



PRO-10.043 Consultant and Contractor WHS Management Procedure

Approved by:	Manager, Governance and Safety		
Responsible Officer:	Coordinator, Work Health and Safety		
Superseded Documents:	MRC-SPPRC-3.8.1 Contractor WHS Management Procedure MRC-SPPRC-3.8.2 WHS Contractor Management - Spot Checks		
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1. Purpose

The purpose of this procedure is to establish, implement and maintain processes by which Mackay Regional Council (MRC) shall assess and control the work health and safety (WHS) risks arising from the engagement of consultants and contractors..

2. Scope

This procedure shall apply to all MRC staff tasked with managing and supervising consultants and contractors.

This procedure primarily applies to suppliers who provide an operational service; ie a consultant or contractor who undertakes physical work at a MRC workplace, rather than a supplier that provides professional services such as design or review, or simple supply of goods and materials.

Notwithstanding this, it also applies to those suppliers of goods and materials that deliver to workplaces where WHS risks are present, or to suppliers of professional services who inspect or undertake minor works at MRC workplaces.

Out of scope:

- Non-WHS related contract matters.
- Situations where consultants or contractors perform their work at locations not under the control or management of MRC (eg at their own premises).
- Agreements to supply goods and materials only.
- The engagement of performers at the Mackay Entertainment and Convention Centre (MECC).

This procedure must be read in conjunction with the MRC corporate documents listed in section 6.

3. Definitions

Refer to Appendix 1.

4. References

4.1. Acts and Regulations

- *Work Health and Safety Act 2011 (QLD).*
- *Work Health and Safety Regulation 2011 (QLD).*
- *Electrical Safety Act 2002 (QLD).*
- *Electrical Safety Regulation 2013 (QLD).*

4.2. Codes of Practice

- *Work Health and Safety Consultation, Co-operation and Co-ordination Code of Practice 2011 (QLD).*
- *How to Manage Work Health and Safety Risks Code of Practice 2011 (QLD).*

4.3. Australia / New Zealand Standards

- ISO 45001 Occupational health and safety management systems – Requirements with guidance for use.

5. Associated Documents

- GUI-10.011 MRC WHS Guidelines for Consultants and Contractors.
- FRM-10.293 Contract Risk Register.
- FRM-10.247 Contractor – WHS Questionnaire for.
- FRM-10.248 Contractor - WHS Evaluation Checklist for.
- FRM-10.249 Contractor - Review of WHS Management Plan for Principal.
- FRM-10.250 Safe Work Method Statement - Review of.
- FRM-10.274 Risk Management Tool - Review of.
- FRM-10.246 Contractor - Post Tender Award Meeting Record for
- FRM-22.069 Induction Generic Site
- FRM-10.251 Contractors Spot Check - Safety.
- FRM-10.252 Contractor - WHS Mangement Plan Site Review for Principal
- FRM-22.023 External Non-Conformance Report.
- FRM-10.294 Contractor - WHS Performance Report for.
- REG-10.057 Contractor Spot Check Matrix.
- MRC Code of Conduct.
- POL-64.035 Fitness for Work Policy.
- PRC-64.029 Fitness for Work Procedure.
- POL-64.081 Smoking Policy.

6. MRC Procurement

This procedure should be read in conjunction with the following key MRC procurement documents.

- POL-66.005 Procurement Policy.
- MAN-66.006 Tender and Contract Manual.
- MRC Guide for Suppliers
- MRC Terms of Business (Goods and Services).
- FRM-66.030 Authority Form: Request for Quotation (RFQ) Request for Tender (RFT) Expressions of Interest (EOI)

The engagement of consultants and contractors must always comply with these requirements.

7. Management of Consultants and Contractors

MRC regularly engages consultants and contractors to undertake work on its behalf.

This includes companies involved in long-term service contracts and major construction projects through to small contracts for minor maintenance, repair and specialist work that may be required from time to time.

The WHS obligations on MRC and consultants and contractors remain the same irrespective of the size, monetary value or duration of the works.

Small consultants and contractors typically have less formalised WHS management systems when compared with larger consultants and contractors. Consequently, it is important that MRC management of its consultants and contractors is sufficiently flexible to accommodate the different levels of WHS system development while not compromising on the level of WHS performance that MRC expects. As a result,

this may require the provision of direct support, training, advice and direction where WHS management systems are less formalised.

7.1. General Requirements

- MRC maintains overall responsibility for the safe completion of all work at MRC workplaces.
- Consultants and contractors must comply with all applicable WHS legislative requirements.
- Work performed by consultants and contractors is covered by the terms and conditions of a MRC contract or purchase order.
- People performing roles described in this procedure are competent & informed of their responsibilities.
- A contract owner is appointed for each contract.

