Council Contractor Prequalification Application Pack. Contractors may require a significant level of support from Council in ensuring that WHS obligations are complied with.

e) For Medium to Major contracts, Contractors are generally expected to demonstrate a higher level of development of their WHS Management System and will be subjected to due diligences assessments as described with the procedure covering those levels of contract.

f) The Project Manager is responsible for classifying the contract, which will affect the extent of information required from the contractor and time and effort required from the Project Manager. This is dependant on a range of factors including:

i) Type of work carried out by the contractor;
ii) Duration of the contract;
iii) Level of Risks associated with the work to be carried out, and
iv) Value of the contract.

g) The flowchart overleaf, provides guidelines in determining the contract classification arrangement.

h) Kempsey Shire Council Tender Link Administrator will supply copies of Kempsey Shire Council, Contractor Prequalification Application Pack and is the first point of contact if assistance is required to complete this document.

i) WorkCover supplies a range of published materials that may help contractors identify and meet their Work Health and Safety obligations. There is a WorkCover office located in Horton Street, Port Macquarie, and the website address is www.workcover.nsw.gov.au or phone 131050.

6.2.1 Classification of Contract Works Flowchart

a) The flowchart below provides guidance on determining the contract classification.

b) It is impossible to account for every conceivable Council contract arrangement, and therefore the Project Manager and Council Representative managing the contract is expected to use good judgment in determining the most appropriate contract classification.

c) Further information in determining the type of contract arrangement is provided on the next page.
d) For Informal Minor works where the contractor is pre-qualified the following must be provided to the Project Manager as minimum before commencing work:

i) evidence of WHS training e.g. Construction Induction Certificate (Green/White card);

ii) documented Risk Assessment for the works;

iii) Job Safety Analysis / Safe Work Method Statement;

iv) copies of Relevant Insurance documents;

v) Subcontractor’s Statement Regarding Workers Compensation, Payroll Tax and Remuneration;

vi) complete a Site Specific induction risk assessment, and

vii) and be issued a Contractor Permit to Work before commencing work, or, at the first available opportunity is still required each time the contractor is engaged.

e) Where the job is of very short duration or transient, does not pose a “substantial” risk and the Contractor is pre-qualified, the Council Representative may elect for the permit to work to be voided by the Site Specific Induction Risk Assessment. The Contractor will forward the site specific induction risk assessment to the project manager after completion of the job.
6.2.2 Guidelines for Classification of Contracts Flowchart

a) The following table provides information and guidance in applying the Classification of Contract Works Flowchart. It considers the type of works to be undertaken, the level of risk involved with that work, the duration of the contract and the dollar value of the project.

**Classification of Contract Works Flowchart**

<table>
<thead>
<tr>
<th>(A Level) Type of work carried out by the contractor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work that is classified as construction work (See Definitions) will immediately have specific requirements under the WHS Regulation 2011, such as General Induction Training and the requirement to conduct WHS risk assessments.</td>
</tr>
<tr>
<td>Activities that are not related to construction work generally carry lower risks and have fewer specific WHS obligations imposed under the WHS Regulation.</td>
</tr>
<tr>
<td>However this by no means implies that the risks associated with activities not related to construction work are negligible, instead, Substantial or higher level risks identified by an initial risk assessment of the work may indicate that significant risk control measure will be required.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(B Level) of Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activities with increasing risks require more stringent control measures, and therefore, Council will require more demonstrated ability from the Contractor that they are capable of carrying out the work in a healthy and safe manner.</td>
</tr>
<tr>
<td>Contractors that undertake High-Risk-Work under the WHS Regulation 2011, will be expected to have risk management component to their WHS Management system and have developed Safe Work Method Statements to control identified risks associated with works undertaken. Then need to be familiar with more sophisticated WHS Management Systems requirements.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(C Level) Duration of the contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction work taking less than 1 month to complete often do not involve high risk activities, and are conducted under one-off, or emergency related conditions, and providing that the risks associated with the activity are not substantial, work may commence following a brief Contractor assessment and induction by the Council representative to the contractor.</td>
</tr>
<tr>
<td>Any construction work activities that will take more than 1 month to complete will need to be assessed for more formalised WHS Management Systems that reflect the type of work that is to be performed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(D) Value of contract</th>
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</thead>
<tbody>
<tr>
<td>The cost of a contract can be an indicator of risks associated with the work to be carried out. Work with a value of $50,000 or less and is very short term or transient often will not present Substantial risks, however, activities with a value of between $50,000 to $250,000 are more likely to involve high risk work, or activities with Substantial risks. Construction work with a value of $250,000 has the additional requirements of appointing a principal contractor to develop and maintain a WHS Project Plan.</td>
</tr>
</tbody>
</table>

6.3 Contract Specifications – (stage 2)

a) An effective Contractor WHS Management System must clearly identify the health and safety requirements of the Contractor and the Council as the principal.
b) All parties must understand their obligations with respect to legal, contractual and technical aspects of the work to be undertaken. This must be supported by appropriate policies, procedures and work practices which are integrated with Council’s health and safety management system and the day to day business operations.

c) The contract specification documents represent an important first stage in which Council can specify health and safety requirements to Contractors tendering / quoting for works packages.

d) By ensuring that quality environmental and health and safety requirements are clearly identified in specification documents.

e) Key messages can be conveyed as follows:

i) Council considers WHS as an important priority in the way it conducts its business, including Contractors engaged by Council.

ii) Contractors must demonstrate compliance with WHS legislation, specific standards and Code of Practice.

iii) Contractors shall provide evidence that they have an appropriate Management Systems and can verify their implementation in practice.

iv) Contractors are required to comply with contract specific Quality, Environmental and WHS requirements as determined by Council and detailed in the Contract specification.

v) Contractors shall identify how Sub-contractor breaches of Quality environment and safety will be managed.

f) For Medium or Major Contracts and formalised Minor Contracts the clauses provided in the attached Standard Quality, Environment and WHS Clauses for Contract Arrangements (see appendix table) shall be included in the contract specification and incorporated into the contract.

