	<h1>WHS Contractor Management Procedure</h1>	Version No:	5.1
		Issued:	January 2009
		Reviewed:	11 March 2020
		Next Review:	10 March 2022

1. Overview

The Wudinna District Council (**Council**) recognises its obligation to:

- (a) Ensure the health and safety of workers engaged, or caused to be engaged by Council while the workers are at work in Council's business or undertaking, so far as is reasonably practicable;
- (b) Eliminate risks to health and safety, so far as is reasonably practicable and if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable; and
- (c) Consult, co-operate and co-ordinate activities with other persons conducting a business or undertaking (**PCBU**) who have a duty in relation to the same matter, so far as is reasonably practicable.

This Procedure aims to:

- (a) Ensure that Council adopts a systematic approach to the selection, engagement, induction, monitoring and evaluation of Contractors, so that it only engages:
 - i. Competent providers of the goods and services they are contracted to provide; and
 - ii. Contractors who are able to demonstrate their ability to work within the requirements of the Work Health and Safety Act 2012 (SA) (**WHS Act**) and Work Health & Safety Regulations 2012 (SA) (**WHS Regulations**), Approved Codes of Practice and relevant legislation and industry standards.
- (b) Develop communication processes that demonstrate consultation, cooperation and coordination between shared duty holders occurs so far as is reasonably practicable.


This Procedure deals with contracted work, which may include construction work as defined in the Work Health and Safety Regulations 2012. Users of this Procedure are advised to ensure that all legal requirements for construction work are addressed. This may be assisted by use of the [WHS Construction Activities Guidance Checklist](#).

This Procedure must be read in conjunction with Council's [Procurement and Disposal Policy](#) and related procedures.

2. Core Components


The core components of Council's WHS Contractor Management Procedure aim to:


- (a) Implement a selection process that:
 - i. Requires potential Contractors to provide core information relating to their ability to work within legislative requirements and any additional information requested by Council, based on the hazards associated with the task or activity to be undertaken; and
 - ii. Provides documented information relating to reasonably foreseeable site-specific activities and hazards to potential Contractors for consideration in their submission; and
 - iii. Documents an assessment of the information contained in the potential Contractor's submission against legislative requirements and Council's minimum WHS expectations for the proposed work;
- (b) Engage Contractors in the hazard identification and control process;
- (c) Require appropriate communication processes between Council and its Contractors to be in place that demonstrate that consultation, cooperation and coordination between shared duty holders occurs, so far as is reasonably practicable;
- (d) Require an appropriate risk-based schedule to be developed and implemented by the Department Manager / Contract Superintendent / Project Manager to monitor each Contractor's WHS compliance (and that there are systems in place for addressing non-compliance); and
- (e) Maintain currency and relevance of Council's WHS Contractor Management Systems through a process of monitoring and review.


	<h2 style="margin: 0;">WHS Contractor Management Procedure</h2>	Version No:	5.1
		Issued:	January 2009
		Reviewed:	11 March 2020
		Next Review:	10 March 2022

3. Definitions

Construction Project	<p>A project that involves construction work where the cost of the construction work is \$450,000 or more. [as defined by the WHS Regulations, Regulation 292]</p>
Construction Work	<p>Any work carried out in connection with the construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a structure. [as defined in the WHS Regulations, Regulation 289]</p> <p>But does not include the following:</p> <ol style="list-style-type: none"> (a) The manufacture of plant; (b) The prefabrication of elements, other than at a place specifically established for the construction work, for the use in construction work; (c) The construction or assembly of a structure that once constructed or assembled is intended to be transported to another place; (d) Testing, maintenance or repair work of a minor nature carried out in connection with a structure; (e) Mining or the exploration for, or extraction of minerals. <p>[as defined by the WHS Regulations, Regulation 2012 (289(3))]</p> <p>'In connection with' means related to or associated with construction. Contracts covering a project are a good guide to what activities are done in connection with construction.</p> <p>Examples may include:</p> <ul style="list-style-type: none"> • Work by architects or engineers in on-site offices or conducting on-site inspections, but not architects or engineers working in offices away from the construction site. • Work by a mechanic on an excavator on-site and not in an isolated service area. • Delivering building materials to different points on the site, but not making deliveries to a single designated delivery area. • Excavating for a basement garage. • Testing fire equipment on the construction site. • Supervisors and manager moving around the site to monitor work. • Surveying a site after construction has started, but not surveying a Greenfield site before construction has started. • Traffic control on a construction site. <p>Source: COP: Construction Work, May 2018 (COP: Construction Work), P.6.</p>
Contract	<p>A contract is a written or expressed agreement between two parties to provide a product or service.</p> <p>There are essentially six elements of a contract that make it a legal and binding document. In order for a contract to be enforceable, it must contain:</p> <ol style="list-style-type: none"> i. An offer that specifically details exactly what will be provided ii. Acceptance, which is the agreement by the other party to the offer presented iii. Consideration, money or something of interest being exchanged between parties iv. Capacity of the parties in terms of age and mental ability v. The intent of both parties to carry out their promise vi. Legally enforceable terms and conditions, also called object of the contract