7.2. Categories of Consultants and Contractors

Consultants and contractors are classified into four (4) categories.:

Category 1	<p>Consultant works include, but are not limited to:</p> <ul style="list-style-type: none"> ● Providing expert advice on technical and professional matters. ● Research projects, community surveys, feasibility studies where recommendations are made. ● Legal consultants. ● Auditors. ● Speakers and presenters. ● Workshop facilitators. ● Trainers.
Category 2	<p>Contractor works include, but are not limited to:</p> <ul style="list-style-type: none"> ● Construction work ● Work requiring a 'high risk work licence' ● Work requiring a permit to work. ● Testing, maintenance or repair work. ● Provision of services (e.g. mowing, slashing cleaning, security) ● Contractors working alongside and/or embedded within MRC teams and working under the direct supervision of a MRC Representative. Examples include, but are not limited to: <ul style="list-style-type: none"> ● 'Wet hire' plant and equipment workers.
Category 3	<p>Contract 'construction project' work, ie where the cost of the 'construction work' is \$250,000 or more and a Principal Contractor is appointed by MRC</p>
Category 4	<p>Contractors wh are engaged to manage and / or operate a MRC facility.</p> <p>Examples include, but are not limited to:</p> <ul style="list-style-type: none"> ● Waste transfer stations. ● Material recycling facility. ● 'Tip shop.' ● Swimming pools.

These categories identify the level of oversight required by MRC. Supporting information regarding these categories is available in Appendix 2.

8. GUI-10.011 MRC WHS Guidelines for Consultants and Contractors

This procedure must be read in conjunction with GUI-10.011, the purpose of which is to provide consultants and contractors with guidelines on the minimum WHS requirements for undertaking work on behalf of MRC.

The Guideline applies to consultants and contractors whilst undertaking work on behalf of MRC and includes all their workers; and is an inclusion to all agreements between MRC and consultants / contractors performing work at a MRC owned site.

9. Consultant and Contractor WHS Management Process

This process applies to all work undertaken by consultants and contractors. The level of detail and rigour with which each phase is performed is dependent on the nature of the work and the risk involved.

1	2	3	4	5
WORK IDENTIFIED	TENDER, EVALUATE, AWARD	EXECUTE CONTRACT	MANAGEMENT OF WHS REQUIREMENTS OF CONTRACT	WORKS COMPLETE

The below tables are split into 2 columns: an excerpt from the *Consultant and Contractor WHS Management Process* and accompanying discussion for key parts of the process.

Step 1.0a and 1.0b

<p>1.0a CONSULTANT/CONTRACTOR WORK IDENTIFIED (Purchase order/Pre-Qualified Supplier or Approved Contractor List)</p>	<p>As per <i>MAN-66.006 Tender and Contract Manual</i>, this part of the process reflects instances where works required are valued up to \$14,999 or a Consultant / Contractor is engaged through a Pre-Qualified Supplier Arrangement, Preferred Supplier Arrangement or from the Approved Contractor List.</p>
<p>Resp: Contract Owner &/or MRC Rep</p>	
<p>WHS requirements identified in MRC Terms of Business</p>	
<p>Resp: WHSA, Contract Owner &/or MRC Rep</p>	
<p>Go to 3.2</p>	

<p>1.0b CONSULTANT/CONTRACTOR WORK IDENTIFIED (Where Tender Process is required)</p>	<p>As per <i>MAN-66.006 Tender and Contract Manual</i>, this part of the process reflects instances where works required are valued at greater than \$15,000.</p>
<p>1.1 WHS CATEGORY OF CONSULTANT/CONTRACTOR, HAZARDS & RISKS</p>	<p>Develop Contract Risk Register (FRM-10.293)</p>
<p>Resp: Contract Owner</p>	<p>At this stage, identify the WHS hazards and risks at, or in the vicinity of, the workplace(s) where the work will be conducted that MRC is aware of.</p>
<p>- Complete WHS inclusions on Authority Form (FRM-66.030) i. WHS category of consultant/contractor ii. WHS Contract Risk Register (FRM-10.293)</p> <p>Refer Note 1 for guidance</p>	<p>The WHS hazards and risks associated with construction, as detailed in a safety in design risk register shall also be included.</p> <p>Additionally, identify any site specific WHS requirements applicable to the workplace(s) or work to be undertaken that MRC is aware of.</p>

Step 2.