6.3.1 Tenderer WHS Management questionnaire (see appendix table)

a) The questionnaire should be incorporated in tender documents with a request to complete and provide supporting evidence. When engagement are at Level 1 Major and Level 2 Medium.

b) Incorporating quality, environmental and work health and safety requirements into contract documentation needs to be undertaken as early as possible in the specification development stage. Consultation with, Council Representatives, Project Manager, Safety Professional and other relevant personnel should be considered to ensure that relevant issues are identified and considered when preparing specification documentation.

6.4 Contractor Tender Evaluation – (Stage 3)

a) The tender evaluation process is a critical task and allows Council the opportunity to verify the tenderer compliance with the contract WHS specifications.

b) This process should be a pass /fail circumstance and only those complying tenders move forward for further considerations.
c) The further consideration would then look at quality, environmental and value for money offerings to make the final decision on the selected contractor. This process should be documented and maintain as a record of the activity. It should be carried out in a systematic way and is often undertaken by a team of Council personnel.

d) **An important outcome of this process is that the tenderer is able to demonstrate the active implementation and operation of their Quality, Environmental and WHS Management Systems.**

e) The Project Manager should seek verification of this by examining various tenderer records. Generally this should include:

i) Review of completed **Tenderer WHS Management Questionnaire** (see Appendix table).

ii) *(Use the Review of Tenderer WHS Management Questionnaire as a criterion to assist in the evaluation (see Appendix table).)*

iii) Examination of tenderer’s Quality, Environmental and WHS Management Systems documentation, (manuals, procedures, work methods, training / competency records).

iv) Verification of the operation of the tenderer’s Quality, Environmental and WHS Management System and whether it fits with the contract requirements.

v) Undertaking interviews with tenderers to clarify particular issues and areas where more information is required.

f) More specifically this may include:

i) Audits - copies of completed audit reports, details of audits undertaken and there outcomes.

ii) Quality, Environmental and WHS Risk Assessment & Work Procedures - copies of completed risk assessments & safe work method statements.

iii) Hazard inspection records - copies of completed hazard inspection reports showing corrective actions.

iv) Plant maintenance and inspection records - evidence of completed maintenance logs, pre-start daily safety inspections, plant risk assessment reports.

v) Safety meetings - evidence of minutes of meetings, meeting schedules, personnel involved.

vi) Accident investigation - evidence of completed accident investigation reports.

vii) Training - records of health and safety training e.g. Construction Induction Certificate), competency certificates.

g) After evaluation the successful tender is selected and advised. The contract documents are prepared including any special clauses required by Council.
h) Council will use a standard set of contracts to which special clause can be added. The contract document will be Level dependent but each Level will have a suitable contract brief.

i) These documents are sent to the successful Contractor for signing and to include the provision of their business requirement, that is payment schedules etc. After including their needs and signing, the contract documents are returned to Council for signing.

j) The Council Representative will only sign off when all required information pertaining to the contract is available and on file. Signing an acceptance of any contract is subject to financial delegation and the value of the engagement.

6.4.1 Health and Safety Plan

a) Prior to the commencement of work on any Major Level 1, and selected Medium Level 2 Contracts, the contractor shall provide to the Council representative a completed Health and Safety Project Plan with relevant supporting documentation (see Appendix Table).

b) The Health and Safety Project Plan shall detail how the contractor will manage all aspects of health & safety on site and contain the following aspects as a minimum the:

i) Contract WHS Structure and System

The contractor should outline the management structure, responsibilities, standards and hazard control systems applicable to the contract to ensure WHS requirements are addressed. The following information should be included: Safety Policy to be displayed at worksites; names, position and contact details of those with specific WHS responsibilities.

ii) Contract Induction and Safety Training

An outline of contract induction procedures for employees and subcontractors; Details of induction course content; Register of personnel who have satisfactorily completed the induction; details of WHS training, Site Safety Rules for staff, contractors, visitors and volunteers, permits, licenses which has or will be relevant to the contract requirements.

iii) Risk Assessment

A detailed Risk Assessment that identifies the hazards associated with the contract tasks and activities assesses the level of risks and identify appropriate control measures.

Each major or significant task or activity associated with the contract shall be assessed in terms of the associated hazards.

A primary goal shall be to eliminate all High and Medium risks and should be one of the major focuses of the contract. Contractors will detail risk control measures which adequately address all identified high and medium risks. When determining control strategies, the hierarchy of controls shall be considered.
Prior to commencement of any contract works, Council must be satisfied that all substantial risk functions undertaken by the Contractor are controlled.

Additional risk assessments shall be completed during the course of the contract as required (i.e. work undertaken by subcontractors).

Where a Risk Assessment is not considered to be acceptable, the Contractor will be notified and appropriate modifications made to the risk assessment.

iv) Safe Work Method Statements (SWMS)

All contractors must provide the Principal Contractor with “signed” copies of SWMS for all tasks associated with the contract that have been identified as having safety risks.

SWMS should be derived from the risk assessments undertaken.

The contractor shall provide the Council project manager with a list of all employees and/or subcontractors that have been trained in and signed off on the SWMS.

Where the Safe Work Method Statements are not considered to be acceptable the Contractor should be notified and appropriate modifications made to the statement. Assessment of SWMS’s will be undertaken and recorded by the Principal Contractor.

v) Quality, Environmental and WHS Performance Reporting

The contractor shall commit to providing Council with regular performance reports for the contract works or services (See Appendix table Contractor Quality, Environmental and WHS Performance Reports attached to the Minor, Medium & Major Contract Arrangements Guidelines).

vi) WHS Consultation

The contractor will list current employer and employee consultation arrangement including the identification of HSRs where appropriate.

vii) Emergency Procedures

There is the potential for a range of emergency situations to occur both on-site and off-site in relation to contract works. These situations need to be identified and specific emergency procedures developed and made known. The following information should be documented in the contractor’s Health and Safety Project Plan.