	<h2 style="margin: 0;">WHS Contractor Management Procedure</h2>	Version No:	5.1
		Issued:	January 2009
		Reviewed:	11 March 2020
		Next Review:	10 March 2022
	<p>In other words, a contract is enforceable when both parties agree to something, back the promise up with money or something of value, both are in sound mind and intend to carry out their promise and what they promise to do is within the law.</p> <p>Most commonly, a contract is written and signed by the parties.</p> <p>Examples of typical Local Government contracts can include, but are not limited to:</p> <ul style="list-style-type: none"> • An employment contract between an organisation and its employees. • A service contract with a contractor to undertake works or a specific role. • A purchase agreement or purchase order for the supply of goods and services. • A lease or tenancy agreement for premises or land. • A licence to occupy or undertake an activity on Council land/premises. • A rental or hire agreement in relation to vehicles or equipment. • An insurance contract for any organisation owned asset or for Public Liability. 		
Contract Superintendent	A person nominated by Council and appropriately trained to manage contracts on its behalf.		
High Risk Construction Work	<p>Construction work that:</p> <ul style="list-style-type: none"> (a) Involves a risk of a person falling more than 3 metres; or (b) Is carried out on a telecommunication tower; or (c) Involves demolition of an element of a structure that is load-bearing or otherwise related to the physical integrity of the structure; or (d) Involves, or is likely to involve, the disturbance of asbestos; or (e) Involves structural alterations or repairs that require temporary support to prevent collapse; or (f) Is carried out in or near a confined space; or (g) Is carried out in or near— <ul style="list-style-type: none"> i. A shaft or trench with an excavated depth greater than 1.5 metres; or ii. A tunnel; or (h) Involves the use of explosives; or (i) Is carried out on or near pressurised gas distribution mains or piping; or (j) Is carried out on or near chemical, fuel or refrigerant lines; or (k) Is carried out on or near energised electrical installations or services; or (l) Is carried out in an area that may have a contaminated or flammable atmosphere; or (m) Involves tilt-up or precast concrete; or (n) Is carried out on, in or adjacent to a road, railway, shipping lane or other traffic corridor that is in use by traffic other than pedestrians; or (o) Is carried out in an area at a workplace in which there is any movement of powered mobile plant; or (p) Is carried out in an area in which there are artificial extremes of temperature; or (q) Is carried out in or near water or other liquid that involves a risk of drowning; or (r) Involves diving work. <p>[as defined by the WHS Regulations, Regulation 291]</p>		
Job Safety Analysis (JSA)	A document which records the risks associated with an activity and the controls to be followed to complete the activity safely		
Monitoring	Process of reviewing the activities undertaken to ensure they are being conducted safely and in accordance with documented requirements.		

	<h2 style="margin: 0;">WHS Contractor Management Procedure</h2>	Version No: 5.1
	Issued: January 2009	
	Reviewed: 11 March 2020	
	Next Review: 10 March 2022	
Person with management or control of a workplace	<p>(1) Means a person conducting a business or undertaking to the extent that the business or undertaking involves the management or control, in whole or in part, of the workplace but does not include –</p> <p>(a) The occupier of a residence, unless the residence is occupied for the purposes of, or as part of, the conduct of a business or undertaking; or</p> <p>(b) A prescribed person.</p> <p>(2) The person with management or control of a workplace must ensure so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace and anything arising from the workplace are without risks to the health and safety of any person.</p> <p>[as defined by the WHS Act, Section 20]</p>	
Preferred Contractors Register (Contractor Register in Skytrust)	<p>A list of Contractors who have:</p> <p>(a) demonstrated their ability to work within the requirements of the Work Health and Safety Act and Regulations, Approved Codes of Practice and relevant legislation and industry standards; and</p> <p>(b) been assessed as having the necessary experience and skill to perform the contract work safely.</p>	
Principal Contractor	<p>The PCBU that commissions a construction project is the Principal Contractor, unless the person appoints another person conducting a business or undertaking to be the Principal Contractor and authorises such person to have management or control of the workplace and discharge the duties of the Principal Contractor.</p> <p>[as defined in the Work Health and Safety Regulations 2012, Regulation 293 and explained in the model Code of Practice Construction Work]</p>	
Safe Work Method Statement (SWMS)	<p>A document required for high risk construction work that will:</p> <p>(a) Identify the work that is high risk construction work;</p> <p>(b) Specify hazards relating to the high-risk construction work and risks to health and safety associated with those hazards;</p> <p>(c) Describe the measures to be implemented to control the risks; and</p> <p>(d) Describe how the control measures are to be implemented, monitored and reviewed</p> <p>[As defined in the WHS Regulations, Regulation 299]</p>	
WHS Management Plan	<p>A document which records the significant prescribed information relating to WHS for a construction project.</p> <p>[As required and prescribed by the Work Health and Safety Regulations 2012, Chapter 6, Part 4]</p> <p>[Refer to the WHS Contractor Management - WHS Management Plan Checklist (Document 12.3.25.10)]</p>	
Worker	<p>A person is a worker if the person carries out work in any capacity for a PCBU, including work as—</p> <p>(a) An employee; or</p> <p>(b) A Contractor or subcontractor; or</p> <p>(c) An employee of a Contractor or subcontractor; or</p> <p>(d) An employee of a labour hire company who has been assigned to work in the person's business or undertaking; or</p> <p>(e) An outworker; or</p> <p>(f) An apprentice or trainee; or</p> <p>(g) A student gaining work experience; or</p>	

	<h2 style="margin: 0;">WHS Contractor Management Procedure</h2>	Version No:	5.1
		Issued:	January 2009
		Reviewed:	11 March 2020
		Next Review:	10 March 2022
(h) A volunteer; or (i) A person of a prescribed class. [As defined in the WHS Act, Section 7].			