<p>2.0 TENDER, EVALUATE, AWARD</p>	<p>WHS inclusions in tender documents</p>
<p>2.1 PREPARE AND ISSUE TENDER DOCUMENTS</p>	<p>All tender documentation for establishing arrangements with consultants and contractors must include the following:</p>
<p>Resp: P&P, Contract Owner &/or MRC Rep</p>	<ul style="list-style-type: none"> • Establishing provisions to the effect that any successful tenderer will, if engaged as a consultant or contractor to carry out work for MRC, be required to comply with all WHS related legislation including the <i>Work Health and Safety Act 2011 (QLD)</i> and the <i>Work Health and Safety Regulation 2011 (QLD)</i>; approved Codes of Practice; <i>MRC GUI-10.011 MRC WHS Guidelines for Consultants and Contractors</i>; and MRC policies. • Providing information so far as reasonably practicable to the tenderer about the WHS hazards and risks at, or in the vicinity of, the workplace where the work will be conducted (FRM-10.293). • Providing information so far as reasonably practicable to the tenderer about the expected WHS performance of consultants and contractors engaged by MRC. Refer to Appendix 2. • <i>FRM-10.247 Contractor-WHS Questionnaire</i> for to be completed by tenderers and included with their tender submission. The purpose of the questionnaire is to provide an overview of the status of the tenderer's WHS systems.
<p>- WHs inclusions in tenders doc's: i. Contract Risk Register (FRM-10.293) ii. GUI-10.011 MRC WHS Guidelines for Consultants & Contractors iii. WHS consultant/contractor specific info: Refer Appendix 3 PRO10.043 iv. Tender specific requirements</p>	<p>Tenderers will be required to verify responses by evidencing ability and capacity in relevant WHS matters. This is a mandatory scoring element of the tender evaluation process.</p>
<p>2.2 WHS EVALUATION OF TENDER</p>	<p>Evaluate Tender</p>
<p>Resp: WHSA</p>	<p>The ability of the tenderer to comply with the minimum MRC requirements, as stated within the tender documentation, must be evaluated by MRC using <i>FRM-10.248 Contractor-WHS Evaluation Checklist</i>.</p>
<p>- Evaluate WHS responses of shortlisted tenderers, (FRM-10.248) - Confirm areas of current non-conformance of tenders - Forward completed FRM-10.248 to: P&P (contracts@mackay.qld.gov.au), and WHS (contractorWHS@mackay.qld.gov.au)</p>	<p>The level of evaluation required is dependent on the WHS category of consultant / contractor.</p>
	<p>Prepare Contract for Signature</p>
	<p>The minimum WHS conditions, as stated within the tender documentation, must be included with the Agreement for signing.</p>

Step 3.

<table border="1"> <tr> <th align="center">3.1 POST TENDER MEETING</th> </tr> <tr> <td>Resp: P&P, Contract Owner &/or MRC Rep., Consultant/Contractor, WHSA</td> </tr> <tr> <td> <ul style="list-style-type: none"> - All to attend meeting as organised by P&P. - At this meeting, requirements prior to commencement of work are agreed to. - Consultant/Contractor advised of the following WHS review prior to commencement of work: Review of: <ul style="list-style-type: none"> i. Contractor – Review of WHS Management Plan for Principal (FRM-10.249) ii. SWMS (FRM-10.250) iii. Risk Management Tool – Review of (FRM-10.274) </td> </tr> </table> <table border="1"> <tr> <th align="center">3.2 PRIOR TO WORK COMMENCING</th> </tr> <tr> <td>Resp: WHSA</td> </tr> <tr> <td>WHS review as advised at Post Tender Award Meeting</td> </tr> <tr> <td>Refer Note 3 for guidance</td> </tr> <tr> <td>Resp: Consultant/Contractor</td> </tr> <tr> <td>Complete MRC WHS online induction</td> </tr> </table>	3.1 POST TENDER MEETING	Resp: P&P, Contract Owner &/or MRC Rep., Consultant/Contractor, WHSA	<ul style="list-style-type: none"> - All to attend meeting as organised by P&P. - At this meeting, requirements prior to commencement of work are agreed to. - Consultant/Contractor advised of the following WHS review prior to commencement of work: Review of: <ul style="list-style-type: none"> i. Contractor – Review of WHS Management Plan for Principal (FRM-10.249) ii. SWMS (FRM-10.250) iii. Risk Management Tool – Review of (FRM-10.274) 	3.2 PRIOR TO WORK COMMENCING	Resp: WHSA	WHS review as advised at Post Tender Award Meeting	Refer Note 3 for guidance	Resp: Consultant/Contractor	Complete MRC WHS online induction	<p>Before Work Commences</p> <p>Prior to commencing work or at any time during the implementation of a contract in a MRC workplace, the engaged consultant or contractor (except an appointed Principal Contractor) may be requested to supply copies of the following documents to the MRC Representative:</p> <ul style="list-style-type: none"> ● Safe Work Method Statements (SWMS). ● Risk management tools. <p>MRC may review and bring to the attention of the consultant or contractor any concerns or issues, and make recommendations regarding the suitability of consultant or contractor SWMS and risk management tools using:</p> <ul style="list-style-type: none"> ● <i>FRM-10.250 Safe Work Method Statement - Review of.</i> ● <i>FRM-10.274 Risk Management Tool – Review of.</i> <p>It is the responsibility of the consultant or contractor to determine any resulting changes to SWMS and risk management tools in response to any concerns or issues raised by the MRC Representative.</p> <p>An appointed category 3 Principal Contractor must prepare a site-specific WHS Management Plan for all construction projects.</p> <p>Prior to commencing work, , the Principal Contractor must supply a copy of the WHS Management Plan to the MRC Representative.</p> <p>MRC may review and raise any concerns or issues, and make recommendations regarding the suitability of the WHS Management Plan using <i>FRM-10.249 Review of WHS Management Plan for Principal.</i></p> <p>It is the responsibility of the Principal Contractor or to determine any resulting changes to the WHS Management Plan in response to any concerns or issues raised by the MRC Representative.</p> <p>Prior to commencing work, consultants and contractors may be required to attend a post-tender award meeting with the Contract Owner or a person authorised by MRC. The purpose of this meeting is to discuss MRC WHS requirements applicable to the contract and work to be undertaken.</p> <p>MRC WHS Online Induction</p> <p>Prior to commencing work, all workers must complete the MRC online WHS contractor induction. Exceptions include:</p> <ul style="list-style-type: none"> ● MECC performers, ● Category 3 consultants / contractors ● Category 4 consultants / contractors ● Consultants / contractors that don't attend a MRC workplace ● Consultants / contractors accompanied by MRC personnel.
3.1 POST TENDER MEETING										
Resp: P&P, Contract Owner &/or MRC Rep., Consultant/Contractor, WHSA										
<ul style="list-style-type: none"> - All to attend meeting as organised by P&P. - At this meeting, requirements prior to commencement of work are agreed to. - Consultant/Contractor advised of the following WHS review prior to commencement of work: Review of: <ul style="list-style-type: none"> i. Contractor – Review of WHS Management Plan for Principal (FRM-10.249) ii. SWMS (FRM-10.250) iii. Risk Management Tool – Review of (FRM-10.274) 										
3.2 PRIOR TO WORK COMMENCING										
Resp: WHSA										
WHS review as advised at Post Tender Award Meeting										
Refer Note 3 for guidance										
Resp: Consultant/Contractor										
Complete MRC WHS online induction										