Over all emergency plan structure for the contract; Register of emergency equipment and location i.e. First aid equipment and fire extinguishers; Register of current first aiders; Arrangements with other worksite occupants in the event of an emergency.

viii) WHS Incident Notification

Contractors engaged by Council will notify Council of any accident, injury, property or environmental damage associated with the contract works or services on the day of the occurrence. Records of these occurrences will be maintained within the Project Plan.
ix) **Non-Compliance**

Council has the right to suspend or terminate the contract works if in the opinion of Council, the Contractor fails to remedy breaches of health and safety.

Where the Health and Safety Project Plan does not meet Council requirements, the Contractor should be notified and appropriate modifications made to the plan by the Contractor.

x) **The Council Project Manager** shall also ensure that the following information is provided by the contractor:

1. Relevant Insurance documents are provided *and*
2. The Subcontractor’s Statement Regarding Workers Compensation, Pay-roll Tax and Remuneration form (attached to KSC’s contract arrangement guideline).
3. That all Staff & Contractors have been inducted into the **Site Safety Rules for Staff, Contractors, Visitors & Volunteers** *(see appendix table).*

   c) Prior to the commencement of works on a Medium, Major and formalised Minor contracts, the successful contractor shall be issued a **Permit to Work** by the Council Representative.

**6.5 Contract Management – (Stage 4)**

   a) It is important that a systematic approach is adopted when monitoring and supervising contractors. Requirements of the Contractor and the Council shall be clearly identified in the contract documentation.

   b) Appropriate records of activities related to monitoring and supervision of Contractor operations clearly demonstrate Council’s commitment to meeting its WHS legal obligations.

   c) These records are important legal documents that need to be held within Council’s corporate records system and may need to be relied upon when a non-compliance or serious health and safety incident occurs.

   d) The Project Manager will develop and maintain a project file within the TRIM records management system and consign a copy of all the reports around the monitoring and supervision of contractor to this file.

   e) Monitoring and supervision of Contractor activities is most efficiently undertaken when combined with other contract management activities.

   f) The integration of Quality, Environment and WHS procedures into the day to day aspects of the contract management process is a key element for success.

   g) Council has important legal obligations to monitor and supervise the activities of Contractors with regard to environmental and safety aspects of their work, irrespective of whether contracts are minor or major.

   h) Monitoring and supervision by Council ensures that the Contractor’s operations are conducted in accordance with:

      i) Environmental, and WHS Legislation, Codes of Practice and Australian Standards.
ii) Environmental and Health and Safety requirements outlined in contract documents.

iii) Contract specific Environmental and Health and Safety requirements as detailed in the Risk Assessment and Project Environment and WHS Plans prepared by the Contractor.

i) The extent to which Council should monitor and supervise Contractors will be influenced by several factors, including:

   i) The level of risk associated with Contractor’s activities.
   
   ii) Complexity of the tasks performed by the Contractor.
   
   iii) The control Council has over the workplace.
   
   iv) Interaction with other parties (i.e. Council employees, other Contractors, public).
   
   v) Duration of contract.
   
   vi) Contractors WHS performance to date.

j) A higher level of supervision by Council may be required in special circumstances.

k) Supervision may need to be targeted to specific key elements of a contract, for example:

   i) Contract start-up: ensuring that suitable systems and procedures are in place and the workplace is appropriately established.
   
   ii) High risk or complex activities: monitoring conformance with safe work procedures and risk assessment control measures.
   
   iii) High level of interaction with other parties: review of co-ordination and notification systems operating at the workplace.
   
   iv) Introduction of new plant, equipment or systems of work: may require separate risk assessment and monitoring of control procedures.

6.5.1 Monitoring and supervision of Contractor activities

a) Regular reviews of Contractor’s quality, environmental and health and safety documentation. This may involve review of:

   i) induction records;
   
   ii) test results;
   
   iii) plant maintenance / inspection records;
   
   iv) environmental and health and safety inspection reports;
   
   v) risk assessment documents;
   
   vi) employee training / competency records, and
   
   vii) safety meeting minutes.

b) Undertaking regular site inspections to monitor compliance with quality, environmental and health and safety procedures, considering:

   i) legislative requirements;
   
   ii) conformance with Risk Assessment control measures;
iii) conformance with Environmental and /or Health and Safety Project Plan, and
iv) conformance with Council health and safety policy and procedures
c) Providing contractors with advice on unusual or unexpected risks and feedback on areas of non-compliance. This may arise from:
i) inspections undertaken by Council;
ii) inspections or reports from other parties, and
iii) Council experience from similar contracts.
d) Reviewing Contractor performance. This may include review of:
i) accident / incident reports;
ii) third party reports or complaints, and
iii) review of monthly WHS performance reports.
e) Ensuring that corrective action is taken where non-conformance is identified by:
i) issuing of written non-conformance report or letter;
ii) reviewing and confirming that corrective actions have been implemented, and
iii) issuing formal notice (i.e. site instruction) when action not taken within reasonable timeframe
f) Incorporating quality environmental and health and safety issues as part of regular contract review meetings. This may include:
i) quality, environment and health and safety as an agenda item;
ii) quality, environment and safety inspections undertaken after/before site meetings, and
iii) quality, environment and health and safety issues considered as high priority in relation to overall contract performance.