4. Procedure

4.1. Managing Contracts

4.1.1 The Chief Executive Officer will appoint persons with the responsibility to:

- (a) Manage contracts (in line with Council’s WHS Contractor Management Procedure) (e.g. Department Manager / Contract Superintendent / Project Manager) and/or
- (b) Maintain Council’s Preferred Contractor Register (Preferred Contract Register Administrator); and
- (c) Oversee contracts in their work area.

4.1.2 The Office Manager will:


- (a) Ensure the development and maintenance of Council’s Preferred Contractor Register; and
- (b) Integrate the WHS contractor management requirements into Council’s procurement processes for the selection and engagement of Contractors.

4.1.3 The Department Manager / Contract Superintendent / Project Manager will:

- (a) Prior to engaging Contractors, review the required work and provide any pertinent hazard information relating to circumstances of the proposed work that Council is aware of (such as the presence of hazardous substances at the worksite, difficulties in accessing the worksite, etc.) to the Contractor for consideration in their submission (Refer to [WHS Contractor Management - Hazard Identification Document 12.3.25.4](#));
- (b) Make sure that contractual documentation is in place and specifies:
 - i. Which party is the Principal Contractor (if relevant) when construction work is being undertaken;
 - ii. Which party has management or control of the workplace;
 - iii. The requirement to notify the Department Manager / Contract Superintendent / Project Manager or other nominated Council person as soon as practicable if an incident occurs whilst Contractors are undertaking contracted work; and
 - iv. The person/role responsible for the statutory reporting and management of a notifiable incident.
- (c) When engaging Contractors, obtain a risk assessment for the task(s) or activities being undertaken. In addition, when the work involves construction work, obtain the following documentation, dependent on project value and type:

Project value / type	Requirements
High risk construction work (less than \$450,000)	SWMS
High risk construction work (\$450,000 or more – is a construction project)	SWMS + WHS Management Plan

[Note: Refer to the [WHS Construction Activities Guidance Checklist \(Document 12.3.35.13.1\)](#) if construction work is being undertaken, to complete an assessment, to determine which category the work fits into and what the specific requirements for each category are.]

	<h1>WHS Contractor Management Procedure</h1>	Version No:	5.1
		Issued:	January 2009
		Reviewed:	11 March 2020
		Next Review:	10 March 2022


4.2. Preferred Contractor Register

4.2.1 Inclusion on the Preferred Contractor Register will be contingent on the Contractor providing the following information together with a [WHS Contractor Management - Contractor Registration and Information Form \(Document 12.3.25.3\)](#):

- (a) Core information, which includes, as a minimum, the following:
- i. A Certificate of Currency for Public Liability Insurance;
 - ii. Evidence of current ReturnToWork SA Registration (if applicable);
 - iii. Identification of a person within the Organisation responsible for WHS;
 - iv. Copy of current relevant licences and certifications;
 - v. Statement of agreement to work within the remit of any and all appropriate WHS requirements;
 - vi. Evidence of WHS Policies and Procedures that comply with legislative requirements and the Organisation's minimum WHS standards; and
 - vii. Appropriate documentation that demonstrates that the hazards relating to the activities covered by the Contractor have been identified, assessed and controlled (refer 4.1.2 (c)) and that any other specific legislative requirements are being met for the work being undertaken e.g. SWMS for high risk construction work, WHS Management Plan, confined space risk assessments, asbestos removal documentation, etc.
- (b) Additional information that is required based on the level of risk and the task or activity to be undertaken, which may include:
- i. Summary of WHS Policies, Procedures and instructions e.g. WHS Management System;
 - ii. Sample(s) of Safe Operating Procedures/Safe Work Instructions relevant to the task;
 - iii. Incident reporting and investigation process, including a sample of an incident report form;
 - iv. Licence and training records, including an explanation of how the required licences are obtained and kept current;
 - v. Emergency response procedures and management plans; and
 - vi. Evidence of meeting any other reasonable requirements that Council deems appropriate.

4.2.2 Once the Contractor has submitted the information (in accordance with 4.2.1 & 4.2.2 above) the Department Manager / Contract Superintendent / Project Manager will review and assess their WHS information to ascertain whether the Contractor meets Council's minimum standards.

- (a) Any detail of the technical aspects of the work that need clarification, including appropriateness of the risk assessment, JSA, SWMS or WHS Management Plan will be reviewed and confirmed by the WHS Coordinator and/or the appropriate Department Manager / Contract Superintendent / Project Manager, where the task is within Council's expertise.
- (b) The assessment will be documented and authorise an entry to be made in the Preferred Contractor Register by the Preferred Contractor Register Administrator. The relevant Department Manager / Contract Superintendent / Project Manager will be notified of the addition.