	<p>Workers found working at a MRC workplace without being inducted will be removed from the workplace immediately.</p>
<p align="center">3.3 CONTRACTOR ARRIVES AT SITE</p> <p>Resp: Contract Owner &/or MRC Rep.</p> <ul style="list-style-type: none"> - Arrange site access, to be granted on basis that the relevant induction has been undertaken and advice of known hazards, risks, site specific requirements has been provided to contractor by Contract Owner/MRC Rep. (as per FRM10.2XX) - Review agreed logistics and site facilities (lay down areas, storage, amenities, emergency arrangements, etc – if applicable). 	<p>Contractor Arrives to Site</p> <p>The Contract Owner and/or MRC Representative is to ensure that the consultant and contractor workers are provided with a site-specific induction. Including making them aware of the hazards on-site and those that relate to their work and of any site specific WHS requirements applicable to the workplace or work to be undertaken that MRC is aware of.</p>
<p align="center">3.4 INITIATE WORK</p> <p>Resp: Contract Owner &/or MRC Rep., Consultant/Contractor, WHSA (ad-hoc, advisory capacity only)</p> <ul style="list-style-type: none"> - Ensure workers on-site are inducted, trained, licenced. - Ensure that site specific SWMS/risk management tools are conducted and readily available at the workplace. - Periodic review of SWMS (FRM-10.250) for life of contract - Periodic review of risk management tools (FRM-10.274) for life of contract - Conduct toolbox meetings 	<p>Initiate Work</p> <p>All workers must have the required qualifications, competencies, skills and WHS hazard and risk management awareness for all work undertaken.</p> <p>Consultants and contractors must provide their workers with suitable and sufficient information, instruction, training and supervision which is specific to the work undertaken and which addresses the WHS hazards and risks that will or may be encountered.</p>
	<p>MRC personnel should have access to the above records as part of audit activities any time.</p>

Step 4.0

4.0
MANAGEMENT OF WHS
REQUIREMENTS OF CONTRACT

4.2 PERFORMANCE & EVALUATION

Resp: Contract Owner &/or MRC Rep.,
Consultant/Contractor, WHSA (ad-hoc,
advisory capacity only)

Auditing:

- Undertake spot checks (FRM-10.251)
- Review implementation of Principal - --
- Contractor WHSMP (FRM-10.252)

Incident management:

- Consultant/contractor incidents reported & investigated
- Contract Owner/MRC Rep. enters all incidents in MRC incident management system

Safety related non-conformance & corrective action:

- Contract Owner/MRC Rep. may issue FRM-22.023 where non-conformance cannot be rectified
- Non-conformance/corrective actions must be entered in InControl
- Recognise good WHS performance

Performance and Evaluation:

Safety Spot Check

During the implementation of a contract in a MRC workplace, the MRC Representative or a person authorised by MRC may monitor consultant and contractor WHS performance to verify the consultant or contractor is undertaking the work safely in accordance with applicable WHS legislative requirements, MRC WHS Guidelines, relevant SWMS, risk management tools or site specific WHS requirements.