6.5.2 Workplace Inspections

a) Council demonstrates its obligations as the contract principal in relation to the supervision of Contractors by conducting workplace environmental and health and safety inspections and then monitoring the outcomes of these inspections.
b) Quality outcomes should also be consider during the inspection process to ensure rate payer receive value for money outcomes from the engagement.
c) Inspection programs undertaken by Contractors and also by Council Project Manager are a key element in monitoring the quality, environment and health and safety standards of the Contractor’s operations.
d) Regular workplace inspections play a significant prevention role in identifying health and safety issues before they result in injury or damage at the workplace you can find the Post-Commencement Contract Audit Checklist (see Appendix table attached to the Minor, Medium or Major arrangements).

6.5.3 Who Should Carry Out Workplace Inspections

a) Although the Project Manager is not required to be expert in all matters, they should check that the contractor has adequately fulfilled its quality, environmental and health and safety obligations, as far as they can reasonably establish.
b) Through inspection and monitoring of Contractor operations, the project manager should raise with the Contractor any issues that come to their attention.

c) Inspections should be conducted in conjunction with a representative of the Contractor to enable discussion and resolution of issues as they are identified.

d) The Council Project Manager may seek input from specialist environmental and /or health and safety staff or consultants on identified issues.

6.5.4 Frequency of Workplace Inspections

a) The frequency of routine inspections shall depend on the nature and circumstances of each contract. Issues such as the level of risk and extent of control Council has over the workplace will influence the frequency of inspections.

b) The Project Manager shall establish an inspection schedule prior to commencement of the contract. This schedule and the resulting inspection reports should be held within Council corporate records system TRIM.

c) For short duration contracts from several days up to several weeks it may be appropriate that the Contractor undertake daily health and safety inspections.

d) For longer term contracts weekly or monthly health and safety inspections are likely to be more practicable. However, daily pre-start safety inspections may be required for particular high-risk plant, equipment and processes.

e) Council’s Project Manager will undertake their own inspection process to ensure all contract requirements are being met.

6.5.5 Contractor WHS Performance Report

a) The contractor shall report ongoing Health & Safety performance to the Council representative using the Contractor WHS performance report form (See appendix table attached the Minor, Medium & Major Contract Arrangements).

6.6 Keeping Contract Records

a) Effective contract management involves adoption of a systematic approach to record keeping during the period of the contract.

b) Relevant quality, environmental and health and safety records retained by Council provide documentary evidence of Council’s due diligence in relation to the management of Contractors.

c) These records will be particularly important in situations where the Contractor is in breach of environmental and /or health and safety requirements and/or a significant incident or accident occurs from activities performed by the Contractor.

d) When a Council Project Manager identifies a breach, this should be promptly notified to the Contractor. Relevant details should be recorded on an inspection checklist or as a file / diary note.

e) Other relevant health and safety records that should be retained by Council include:

i) Risk Assessment;
ii) Health and Safety Project Plan;
iii) Contract documents;
iv) Health and safety inspection reports;
v) Minutes of safety meetings and site / tool box meetings;
vi) Incident investigation reports;
vii) WHS performance reports;
viii) Non-conformance reports;
ix) Photographs and test results;
x) Site instructions and diary notes;
xi) Induction Training – general & site specific;
xii) Hazardous substances registers;
xiii) Plant maintenance registers, and
xiv) Health & Safety related discussions with the contractor.

f) Health and safety documents shall be retained by the Council representative and not be discarded until a minimum of five (5) years after the project is completed. In the event of incident associated with the contract the time for records maintenance is extended to thirty years.

6.7 Prequalified Contractors Scheme

a) Prequalified Contractors are those that have completed the Kempsey Shire Council Contractor Prequalification application pack and have been assessed as having developed their WHS Management System to a level that demonstrates to Council that they are capable of meeting their WHS obligations.

b) Prequalification looks at the Contractor WHS Management approach, considers insurance requirements at the time of the assessment, training and qualifications to undertake the works. And any licensing requirements.

c) The contracting Council Project Manager is required to undertake a reassessment titled the Engagement Process which is explained within this document.

d) Contractors can attain pre-qualified status by submitting the Kempsey Shire Council Contractor Prequalification application pack and supporting documentation. (see appendix table)

e) Assistance may be required to help the contractor achieve this level of compliance. This assistance could be provided during a prequalification stage to prevent any delays in contracted project work. Assistance in the first instants will come from the Tender Link Administrator or be referred to the Work health and Safety Advisor.

f) The Council Tender Link Administrator will then undertake a review using the attached Review of tenderer WHS Management prequalification questionnaire as a guide.

g) Even though contractors are on this list, they can and will be removed by Council at any time should they allow insurances to laps or performance with regards to Quality, Environmental management or Work Health Safety be below the expected performance.

h) Contractors must not use any Council "titled" documents e.g. SWMS WHSF0008 or Worksite Induction and Hazard Identification Form WHSF 0072 in the development of their WHSMS.

i) Approval remains valid for a period of two years; this is so the prequalified contractor can be engaged to carryout works periodically, and/or for
unplanned works without having to be formally reassessed for WHS Management Systems.

j) However, the contractor will still need to submit a range of documents and these will be assessed by the Council Project Manager at the time of engagement. This process is title the Engagement Process.

k) Where the job is of very short duration or transient and the Contractor is pre-qualified, the Project Manager may elect for the “permit to work” to be void by the Site Specific Induction Risk Assessment. The Contractor will forward the site specific induction risk assessment to the Council Representative after completion of the job.

l) Sub-contractors engaged cannot automatically commence work under the contractors prequalification. The Council Project Manager will be informed of the intention to sub-contract prior to the sub-contractor being engaged.

m) The sub-contractor must be assessed to be a prequalified contractor in their “own right” under Council’s contractor safety management system.