	<h1>WHS Contractor Management Procedure</h1>	Version No:	5.1
		Issued:	January 2009
		Reviewed:	11 March 2020
		Next Review:	10 March 2022

- (c) Should additional information or clarification be required, the Contractor will be advised of such and that they cannot be added to the Preferred Contractors Register until it has been provided.
- (d) Should the Contractor not have appropriate systems or documentation in place, Council may assist them in understanding the requirements for an appropriate WHS Management System, and refer the Contractor to further sources of assistance such as SafeWork SA or industry bodies. The Contractor will not be used unless appropriate safety documentation is in place.

4.2.3 Maintenance of the Preferred Contractor Register:

The Preferred Contractor Register Administrator will regularly review the Preferred Contractor Register to confirm that:

- (a) Any changes to the information provided by Contractors in accordance with paragraph 4.2.1 and 4.2.2 above is communicated to Council and updated in Council's records;
- (b) Contractors who want to remain on the Preferred Contractors Register are invited to re-apply on an ongoing basis and agree to provide current insurance, registration and licences annually, or more frequently, as otherwise requested by Council; and
- (c) The Contractor's performance is monitored and recorded and taken into consideration prior to renewal of their registration. Performance issues should be formally communicated to the contractor. A Contractor whose performance consistently fails to meet Council's minimum WHS standards and does not satisfactorily address any issues will be removed from the Preferred Contractor Register.

4.3. Contractor engagement

4.3.1 If Council identifies the need for a Contractor to be engaged, the Contract Superintendent / Project Manager will identify appropriate Contractors from the Preferred Contractor Register.

4.3.2 Wherever possible, a Contractor from the Preferred Contractors Register will be engaged in line with Council's [Procurement & Disposal Policy](#).


4.3.3 Prior to engaging a Contractor, the Contract Superintendent / Project Manager will:

- (a) Check that all insurances, registrations and licences are current;
- (b) Determine what further information might be required to be provided to the Contractor (for example see 4.2.1 (a and b) above) to assist with the provision of risk assessments, JSA's, SWMS, WHS Management Plan or any other aspect e.g. the tendering process;
- (c) Determine what further information might be required in order to demonstrate the Contractor's competency for the work, which was not provided or assessed as part of the Preferred Contractors Register registration process.
- (d) Determine whether additional (non-standard) contract provisions are required when drafting the agreement between Council and the Contractor for the works.
- (e) Identify any shared duties and who the duty holders are and agree the communication process to be applied in relation to these.

The [WHS Contractor Management – Contractor Selection \(Document 12.3.25.4\)](#) should be completed.

4.3.4 Sub-Contractors

- (a) Contractors who use sub-contractors will ensure that those sub-contractors have and follow safe systems equivalent to those required by Council, (as a minimum) and/or the Contractor (where their standards are higher than Council's).

	<h1>WHS Contractor Management Procedure</h1>	Version No:	5.1
		Issued:	January 2009
		Reviewed:	11 March 2020
		Next Review:	10 March 2022

- (b) In agreeing to the use of sub-contractors, the Contract Superintendent / Project Manager will confirm that the Contractor has adequate processes in place to select, induct and supervise their sub-contractors.
- (c) The Contract Superintendent / Project Manager will apply the same standards to the management of sub-contractors as is applied to Contractors, but will also make sure that the Contractor is informed of any relevant communication and consultation provided directly to their sub-contractor(s) and workers.

4.4. Use of Contractors not on the Preferred Contractor Register

4.4.1 A Contractor not on the Preferred Contractors Register may only be engaged in a situation where:

- (a) There is an immediate requirement for the service or an immediate risk to the work health and safety of workers; and
- (b) Contractors on the Preferred Contractors Register with the appropriate expertise are not available to perform the work within the time frames required; or
- (c) There are no Contractors on the Preferred Contractors Register for the type of work; and
- (d) Time does not permit the full completion of the approval process for the Contractor.

4.4.2 In these cases, the Department Manager / Contract Superintendent / Project Manager may engage a Contractor not on the Preferred Contractors Register but will:

- (a) Confirm that the Contractor provides evidence of current insurances, registrations and relevant licences, training or experience;
- (b) Make sure the Contractor is made aware of Council's WHS expectations; and
- (c) Obtain authorisation from the relevant Department Manager.

4.5. Engaging Contractors to conduct the work

4.5.1 The Department Manager / Contract Superintendent / Project Manager will complete the documentation as outlined in sections 4.5.2– 4.6.1 for all contracts.

4.5.2 Selection

- (a) On selection of an appropriate Contractor to undertake contract work the WHS Contractor Management – Contractor Selection (Document 12.3.25.5) will be completed to record the details of the Contract and the Contractor.
- (b) The Contract Superintendent / Project Manager will manage the contracted work on behalf of Council, including documenting all planning and communications in relation to consultation, cooperation and coordination of work activities, in accordance with the [Communication and Consultation Procedure](#).

4.5.3 General Induction

- (a) At the commencement of the contract, the Contract Superintendent / Project Manager will induct the Contractor by:
 - i. Communicating any requirements as specified in the contract documentation;
 - ii. Communicating Council's WHS Policies and Procedures that may be relevant to the contract or relevant to carrying out the works;
 - iii. Recording the induction by completing the Contractor Induction Manual (Document number: 12.3.25.11); and

	<h1>WHS Contractor Management Procedure</h1>	Version No:	5.1
		Issued:	January 2009
		Reviewed:	11 March 2020
		Next Review:	10 March 2022

iv. Recording and communicating the known hazards pertaining to the contract using the WHS Contractor Management - Hazard Identification (Document 12.3.25.4).