Spot checks are to be completed as scheduled in *REG-10.057 Contractor Spot Check Matrix*. Targets shall be established for each Program in consultation with the Program Manager, taking into account the number of consultants / contractors engaged, the frequency of engagement, and the WHS risk of the work undertaken.

Consultants and contractors may be selected randomly for a spot check, with an increased focus following a critical incident(s) or where a history of incidents or issued WHSQ notices are advised in *FRM-10.248 Contractor-WHS Evaluation Checklist*.

Evidence of consultant or contractor safety spot checks shall be recorded using *FRM-10.251 Contractor spot check – safety*. Other methods for monitoring and recording consultant or contractor safety include safety interactions, diary notations, meeting minutes, or incident reports.

Completed spot checks must be entered into InControl.

Auditing

During the implementation of a contract in a MRC workplace, the MRC Representative or a person authorised by MRC may undertake a Second-Party Audit of a consultant's or contractor's WHSMS.

Audits may cover all or select WHSMS elements utilising the National Audit Tool.

Audits shall be conducted by a member of the WHS Team with relevant Exemplar Global Auditor competencies.

It is the responsibility of the consultant or contractor to determine any resulting changes to the WHSMS in response to any concerns or issues raised by the MRC Representative.

Completed audits must be entered into InControl.

Principal Contractor During the implementation of a contract where MRC has appointed a Principal Contractor, the MRC Representative or a person authorised by MRC may verify the implementation of the contractor's WHS management plan

	<p>using <i>FRM-10.252 Contractor - WHS Management Plan Site Review for Principal</i>.</p> <p>Incident management</p> <p>Consultants and contractors must verbally report all incidents as soon as is reasonably practicable, but within 60 minutes, to the MRC Representative.</p> <p>Information provided must include:</p> <ul style="list-style-type: none"> ● A brief description of the incident. ● The location and time of the incident. ● The name/s of persons involved. ● Immediate action/s taken. <p>Where a notifiable incident involving a consultant or contractor occurs in a workplace in which MRC has management or control, MRC will report the incident to Workplace Health and Safety Queensland (WHSQ).</p> <p>Where a notifiable incident occurs in a workplace where a Principal Contractor is appointed, it is the responsibility of the Principal Contractor to notify WHSQ. This must occur immediately after the Principal Contractor becomes aware of the incident occurring, and by the fastest possible means.</p> <p>Upon request, the consultant or contractor must supply a written investigation report to the MRC Representative as soon as reasonably practicable, detailing:</p> <ul style="list-style-type: none"> ● Details of the incident. ● Findings. ● Contributing factors. ● Corrective actions to be implemented to prevent a recurrence. ● Any steps taken to ensure safety in the workplace in the interim. <p>Where deemed appropriate, MRC may conduct an incident investigation and / or seek further details on the incident from the consultant or contractor.</p> <p>Outcomes from a WHSQ investigation relating to a MRC contract, including correspondence, penalties and corrective actions, must be reported to the MRC Representative in writing.</p> <p>Safety related non-Conformance and Corrective Action</p> <p>If during the performance of work under the contract if it is observed that the consultant or contractor is:</p> <ul style="list-style-type: none"> ● not conducting the work in compliance with applicable WHS legislative requirements, MRC WHS Guidelines, relevant SWMS, risk management tools or site specific WHS requirements; or
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	<ul style="list-style-type: none">• undertaking the work in such a way as to endanger the health and safety of their workers, MRC workers, the public or anyone else: <p>the MRC Representative or a stakeholder (including but not limited to a member of the WHS Team, site operators, the person observing the unsafe behaviour) must discuss the concerns with the consultant or contractor.</p> <p>If the consultant or contractor is unable to rectify the non-conformance immediately, the MRC Representative may issue <i>FRM-22.023 External Non-Conformance Report</i> and direct the consultant or contractor to suspend the work activity until the consultant or contractor provides evidence that corrective actions have been implemented to ensure that the work can be resumed in a safe manner.</p> <p>All non-conformances and corrective actions must be recorded in InControl by the MRC Representative.</p> <p>If the consultant or contractor fails to rectify a non-conformance for which work has been suspended, or if the consultant or contractor's performance has involved recurring non-conformances, MRC may terminate the work in accordance with contract terms</p>
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Step 5.0

<p>5.0 WORKS COMPLETE</p>	<p>Contractor Performance Report</p> <p>After the completion of each contract term MRC shall review and evaluate the consultant's or contractor's WHS performance.</p> <p>This will form part of the overall evaluation process for future tenders.</p>
<p>5.1 FINALISE & TRANSITION</p>	
<p>Resp: Contract Owner &/or MRC Rep., Consultant/Contractor, WHSA, P&P</p>	
<ul style="list-style-type: none"> - Plan for close out of contract & close out: <ul style="list-style-type: none"> i. Review WHS performance of Consultant/Contractor (incl. sub contractors) – based on incidents & outcomes of completed spot checks. ii. Negotiate any outstanding non-conformance issues &/or corrective actions only while contract remains active 	
<p>5.2 WHS REVIEW</p>	
<p>Resp: Contract Owner &/or MRC Rep., WHSA, P&P</p>	
<ul style="list-style-type: none"> - WHS review of end to end process (internal focus). - Identify opportunities & implement recommendations where appropriate 	

10. Information and records management

Information that relates to individual consultants/contractors is to be retained as per MRC information management practices. In particular, utilisation of CIA Anywhere for the registration and storage of corporate documents.