6.8 Other Related Council Contractor Documents

a) The following documents are in circulation within Council and should be read in conjunction with this procedure:

i) Procurement Policy 5.9, and
ii) Procurement Procedure Manual 5.9.1

6.9 Engagement Process

a) Is a check undertaken on the contractor at the time of or just prior to a specific engagement? It looks at the requirement of that engagement only.

b) The contractor to be engaged shall provide to the Council Project Manager a range of documents. The Project Manager shall ensure those documents are current and suitable to support engagement.

c) The documents could include:

i) SWMS for the tasks to be undertaken.
ii) Licenses or certification to do the work.
iii) Training for the staff to undertake the work.

d) The assessment can be undertaken using (see Appendix Table Review Tool engagement of contractor).

e) The Council Representative when satisfied shall issue to the Contractor a Contractor Permit to Work before commencing work or, at the first available opportunity and is required each time the contractor is engaged.

7 ATTACHMENTS

1. Standard WHS clauses for contract arrangements
2. Health and Safety Project Plan Template
3. Tenderers WHS Management Prequalification questionnaire
4. Review Tenderers WHS Management Prequalification questionnaire
5. Review of Tenderers WHS Management approach for engagement questionnaire

VARIATION

Council reserves the right to review, vary or revoke this procedure which will be reviewed periodically to ensure it is relevant and appropriate.
Standard WHS Clauses for Contract Arrangements General

The following Clauses shall be included where contract specifications or contract / service level agreement are documented, and incorporated into the contract.

Sub clause 1 - General Work Health & Safety Requirements

Council is obligated to provide and maintain, so far as is practicable, a working environment for its employees and members of the public, that is safe and without risk to health.

As a condition of this contract, Council requires that any Contractors or subcontractors that may be engaged to perform a service on its behalf will at all times identify and exercise all necessary precautions for the health and safety of all persons including Contractor employees, Council employees and members of the public who may be affected by the services.

The Contractor will inform itself of all work health and safety policies, procedures, measures or site safety rules implemented or adopted by the Council and/or the occupiers of any premises at or within which the Contractor will perform works under this contract.

The Contractor will comply with all such policies, procedures or measures; and in the event of any inconsistency, will comply with such procedures or measures as they produce the highest level of health and safety.

The Contractor will forthwith comply with any and all directions by the Council relating to work health and safety.

Sub clause 2 - Legislative Compliance

The Contractor will comply with and ensure that its employees, subcontractors and agents comply with any Acts, regulations, local laws and by-laws, Codes of Practice, Australian Standards and Council WHS Policy and procedures which are in any way applicable to this contract or the performance of the services under this contract.

Sub clause 3 - Health and Safety Project Plan

The Contractor shall prepare and submit to Council a documented Health and Safety Project Plan (see attached template) when requested:

In addition, the contractor shall ensure that:

- The Plan is kept up to date, and revisions of the Plan are distributed to all relevant persons as soon as practicable after the changes have been made.
- The Plan shall be made available upon the request of Council’s representative to the contract and any other authorities.
Sub clause 4 - Safe Systems of Work

The Contractor shall prepare and submit copies of all documented safe systems of work that are required for all high-risk-work activities, or any other activity that presents a substantial risk under the contract, including, but not limited to any Safe Work Method Statement, Job Safety Analysis and/or Risk Assessment.

The Contractor shall conduct a Worksite Risk Assessment prior to commencing the works under the contract. The Risk Assessment Form shall be used to record the risk assessment and risk control methods to be employed by the Contractor.

The completed Risk Assessment shall be submitted to Council for review and approval prior to commencement of works under the contract.

Sub clause 5 - Non Compliance

If during the performance of works under the contract the Council informs the Contractor that it is the opinion of Council that the Contractor is:

- not conducting the work in compliance with the Contractor's Health and Safety Plan, health and safety management procedures, relevant legislation or health and safety procedures provided by Council from time to time, or

- conducting the work in such a way as to endanger the health and safety of Contractors employees or Council’s or its Contractors’ and subcontractors’ employees, plant, equipment or materials, the Contractor shall promptly remedy that breach of health and safety.

Council may direct the Contractor to suspend the work until such time as the Contractor satisfies Council that the work will be resumed in conformity with applicable health and safety provisions.

During periods of suspension referred to above, Council shall not be required to make any payment whatsoever to the Contractor.

If the Contractor fails to rectify any breach of health and safety for which the work has been suspended, or if the Contractors performance has involved recurring breaches of health and safety, the Council may option to terminate the work forthwith, without further obligation to the Contractor. In this event, Council’s liability shall be limited to payment for the work performed and costs incurred by the Contractor up to the time of termination or an earlier suspension of works.

Sub clause 6 - Workers' Compensation Insurance

Prior to commencing works under the contract, the Contractor shall prepare and submit a Subcontractor’s Statement Regarding Workers Compensation, Pay-roll Tax and Remuneration, and where applicable, provide a copy of the Certificate of Currency of a valid Workers’ Compensation Insurance Policy.

Where a Workers’ Compensation Insurance Policy is applicable, the contractor shall ensure that it is maintained throughout the duration of the contract.

Sub clause 7 - Permit to Work

The Contractor shall not commence works under the contract unless Council has provided the Contractor with a Permit to Work under the contract.

The Permit to Work shall be issued on the provision that the following information related to the following listed clauses has been submitted to Council for review and have been approved:

1. Sub clause 3 Health and Safety Project Plan
2. Sub clause 4 Safe Systems of Work
3. Subclause 6 Workers’ Compensation Insurance
The contractor must complete this plan and given to the Council representative before commencing work. Note this is a generic template. The contractor may use their own provided it accommodates the areas within this template.