(b) Once inducted, the Contractor is required to:

- i. Complete and provide any work/site specific hazard management documentation e.g. risk assessment, [JSA](#), [SWMS](#) or [WHS Management Plan](#) (Refer 4.1.2 (c));
- ii. Communicate the induction information as well as the details of risk assessments, JSA, SWMS or WHS Management Plan to its employees, sub-contractors and other affected workers.
- iii. Keep and maintain records of inductions, training, risk assessments, JSA, SWMS and WHS Management Plan provided to its employees, sub-contractors or other workers, and will provide copies of these to Council as required.


4.5.4 Site Induction

- (a) Wherever reasonably practicable, a site induction using the [WHS Contractor Management – Contractor Site Induction \(Document 12.3.25.6\)](#) and [WHS Contractor Management - Hazard Identification \(Document 12.3.25.4\)](#) templates will be undertaken to confirm the Contractor and workers are aware of any site-specific hazards identified by Council.
- (b) If it is not reasonably practicable to undertake a site induction, the Contract Superintendent / Project Manager will require the Contractor to conduct and document a hazard identification and risk assessment, JSA or SWMS before work commences and take steps to check that this has been done.
- (c) **Information communicated by Council through the induction does not relieve the Contractor from any legislative and statutory obligations for WHS or any other matter.**


4.6. Contractor monitoring and evaluation

4.6.1 During the course of the contract, based on the level of risk, Council’s Contract Superintendent / Project Manager will:

- (a) Develop a monitoring/inspection regime, based on the complexities and risks identified in the course of the initial risk assessment;
- (b) Monitor the Contractors performance:
 - i. In line with the developed monitoring/inspection regime;
 - ii. Against the risk assessment, JSA, SWMS or WHS Management Plan provided by the Contractor; or
 - iii. By using the [WHS Contractor Management - Contractor Monitoring and Evaluation template \(Document 12.3.25.7\)](#) to monitor identified hazards, check that agreed controls are being implemented and corrective actions identified, communicated and closed out;
- (c) Interrupt the work if Council’s approved safety standards are breached or the work is not being conducted in accordance with the supplied JSA, SWMS or WHS Management Plan (where applicable);
- (d) Verify that corrective actions identified have been effectively closed out within the designated timeframes;
- (e) Evaluate and document the Contractor’s performance:

	<h2 style="margin: 0;">WHS Contractor Management Procedure</h2>	Version No:	5.1
		Issued:	January 2009
		Reviewed:	11 March 2020
		Next Review:	10 March 2022

- i. Using the [WHS Contractor Management - Contractor Monitoring & Evaluation template \(Document 12.3.25.7\)](#);
 - ii. Then forward it to the WHS Coordinator / Preferred Contract Register Administrator for noting in the Preferred Contractors Register and entry into Council's records management system.
- (f) Corrective actions may be included in Council's Corrective & Preventative Actions Register (CAPAR) ("Council Actions" within Skytrust) to provide data analysis capabilities with regard to contractor management issues and trends.
- 4.6.2 Preferred Contractors who perform work that is minor in nature i.e. minor maintenance and have not undertaken an evaluation per 4.6.1 (e) i. above, will have an annual desktop evaluation undertaken by the Officer authorising minor works by:
- (a) Completing the WHS Contractor Management – Evaluation of Preferred Contractor (Document 12.3.25.13); and
 - (b) Then forward it to the WHS Coordinator / Preferred Contract Register Administrator for noting in the Preferred Contractors Register and entry into Council's records management system.
- 4.7. Incidents during Contractor activities
- 4.7.1 If an injury or incident occurs during contracted work, the person/s involved should, if safe to do so, take whatever steps are necessary to control the hazard and seek first aid or emergency assistance. This may include following the control measures documented in Council's or Contractor's Emergency Plan.
- 4.7.2 Where Council has control of the workplace:
- (a) The Incident Reporting and Investigation Procedure will be complied with, including the requirement that the site where the incident occurred is not disturbed until the Regulator arrives at the site or any earlier time that the Regulator directs;
 - (b) The Contract Superintendent / Project Manager will contact the Chief Executive Officer and WHS Coordinator as soon as practicable after being notified of the incident, who will ascertain whether statutory reporting is required, or provide further direction and assistance; and
 - (c) If the contractual requirements specify that the Contractor is to report notifiable incidents to the Regulator(s), the Contract Superintendent / Project Manager will seek evidence from the Contractor of the confirmation of notification given by the regulator.
- 4.7.3 The incident will be managed in accordance with Council's Incident Reporting and Investigation Procedure.
- 4.7.4 Where a Principal Contractor (or other PCBU) has control of the workplace:
- (a) The Principal Contractor (or other PCBU) will notify the Contract Superintendent / Project Manager of the injury or incident and the immediate control measures put in place by the Principal Contractor (or other PCBU) to prevent further harm or damage as soon as reasonably practicable;
 - (b) If the injury is notifiable, the Contract Superintendent / Project Manager will seek evidence from the Contractor of the confirmation of notification given by the Regulator.
- 4.8. System monitoring and evaluation
- 4.8.1 Department Managers will regularly review:

	<h1>WHS Contractor Management Procedure</h1>	Version No:	5.1
		Issued:	January 2009
		Reviewed:	11 March 2020
		Next Review:	10 March 2022

- (a) The Preferred Contractors Register to ensure it remains accurate and up-to-date and provide direction on necessary updates as required;
- (b) Contractor files to monitor and verify that required information has been supplied and retained; and
- (c) Contract Superintendent / Project Manager skills and knowledge to make sure that Council and its Contractors are meeting legislative compliance and contractual obligations.