Additionally, information and records management practices as required by the Procurement and Plant Program, (in particular the Contracts Team), are to be adhered to. (S6 of this procedure)

Recording of incidents and contractor spot checks will be undertaken through MRC's incident and risk management system.

General safety information, (including safety documents that relate to the contractor safety management regime), is accessible via the intranet site, The Hub.

Reference: [PRO-10.034 Document and Record Control Procedure.](#)

11. Training

Those with responsibilities that relate to provisions of this procedure will be provided with training to support adequate understanding of the sections that are applicable to their role.

12. Roles and Responsibilities

Detailed below are responsibilities specific to WHS consultant and contractor management. This information can be read in conjunction with Appendix 3.

12.1. Management Team and Supervisors

- Ensure so far as reasonably practicable implementation of WHS consultant and contractor management processes in all areas of responsibility.
- Allocate appropriate resources so far as reasonably practicable for WHS consultant and contractor management processes in all areas of responsibility.

12.2. Contract Owner

- Council employee most likely to trigger the need for contracted work and may delegate operational responsibility that oversees the work required by the contract to a subordinate staff member, (MRC Representative).
- Ensure so far as reasonably practicable WHS requirements are included in all stages of the procurement and contract management process.
- Monitor consultant and contractor WHS performance.
- Ensure so far as reasonably practicable consultants and contractors comply with WHS contractual obligations.
- Responsibilities as per MRC Representative where performing this role in addition to Contract Owner.

12.3. MRC Representative

- Active day to day management of the contract including ensuring minimum safety requirements are met for the life of the contract.
- Ensure so far as reasonably practicable the safe delivery of the contracted works they are responsible for, with the support of the WHS Team.
- Review so far as reasonably practicable consultant and contractor WHS contract / project specific WHS management plans and applicable risk management tools.
- Ensure so far as reasonably practicable the verification, recording and maintenance of all required licences and insurances.
- Arrange workplace inductions, pre-start meetings, site access and any required permits to work.
- Monitor consultant and contractor WHS performance.
- Ensure so far as reasonably practicable consultants and contractors comply with WHS contractual obligations.
- Ensure so far as reasonably practicable consultants and contractors comply with the minimum MRC WHS conditions of participation.
- Ensure so far as reasonably practicable consultants and contractors comply with contract / project specific WHS management plans and applicable risk management tools.

- Ensure so far as reasonably practicable consultant and contractor WHS incidents are reported to the WHS SafeLine and recorded in InControl.
- Ensure so far as reasonably practicable consultant and contractor non-conformances are reported and recorded in InControl.
- Ensure so far as reasonably practicable corrective actions arising from WHS incidents and non-conformances are identified and actioned.

12.4. MRC Employees

- Request a consultant or contractor to stop work if there is an imminent risk to WHS, until that risk is adequately resolved.
- Report consultant and contractor WHS incidents to the MRC Representative, their Supervisor, or a member of the WHS Team.

12.5. Procurement Team

- Ensure so far as reasonably practicable WHS requirements are included in all stages of the procurement and contract management process.
- Receive and forward WHS reports from consultants and contractors according to contract terms.
- Review and retain records of consultants and contractors WHS performance.
- Review on-going contracts on an annual basis to ensure currency of WHS information.

12.6. WHS Team

- Provide guidance and advice generally in regard to WHS consultant and contractor management.
- Provide advice and support to the tender evaluation panel members in the evaluation and selection of consultants and contractors.
- Review consultant and contractor WHS contract / project specific WHS management plans and applicable risk management tools.
- Provide advice and support to the MRC Representative in the monitoring of consultant and contractor WHS performance.
- Provide advice and support to the MRC Representative to investigate consultant and contractor WHS incidents and non-conformances.
- Periodically review and continually improve WHS contractor management activities to ensure their ongoing effectiveness.
- Develop and distribute information for discussion at toolbox talks and team meetings.

12.7. Consultants and contractors

- Comply with the WHS requirements of their contract.
- Comply with all lawful and reasonable safety directions provided by the MRC employee or representative engaging the consultant or contractor.

13. Review

This document will be reviewed in accordance with *PRO-10.034 Document and Record Control Procedure*.

14. Version Control

Version	Authorised By	Approval Date	Effective Date	Amendments
1.001	Manager, Governance and Safety	24/11/2020	01/01/2021	New document created.