*Attach all supporting documentation to this form.*

### Contract details

<table>
<thead>
<tr>
<th>Contractor name:</th>
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<tbody>
<tr>
<td>Contract number:</td>
<td></td>
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<td>Contractor address:</td>
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<td>Contractor representative:</td>
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<tr>
<td>Contract description:</td>
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<td>Location of works:</td>
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<td>Timing of works (approximate): Start date: / / End date: / /</td>
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### Responsibilities

<table>
<thead>
<tr>
<th>Name</th>
<th>Position held</th>
<th>Safety responsibilities</th>
<th>Contact number (direct)</th>
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</table>
Emergency contact details

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<tr>
<th>Contact</th>
<th>Name</th>
<th>Position</th>
<th>Contact number (direct)</th>
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<tr>
<td>First contact</td>
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<td>Second contact</td>
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<td>Third contact</td>
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<td>Fourth contact</td>
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Scope and activity details

Major activities

Risk Assessment

Attached Risk Assessments for each major or significant task or activity associated with the contract.

A primary goal shall be to eliminate all High and Medium risks and should be the major focus of the contract.

Contractor should detail risk control measures which adequately address all identified high and medium risks. When determining control strategies, the hierarchy of controls shall be utilized (see definitions).

Prior to commencement of any contract works, the contractor must ensure that all substantial risk functions are controlled.

Additional risk assessments shall be completed during the course of the contract as required (i.e. work undertaken by subcontractors).
**Safe Work Method Statements (SWMS)**

Complete the following section outlining how you will ensure that all employees and subcontractors understand the SWMS.

Attach copies of the relevant SWMS

---

**Training and inductions**

Do you have a documented training procedure including inductions covering safety requirements?

If **Yes**, attach a copy to this form.

If **No**, complete the following section outlining how it will be implemented. (Training records must be available on request.)

---

**First aid and injury management**
Do you have a documented procedure for first aid and injury management?

If Yes, attach a copy to this form.

If No, complete the following section outlining how it will be implemented.

---

**Rehabilitation /Injury Management Policy**
Do you have a rehabilitation or injury management policy and return to work program?

If Yes, attach a copy to this form.

If No, complete the following section outlining how it will be implemented.

---

**Emergency procedures**
Identify any other emergency procedures used on the works.

List emergency procedures that you will provide and how they will link with Council’s procedures, for example emergency plan, emergency equipment or liaison with other workplaces.

---

**Incident reporting and investigation**
Do you have a documented incident reporting and investigation procedure?

If **Yes**, attach a copy to this form.

If **No**, complete the following section outlining how it will be implemented.

<table>
<thead>
<tr>
<th>Specialised work or licensing</th>
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<tbody>
<tr>
<td>List any special licences required for the contract works.</td>
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</table>

<table>
<thead>
<tr>
<th>Inspection/ Auditing approach</th>
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<tbody>
<tr>
<td><strong>What is to be the site inspection arrangement</strong></td>
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</table>

<table>
<thead>
<tr>
<th>Health and Safety Consultation</th>
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<tbody>
<tr>
<td><strong>Explain exiting arrangements and provide evidence to support agreement with Staff</strong></td>
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<table>
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<tr>
<th>Training requirements</th>
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</table>
List any relevant communication or training methods used during the works in relation to safety, for example weekly toolbox meetings or safe procedure training.

**Plant and equipment register**
Complete the attached plant and equipment register.

**Chemical management**
Complete the attached Chemical Register listing all chemicals to be used. Identifying hazardous substances and dangerous Goods and include risk assessment where required.

**Safety monitoring**
List any ongoing inspections, hazard management or incident reporting or investigation processes to be used during the works, if relevant.

**Subcontractor management**
Complete an attached a Subcontractor List detailing the subcontractors to be used and the details of the subcontractor management.

**Agreement**
This Safety Management Plan and any attachments incorporate all the safety requirements outlined in the contract.

<table>
<thead>
<tr>
<th>Name:</th>
<th>Position:</th>
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<td>Signature:</td>
<td>Date:</td>
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<td>Date:</td>
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**Council use only**
Contractor Safety Management Plan Reviewed: **Yes / No /**

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<tr>
<th>Council representative:</th>
<th>Signature</th>
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Council representative shall retain this form on site for two years then archive for a further five years.
**This questionnaire must be completed by all potential contractors**

As part of the prequalification/tender evaluation process, Council will review completed questionnaires (and supporting documents) submitted by applicants in relation to the status of their WHS management systems. The objective of the review is to establish the level of competency of the tenderer with regard to health and safety in general and in particular with regard to tender requirements. This questionnaire will form part of the tender documents. **This form is also to be used for the prequalification of contractors on very small or transient jobs.** There are 21 elements in the questionnaire; The Council representative must be satisfied the contractors response/abilities meet the needs and risk associated with the task.