4.8.2 The Senior Management Team will:

- (a) Review hazard incident statistics, audit results, legislative changes and other information relating to the contractor management process and direct action when required. Minutes should record outcomes of discussions and actions undertaken;
- (b) Include the WHS Contractor Management Procedure as part of the on-going management review process and respond to findings of internal audit as relevant;
- (c) Set, monitor and review objectives, targets and performance indicators for any program related to contractor activities as relevant.

5. Training

5.1. Council's Training Needs Analysis will identify the training needs for those persons required to:

- 5.1.1 Undertake a Contract Superintendent / Project Manager role;
- 5.1.2 Use or interact with the contract management process, as per their job role;
- 5.1.3 Use or apply Council's procurement process;
- 5.1.4 Manage construction work including use of the [WHS Construction Activities Guidance Checklist](#);
- 5.1.5 Manage the Preferred Contractor Register; or
- 5.1.6 Undertake any other responsibilities related to Contractor management.


5.2. The training identified on Council's TNA should be planned and delivered in accordance with the WHS Induction and Training Procedure.

5.3. Contractors will undertake a general induction and, where reasonably practicable, a site induction.

6. Records

The following records will be maintained:

- 6.1. Preferred Contractor Register;
- 6.2. Contractual arrangements including:
 - 6.2.1 Proof of appropriate Public Liability Insurance Cover;
 - 6.2.2 Proof of current ReturnToWork SA registration (if applicable);
 - 6.2.3 Identification of contractor personnel responsible for Work Health and Safety;
 - 6.2.4 Copy of current relevant licences and certifications; and
 - 6.2.5 Statement of agreement to work within the remit of appropriate WHS requirements or provision of evidence as part of the work tendering process to meet compliance with relevant legislative requirements for the work being undertaken.


	<h2 style="margin: 0;">WHS Contractor Management Procedure</h2>	Version No:	5.1
		Issued:	January 2009
		Reviewed:	11 March 2020
		Next Review:	10 March 2022

- 6.3. JSA(s), Risk Assessment(s), SWMS(s) and WHS Management Plan (where relevant) for the activities covered by the Contractor;
- 6.4. Any additional information requested at 4.2.1(b);
- 6.5. Training records;
- 6.6. Communication, consultation, coordination and cooperation records between duty holders;
- 6.7. Any other records relating to legislative compliance; and
- 6.8. Statutory notifications.


Copies may be retained by other parties; but must be marked “copy”. All original records will be managed in line with the current version of General Disposal Schedule for Local Government.

7. Accountabilities & Responsibilities


- 7.1. The Chief Executive Officer is accountable for:
 - 7.1.1 Monitoring compliance to the Council’s legislative responsibilities for WHS Contractor management;
 - 7.1.2 Budgetary expenditure for WHS Contractor management;
 - 7.1.3 Setting objectives, targets and performance indicators for any WHS Contractor management program, as relevant;
 - 7.1.4 Checking that there is a system for providing managers and supervisors with training which enables them to:
 - (a) Apply the requirements of the WHS Contractor Management Procedure to the areas and activities under their control;
 - (b) Apply the requirements of Council’s Procurement & Disposal Policy and related procedures, as relevant;
 - (c) Provide adequate training and supervision to the persons under their control;
 - 7.1.5 Monitoring the Hazard / Risk and CAPA Registers and enforcing close out of items as required;
 - 7.1.6 Authorising contractors not on the Preferred Contractor Register;
 - 7.1.7 Appointing a nominated person to manage the Preferred Contractors Register;
 - 7.1.8 Appointing Contract Superintendent / Project Manager/s to manage or oversee contracted work; and
 - 7.1.9 Providing the Contract Superintendent / Project Manager, and other workers involved with the WHS Contractor management process with necessary information, instruction, training and supervision to apply Council’s WHS Contractor Management Procedure.
- 7.2. The Senior Management Team is accountable for:
 - 7.2.1 Monitoring the Hazard / Risk and CAPA Registers and enforcing close out of items as required;
 - 7.2.2 Reviewing the effectiveness of WHS Contractor management processes; and
 - 7.2.3 Including WHS Contractor management within the management review process.
- 7.3. The Department Manager is accountable for:
 - 7.3.1 Making sure training for workers with responsibilities related to WHS Contractor management is identified and delivered and training records are kept up to date;

	<h2 style="margin: 0;">WHS Contractor Management Procedure</h2>	Version No:	5.1
		Issued:	January 2009
		Reviewed:	11 March 2020
		Next Review:	10 March 2022