Appendix 1 – Definitions

Term	Definition
Construction project	As defined in section 292 of the <i>WHS Regulation 2011</i> : means a project that involves construction work where the cost of the construction work is \$250,000 or more.
Construction work	<p>As defined in section 289 of the <i>WHS Regulation 2011</i>: means 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; and includes:</p> <ul style="list-style-type: none"> • Any installation or testing carried out in connection with an activity mentioned above. • The removal from the workplace of any product or waste resulting from demolition. • The prefabrication or testing of elements, at a place specifically established for the construction work, for use in construction work. • The assembly of prefabricated elements to form a structure, or the disassembly of prefabricated elements forming part of a structure. • The installation, testing or maintenance of an essential service in relation to a structure. • Any work connected with an excavation. • Any work connected with any preparatory work or site preparation (including landscaping as part of site preparation) carried out in connection with an activity mentioned above. • An activity mentioned above, that is carried out on, under or near water, including work on buoys and obstructions to navigation.
Consultant	An individual, organisation or entity that provides services which involve the provision of expert opinion or services, through reports, plans, works, reviews or any other medium, or provides expert advice with recommendations to Council, as the basis for making a decision or taking a certain course of action.
Contractor	A person, organisation, or entity that performs a specific act or acts including the provision of services and / or materials to MRC, in accordance with agreed specifications, terms and conditions.
Contract	An agreement, whether written or oral, entered into between MRC and a consultant or contractor that is intended to be legally binding on both parties.
Contract Owner	Council employee most likely to trigger the need for contracted work & may delegate operational responsibility that oversees the work required by the contract.
Ci Anywhere	MRC's electronic records management system.

Term	Definition
High risk construction work	<p>As defined in section 291 of the <i>WHS Regulation 2011</i>: means construction work that involves any of the following, but not limited to:</p> <ul style="list-style-type: none"> • Involves a risk of a person falling more than 2m. • Involves demolition of an element of a structure that is load-bearing or otherwise related to the physical integrity of the structure. • Involves, or is likely to involve, the disturbance of asbestos. • Involves structural alterations or repairs that require temporary support to prevent collapse. • Is carried out in or near a confined space. • Is carried out in or near a shaft or trench with an excavated depth greater than 1.5m or a tunnel. • Is carried out on or near energised electrical installations or services. • 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. • Is carried out in an area at a workplace in which there is any movement of powered mobile plant. • Is carried out in or near water or other liquid that involves a risk of drowning.
Incident	An unplanned work-related event that results in or had the potential to result in (a near miss), an injury, illness, asset damage or loss.
InControl	MRC's online safety, risk, and incident management system.
Management or control of a workplace	As defined in section 20 of the <i>WHS Act 2011</i> : means a person conducting a business or undertaking (PCBU) to the extent that the business or undertaking involves the management or control, in whole or in part, of the workplace.
MRC Representative	Nominated council employee that is responsible for the day to day management of the contract including ensuring minimum safety requirements are met for the life of the contract. The MRC Representative may also perform the dual role of Contract Owner.
Notifiable incident	<p>A work-related incident that must be reported to WHSQ, that is:</p> <ul style="list-style-type: none"> • The death of a person; or • A serious injury or illness of a person; or • A dangerous incident. <p>As defined in Part 3 of the <i>WHS Act 2011</i>.</p>
Principal Contractor	<p>Means a person conducting a business or undertaking (PCBU):</p> <ul style="list-style-type: none"> • Formally appointed by MRC as principal contractor for a construction project; and • Authorised by MRC to have management or control of the workplace at which a construction project will be carried out; and • Authorised by MRC to discharge the duties of a principal contractor as detailed in the <i>WHS Regulation 2011</i>. <p>Refer to appendix 3 for additional information on principal contractors.</p>

Term	Definition
Risk management tool	<p>A tool that is used to identify and document WHS hazards, risks, and controls associated with specific tasks or processes.</p> <p>Examples include:</p> <ul style="list-style-type: none"> • Risk register. • WHS management plan. • Risk assessment. • Safe work method statement (SWMS). • Job safety analysis (JSA).
Supervisor	<p>A person in control of a workplace and / or with day-to-day supervisory responsibilities for workers. Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Coordinator. • Supervisor. • Leading Hand. • Team Leader. <p>A Supervisor is also considered a worker, but has additional responsibilities for WHS as identified in WHS Management System documents and / or position descriptions.</p>
Stakeholders	<p>Any person(s) who is directly involved to varying degrees across the life of a project / contract.</p>
Sub-contractor	<p>A person, organisation, or entity engaged by a consultant or contractor to perform part of an act or acts including the provision of services and / or materials to MRC.</p>
Tender evaluation panel	<p>As per MAN-66.002 <i>MRC Tender & Contract Manual</i> evaluation panels are convened by delegated officers and are normally made up of a minimum of three members.</p> <p>Evaluation panels are primarily involved in:</p> <ul style="list-style-type: none"> • Reviewing and assessing submissions • Evaluating responses against the stated criteria in the invitation; and • Making recommendations on the outcome of the process.
WHS	<p>Work Health and Safety</p>
WHS Team	<p>The MRC team responsible for coordinating matters regarding WHS, workers compensation, and return-to-work at MRC.</p>
WHSQ	<p>Workplace Health and Safety Queensland.</p> <p>A Queensland Government agency, responsible for the regulation of WHS in Queensland.</p>
Worker	<p>A person who carries out work in any capacity for MRC, including:</p> <ul style="list-style-type: none"> • Employees. • Consultants. • Contractors or subcontractors. • Employees of a contractor or subcontractor.