<table>
<thead>
<tr>
<th>Item for consideration</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. WHS Policy and Management</strong></td>
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<tr>
<td>1.1 Is there a written company health and safety policy?</td>
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<td>If yes provide a copy of policy.</td>
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<tr>
<td>Comments:</td>
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<tr>
<td>1.2 Does the company have a WHS Management System certified by a recognised independent authority (e.g.: AS 4801)?</td>
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<td>If Yes provide details:</td>
<td></td>
<td></td>
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<tr>
<td>Comments:</td>
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<tr>
<td>1.3 Is there a company WHS Management System Manual or Plan. Is the plan suitable for this contract?</td>
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<tr>
<td>If yes provide a copy of the contents page(s).</td>
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<tr>
<td>Comments:</td>
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<tr>
<td>1.4 Are health and safety responsibilities clearly identified for all levels of staff?</td>
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<td>If Yes provide details:</td>
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<tr>
<td><strong>2 Safe Work Practices and Procedures</strong></td>
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<tr>
<td>2.1 Has the company prepared safe work method statements or operating procedures or specific safety instructions, relevant to its operations?</td>
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<tr>
<td>If yes, provide a summary listing of procedures or instructions.</td>
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<td>Comments:</td>
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<tr>
<td>2.2 Does the company have a permit to work systems?</td>
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<td>If Yes, provide a summary listing or permits:</td>
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<tr>
<td><strong>Item for consideration</strong></td>
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<tr>
<td>2.3 Is there a documented incident investigation procedure?</td>
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<td>If Yes provide a copy of a standard incident report form</td>
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<td>2.4 Are there procedures for maintaining, inspecting and assessing the hazards of plant operated / owned by the company?</td>
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<td>If Yes, provide details:</td>
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<td>2.5 Are there procedures for storing and handling hazardous substances?</td>
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<td>If Yes, provide details:</td>
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<tr>
<td>Item for consideration</td>
<td>Yes</td>
<td>No</td>
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</tbody>
</table>
| **2.6 Are there procedures for identifying, assessing and controlling risks associated with manual handling?**  
*If Yes, provide details.* | | |
| **2.7 Is there a risk Management approach in place?**  
*If Yes, provide details.* | | |
| **3. WHS Training**  
3.1 Describe how health and safety training is conducted in your Organisation | | |
| **3.2 Is a record maintained of all training and induction programs undertaken for employees in your company?**  
*If Yes, provide examples of safety training records.* | | |
| **4. Health and Safety Workplace Inspection**  
4.1 Are regular health and safety inspections at worksites undertaken?  
*If Yes, provide details:* | | |
| **4.2 Are standard workplace inspection checklists used to conduct health and safety inspections?**  
*If Yes, provide details or examples:* | | |
| **4.3 Is there a procedure by which employees can report hazards at workplaces?**  
*If Yes, provide details* | | |
| **Item for consideration** | Yes | No |
| **5. Health and Safety Consultation**  
5.1 What is the employee consultation arrangement for the organisation? | | |
| **5.2 Are employees involved in decision making over WHS matters?**  
*If Yes, please provide details.* | | |
| **6. WHS Performance Monitoring**  
6.1 Is there a system for recording and analysing health and safety performance statistics?  
*If Yes provide details:* | | |
| **6.2 Are employees regularly provided with information on company health and safety performance?**  
*If Yes, provide details:* | | |
| **6.3 Has the company ever been convicted of an occupational health and safety offence? (a conviction does not necessarily determine a negative outcome but a failure to disclose a conviction will!).**  
*If Yes, provide details.* | | |
7. Company References

Please provide the following information for the three (3) most recent contracts completed by the company:

<table>
<thead>
<tr>
<th>Contract Description</th>
<th>Contract 1</th>
<th>Contract 2</th>
<th>Contract 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract date</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Client</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contact Name</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phone No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of lost time injuries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of days on contract</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total days lost due to injuries</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The information provided in this questionnaire is an accurate summary of the company’s occupational health and safety management system.

Contract Description: ______________________________________________________

Company Name: ____________________________________________________________

Signed: __________________________

Name Print: ______________________

Position: _________________________

Contact details_____________________

Date: ___________________
## STANDARD FORM

<table>
<thead>
<tr>
<th>Title: Attachment 4 General Level</th>
<th>Date Issued:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review Tool for WHS Management Prequalification questionnaire</td>
<td>Review Date:</td>
</tr>
</tbody>
</table>

(This form is NOT to be sent out with tender documents).

The Council Representative should use this form to assist in the review of the Tenderer.

Contract Name: .............................................................................................
Contract Description: ...........................................................................................
Contract Manager: .........................................................................................
Date....................................
Contractor: ........................................................................................................

Indicate in the following manner:

<table>
<thead>
<tr>
<th>✓ Acceptable</th>
<th>X Not Acceptable</th>
<th>N/A Not Applicable</th>
</tr>
</thead>
</table>

### 1. WHS Policy and Management

**Company Health and Safety Policy**
The policy provided by the potential contractor should:
- be signed by the CEO or equivalent
- outline clear statement of objectives
- show commitment to improve performance
- be relevant to company operations
- be reviewed on a regular basis

**WHS Management System or Plan**
The company WHS Manual or Plan should include as a minimum:
- Current Workers Compensation Policy (copy supplied)
- Use of Sub-contractors addressed
- A register of Sub-contractors Insurance policies
- Provision for Sub-contractor auditing of safety performance
- WHS Policy
- Rehabilitation policy (including a trained Rehab Co-coordinator)
- Management health and safety responsibilities
- General Work Health and Safety procedures
- Safe work procedures relevant to the company operations
- SWMS for all work assessed as having safety risks
- Site safety rules for all persons entering the site
- Public safety procedures
- Induction and training procedures
- Issue resolution and WHS consultation mechanisms
### Health and Safety Responsibilities
Health and safety responsibilities in the company should be documented and may comprise:
- WHS responsibility statements
- Part of employee’s job description
- Part of formal and informal performance appraisal

Line managers and supervisors should be formally held accountable for health and safety performance of their employees.

### 2. Safe Work Practices and Procedures
#### Safe Work Procedures
The potential contractor should be able to demonstrate safe work procedures which:
- Are relevant to company operations
- Contain a description of the tasks and associated hazards
- Outline control measures & methods to minimise health and safety risks
- Make reference to any relevant Legislation, Codes of Practice or Australian Standards

#### Safe Work Permits – See Contractor Permit to Work form
Where relevant, the potential contractor should be able to demonstrate safe work permits for the following types of work:
- Work in Confined Spaces (Confined Space Entry Permits)
- Hot Work (Hot Work Permit)

#### Incident Reporting and Investigation
Potential contractors should be able to provide evidence of the following:
- Incident report and investigation form
- Incident investigation procedure
- Evidence of completed investigation forms
- Injury register and report forms