- 7.3.2 Consulting with other PCBUs, so far as is reasonably practicable, if their duty of care overlaps;
 - 7.3.3 Checking, so far as is reasonably practicable, that reasonably foreseeable hazards are identified, assessed and controlled when elimination is not practicable;
 - 7.3.4 Checking that WHS Contractor Management Procedures are being complied with and, if not, taking necessary corrective action; and
 - 7.3.5 Reviewing Contractor files to monitor and verify that required information has been supplied and retained.
- 7.4. The Contract Superintendent / Project Manager is accountable for:
- 7.4.1 Complying with Council's WHS Contractor management and procurement processes;
 - 7.4.2 Utilising the Preferred Contractors Register, where possible, and checking that all information is current and relevant to the contracted work;
 - 7.4.3 Implementing the WHS Contractor Management Selection, Induction and Monitoring process;
 - 7.4.4 Implementing, maintaining and monitoring the WHS Contractor Management Procedure;
 - 7.4.5 Supporting and assisting in the development and maintenance of the Preferred Contractor Register;
 - 7.4.6 Reviewing contractor files to monitor and verify that required information has been supplied and retained;
 - 7.4.7 Communicating and consulting with shared duty holders and workers involved in the contract and documenting this;
 - 7.4.8 Making sure PCBUs have been given any information Council has in relation to hazards and risks at or in the vicinity of the workplace where the work is to be carried out as part of the selection and engagement process;
 - 7.4.9 Reviewing and assessing the suitability of contractor WHS and hazard management systems (in consultation with the Department Manager and WHS Coordinator as required);
 - 7.4.10 Developing a documented monitoring and inspection regime to assess Contractor's performance and confirming that any corrective actions identified are communicated and closed out within specified timeframes;
 - 7.4.11 Obtaining and retaining required WHS documentation relating to the contract;
 - 7.4.12 Making sure contractual documentation specifies which party is the Principal Contractor and has control of the workplace (as required);
 - 7.4.13 Providing Contractors with a general induction and, where reasonably practicable, a site induction; and
 - 7.4.14 Making sure incidents that occur during contracted works are reported and investigated appropriately (including verifying that mandatory notifications have occurred, if applicable).
- 7.5. The Office Manager is accountable for:
- 7.5.1 Checking that the Preferred Contractors Register is maintained and, if not, taking necessary corrective action; and
 - 7.5.2 Documenting Council's procurement processes and contractual requirements.
- 7.6. The Preferred Contractor Register Administrator is accountable for:
- 7.6.1 Maintaining the Preferred Contractor Register and the currency of information; and

	<h2 style="margin: 0;">WHS Contractor Management Procedure</h2>	Version No:	5.1
		Issued:	January 2009
		Reviewed:	11 March 2020
		Next Review:	10 March 2022

- 7.6.2 Reviewing and assessing Contractor's WHS information (in consultation with the Contract Superintendent / Project Manager and WHS Coordinator, as required,) to ascertain whether the Contractor meets Council's minimum WHS standards.
- 7.7. The WHS Coordinator is accountable for:
- 7.7.1 Participating in reviewing and assessing Contractor's WHS information (in consultation with the Preferred Contract Register Administrator) and Contract Superintendent / Project Manager, as required) to ascertain whether the Contractor meets Council's minimum WHS standards;
 - 7.7.2 Making sure training for workers with responsibilities related to contractor management is included in the Training Register and the Register is kept up to date;
 - 7.7.3 Undertaking statutory reporting when required;
 - 7.7.4 Making sure the LGAWCS has been notified when any statutory reporting has occurred;
 - 7.7.5 Maintaining legislative currency of procedures and systems in relation to Contractor management; and
 - 7.7.6 Initiating audit and review activities as required.
- 7.8. Workers are accountable for:
- 7.8.1 Reporting work methods of Contractors that place people and property at risk to the Contract Superintendent / Project Manager or their Manager;
 - 7.8.2 Reporting incidents resulting from work carried out by Contractors (involving the contractor) in accordance with the Incident Reporting & Investigation Procedure; and
 - 7.8.3 Seeking assistance to manage identified hazards as required.
- 7.9. The HSC is accountable for:
- 7.9.1 Facilitating consultation between relevant workers and the Senior Management Team in matters relating to WHS Contractor management; and
 - 7.9.2 Monitoring the Hazard / Risk/ CAPA Registers and referring issues that require management direction or enforcement to the Senior Management Team.
- 7.10. Health and Safety Representatives may:
- 7.10.1 Facilitate consultation between management and workers in relation to any WHS Contractor management issue that affects the workgroup they represent; and
 - 7.10.2 Request and assist in the review and revision, where necessary, of risk control measures related to the management of Contractors.
- 8. Review**
- 8.1. The WHS Contractor Management Procedure will be reviewed by the Health and Safety Committee in liaison with the Senior Management Team, workers or their representatives, every thirty-six (36) months or more frequently if legislation or Council needs change. This may include a review of:
- 8.1.1 Feedback from Managers, workers, HSRs, HSC, Contractors or other relevant stakeholders;
 - 8.1.2 Legislative compliance;
 - 8.1.3 Performance Standards for Self-Insurers;
 - 8.1.4 Internal or external audit findings;
 - 8.1.5 Incident and hazard reports, claims costs and trends; and

	<h1>WHS Contractor Management Procedure</h1>	Version No:	5.1
		Issued:	January 2009
		Reviewed:	11 March 2020
		Next Review:	10 March 2022

8.1.6 Other relevant information.

8.2. Results of reviews may result in preventative and/or corrective actions being implemented or revision of this document.