#### Plant Safety
The potential contractor should have mechanisms in place for the identification of hazards, assessment of risks and the implementation of control measures associated with plant. This may include:
- Documented risk assessments for relevant plant or risk assessment procedure
- Up to date copy of plant operator licences, permits
- Register of plant requiring registration
- List of persons responsible for undertaking plant risk assessments
- Plant maintenance and inspection forms
- Pre-start daily safety inspection forms for plant
- Plant fault reporting system and forms
- Lockout Tags (Faulty Equipment)
- Noise assessments of plant
- PPE requirements

#### Hazardous Substances
Potential contractor should provide evidence demonstrating safe handling and storage of hazardous substances:
- Manifest or register of chemicals used by the company
- Material Safety Data Sheets (MSDS) for chemicals used
- Safe handling procedures, including personal protective equipment
- Relevant training documentation
- Emergency procedures (fire, evacuation, first aid)
### Manual Handling

The potential contractor should be able to demonstrate evidence of:
- documented risk assessments for manual handling hazards
- systems used to control manual handling risks (e.g.: lifting aids, work procedures)

### 3. Health and Safety Training

The potential contractor should be able to demonstrate evidence of:
- records of training and competencies of employees (licences, permits, certificates)
- records of ‘on the job’ training
- tool box (work group) meetings conducted
- induction training program
- WHS General Induction Work as a minimum
- Site Specific induction (if required)

### 4. Health and Safety Workplace Inspection

#### Regular Inspections

The potential contractor should provide evidence of:
- workplace inspection schedules / frequency
- completed inspection reports
- types of inspections undertaken / checklists used

#### Hazard Reporting from Potential Contractor

Evidence may include:
- documented hazard reporting procedure and forms
- completed hazard reports
- employee involvement in inspections, accident investigations
- Corrective action

### 5. Health and Safety Consultation

Evidence may include records which show:
- structure of WHS Committee
- meeting schedule
- minutes of meetings
- list of employee health and safety representatives
- documented procedures for consultation and dissemination of information

### 6. WH& Performance Monitoring

#### Safety Performance Statistics

Evidence may include:
- reports on company health and safety, injury trend data
- performance targets established (e.g.: lost time injuries, person days lost)

#### Health and Safety Performance Information

Evidence of information provided to employees:
- records of who receives reports
- types of reports produced

#### Conviction of Health and Safety Offence

If conviction reported, determine:
- nature and circumstances of incident
- corrective actions undertaken
- a conviction does not necessarily determine a negative outcome

### Council Representative:

Score: ________/21  
Name: __________________________  
Date: _______________  
Signed: _______________________
ATTACHMENT 5

<table>
<thead>
<tr>
<th>STANDARD FORM</th>
<th>No:</th>
<th>Rev No:</th>
<th>Draft</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title: Attachment 5 General Level</td>
<td>Date Issued:</td>
<td>Review Date:</td>
<td></td>
</tr>
<tr>
<td>Review Tool for Engagement of Contractors</td>
<td></td>
<td></td>
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(This form is NOT to be sent out with tender documents).
The Council Representative should use this form to assist in the review of the Tenderer at engagement

Contract Name: .............................................................................................
Contract Description: .............................................................................................
Contract Manager: ........................................................................................................
Contractor: ...............................................................................................................

Indicate in the following manner:
✓ Acceptable  X Not Acceptable  N/A Not Applicable

1. Risk Assessment

<table>
<thead>
<tr>
<th>Is applicable to the site</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Identifies all hazards present</td>
</tr>
<tr>
<td>• Identifies and selects the control measure applying the Hierarchy of Control</td>
</tr>
<tr>
<td>• Is suitable for the task to be completed</td>
</tr>
<tr>
<td>• be reviewed on a regular basis</td>
</tr>
<tr>
<td>• Work under a Council completed risk assessment</td>
</tr>
<tr>
<td>• Address the hazards identified within the site risk assessment</td>
</tr>
<tr>
<td>• Are specific to the site/s on which this engagement shall occur</td>
</tr>
<tr>
<td>• Will work under Council SWMS and be subject to Council supervision</td>
</tr>
<tr>
<td>make reference to any relevant Legislation, Codes of Practice or Australian Standards.</td>
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2. Safe Work Practices and Procedures

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<tr>
<td>The potential contractor should be able to demonstrate safe work procedures which:</td>
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<td>• are relevant to company operations for this engagement</td>
</tr>
<tr>
<td>• contain a description of the tasks and associated hazards for this site</td>
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<tr>
<td>• outline control measures &amp; methods to minimise health and safety risks</td>
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• pre-start daily safety inspection forms for plant
• plant fault reporting system and forms
• Lockout Tags (Faulty Equipment)
• Noise assessments of plant and PPE requirements

### 3 Insurance arrangements

Certificates of currency for *
- *Workers Compensation
- *Public Liability
- *Income protection
- Subcontractor’s Statement Regarding Workers Compensation, Pay-roll Tax and Remuneration,

### 4 Inspection Testing Schedule

#### Regular Inspections
The potential contractor should provide evidence of:
- workplace inspection schedules / frequency
- completed inspection reports
- types of inspections undertaken / checklists used
  - To include Electrical testing
  - Plant inspections or pre-checks
  - Provision and use of PPE

### 5 Training
The potential contractor should be able to demonstrate evidence of:
- records of training and competencies of employees involved in this engagement (licences, permits, certificates)
- tool box (work group) meetings conducted
- WHS General Induction Site Specific induction (if required)

### 6 Hazardous Substance/ Dangerous Good
Potential contractor should provide evidence demonstrating safe handling and storage of hazardous substances:
- manifest or register of chemicals used on the site
- Material Safety Data Sheets (MSDS) for chemicals used
- safe handling procedures, including personal protective equipment
- relevant training documentation
- Risk Assessments on chemical application

### Comments

**Council Representative:**

Name:_____________________________________________ Outcome_______________________

Signed:____________________________________________ Date:_________________________

**Project Manager**

Name:_____________________________________________Outcome_______________________

Signed:____________________________________________ Date:_________________________