9. References

[Work Health and Safety Act 2012](#)

[Work Health and Safety Regulations 2012](#)

State Records Act 1997

[General Disposal Schedule 20 for Local Government](#)

Heavy Vehicle National Law (South Australia) Act 2013 and Regulations

ReturnToWorkSA Work Health and Safety Standards for self-insured employers

ReturnToWorkSA Self-insured workplace health and safety evaluation guidelines

[Code of Practice: How to Manage Work Health and Safety Risks](#)

[Code of Practice: Work Health & Safety Consultation, Cooperation & Coordination](#)

[Model Code of Practice: Construction Work May 2018 \(for guidance only – not approved in SA\)](#)

10. Related documents

Contractor Management Policy (*Document number 12.3.25*)

WHS Contractor Management Procedure One Pager and Flow Chart (*Document number 12.3.25.2*)

WHS Contractor Management – Contractor Registration and Information Form (*Document number 12.3.25.3*)

WHS Contractor Management – Hazard Identification (*Document number 12.3.25.4*)

WHS Contractor Management – Contractor Selection (*Document number 12.3.25.5*)

WHS Contractor Management – Contractor Site Induction (*Document number 12.3.25.6*)

WHS Contractor Management – Contractor Monitoring and Evaluation (*Document number 12.3.25.7*)

Contractor – Job Safety Analysis (*Document number 12.3.25.8*)

Contractor – Safe Work Method Statement (*Document number 12.3.25.9*)

WHS Contractor Management – WHS Management Plan Checklist (*Document number 12.3.25.10*)

WHS Contractor Management – Evaluation of Preferred Contractor (*Document # 12.3.25.13*)

WHS Construction Activities Guidance Checklist (*Document number 12.3.35.13.1*)

Workplace Emergency Management Plan/s

Hazard Management Procedure (*Document number 12.3.7.3*)

Hazard / Risk Register (*Document number 12.3.7.3.5*)

Corrective & Preventative Action Register (*“Council Actions” in Skytrust*)


[Communication and Consultation Procedure](#) (*Document number 12.3.23.1*)

Incident Reporting and Investigation Procedure (*Document number 12.3.7.1*)

Preferred Contractor Register (*Contractor Register in Skytrust*)

Procurement and Disposal Policy

LGA Procurement Handbook and associated documents

	<h1 style="margin: 0;">WHS Contractor Management Procedure</h1>	Version No:	5.1
		Issued:	January 2009
		Reviewed:	11 March 2020
		Next Review:	10 March 2022

SIGNED:
 Chief Executive Officer
 Date: ____/____/____

.....
 Chairperson, Health and Safety Committee
 Date: ____/____/____

11. Document Review History

Version No:	Issue Date:	Description of Change:
1.0	Oct 2008	New Document, October 2008
2.0	1.08.2011	Major change; inclusion of Core Components; inclusion of flowchart, Reformat to One System template for Procedure. Attachment 1 has minor changes to formatting; inclusion of modified instructions for section 4 regarding suggestions for controls.
3.0	2.8.2013	Terminology changes to reflect 2012 WHS act, Regulations and Codes of Practice. Examples of changes include; OHS to WHS and employee to worker where appropriate. New section on responsibility to manage contracts. Extension of the definitions section and information on engaging a Contractor. Inclusion of processes and reference to the classification of construction work. Expansion of section 5 of the selection induction and monitoring tool to include SWMS example and more guidance around format and use. Templates modified, procedure adjusted to reflect updates to forms. Induction and Monitoring Forms are stand-alone documents
4.0	2/5/2016	Review of Sections 1 & 2 to differentiate between objectives & core components; addition of definitions for construction work and Preferred Contractor Register, (amendments to other definitions, for clarity); table inserted in 4.1.2 for ease of reading; updated construction project definition (& related references) to reflect \$450K monetary value; modifications to Section 4 to better reflect Core Components & incident reporting requirements; additions of accountabilities to better reflect contents of Section 4; language & formatting.
5.0	4/01/2019	Definitions section 3: expanded definition of Construction Work, added explanation of Contract, added definition of Person with Management or Control of a Workplace, deleted reference to ReturnToWorkSA; added "management or" to 4.1.2(d)ii to align with legislation; added risk assessment requirements to 4.1.2(e) and revised table to align with legislative requirements for construction work; added "WHS Management Plan" to 4.2.1(a)ii; removed "Risk Assessments" from 4.2.1(b)ii as already covered in 4.1.2(e); added "procedures to 4.2.1(b)v; deleted reference to 4.2.2 in 4.2.2; Examples of how contractor's performance is monitored and addition of requirement for performance issues to be formally communicated to the contractor in 4.2.3(c). added 4.3.3(e) in relation to shared duty holders; deleted reference to sections in 4.5.2(a); expanded 4.5.3(b)j to include reference to JSA, SWMS, and WHS Management Plan; expanded iii(b) to include reference to SWMS and WHS Management Plan; added "of the activities being undertaken by the contractor" to 4.6.1; added "health" and "and risk assessment" to 4.6.1(c); added "documented" to 4.6.1(b)iii; added "management" to 4.7.2; added "management or" to 4.7.3; added 5.2; added additional documents to 10; aligned additional documents in Contractor Registration and Information Form to procedural requirements in 4.2.1(a) & (b).
5.1	28/01/2020	4.7.3 separated into 4.7.3 and 4.7.4.