Term	Definition
	<ul style="list-style-type: none"> • Employees of a labour hire company assigned to work at MRC. • Outworkers. • Apprentices and trainees. • Students gaining work experience. • Volunteers.
Workplace	A place where work is carried out, including vehicles, vessels, offices, workshops, construction sites, roads, and parks.

Appendix 2 – Categories of Consultants and Contractors

At MRC, consultants and contractors are classified into four (4) categories.

Category 1	Category 2	Category 3	Category 4
Consultant works include, but are not limited to: <ul style="list-style-type: none"> • Providing expert advice on technical and professional matters. • Research projects, community surveys, feasibility studies where recommendations are made. • Legal consultants. • Auditors. • Speakers and presenters. • Workshop facilitators. • Trainers. 	Contractor works include, but are not limited to: <ul style="list-style-type: none"> • Construction work¹. • Work requiring a 'high risk work licence'². • Work requiring a permit to work³. • Testing, maintenance or repair work. • Provision of services (e.g. mowing, slashing, cleaning, security). • Contractors working alongside and / or embedded within MRC teams and working under the direct supervision of a MRC Representative. Examples include, but are not limited to: <ul style="list-style-type: none"> ○ 'Wet hire' plant and equipment workers. 	Contract 'construction project' ⁴ work, ie where the cost of the 'construction work' is \$250,000 or more and a Principal Contractor is appointed by MRC.	Contractors who are engaged to manage and / or operate a MRC facility. Examples include, but are not limited to: <ul style="list-style-type: none"> • Waste transfer stations. • Material recycling facility. • 'Tip shop'. • Swimming pools.
<p>1. Construction work: As defined in section 292 of the <i>WHS Regulation 2011</i>: means 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; and includes:</p> <ul style="list-style-type: none"> • Any installation or testing carried out in connection with an activity mentioned above. • The removal from the workplace of any product or waste resulting from demolition. • The prefabrication or testing of elements, at a place specifically established for the construction work, for use in construction work. • The assembly of prefabricated elements to form a structure, or the disassembly of prefabricated elements forming part of a structure. • The installation, testing or maintenance of an essential service in relation to a structure. • Any work connected with an excavation. • Any work connected with any preparatory work or site preparation (including landscaping as part of site preparation) carried out in connection with an activity mentioned above. • An activity mentioned above, that is carried out on, under or near water, including work on buoys and obstructions to navigation. <p>2. Work requiring a high-risk work licence: As defined in schedule 3 of the <i>WHS Regulation 2011</i> for example:</p> <ul style="list-style-type: none"> • Scaffolding. • Dogging. • Rigging. • Crane operation. • Materials hoists. • Boom-type elevating work platforms. • Forklift truck. <p>3. Work requiring a permit to work: Contractors must obtain the appropriate permit/s before commencing the work task:</p> <ul style="list-style-type: none"> • Penetrations. • Hot work. • Working at heights. • Confined space entry. • Trenching. <p>4. Construction project: As defined in section 292 of the <i>WHS Regulation 2011</i>: means a project that involves construction work where the cost of the construction work is \$250,000 or more.</p>			

The level of management and WHS documentation required from the consultant or contractor is detailed below:

Description	Category 1	Category 2	Category 3	Category 4
Information provided on the expected WHS performance of consultants and contractors engaged by MRC				
GUI-10.011 MRC WHS Guidelines for Consultants and Contractors.	✓	✓	✓	✓
FRM-10.293 Contract-Risk Register for		✓	✓	✓
FRM-10.247 Contractor - WHS questionnaire for	✓	✓	✓	✓
FRM-10.249 Principal Contractor – Review of WHS Management Plan for Principal			✓	
FRM-10.250 Safe Work Method Statement - Review of.		✓		
FRM-10.274 Risk Management Tool - Review of.		✓		✓
FRM-10.251 Contractors Spot Check - Safety.		✓		✓
FRM-10.252 Contractor – WHS Management Plan Site Review for Principal			✓	
POL-10.001 Work Health and Safety Policy	✓	✓	✓	✓
MRC Code of Conduct	✓	✓	✓	✓
POL-64.035 Fitness for Work Policy	✓	✓	✓	✓
PRC-64.029 Fitness for Work Procedure	✓	✓	✓	✓
POL- 64.011 Alcohol and other Drugs Policy	✓	✓	✓	✓
POL-64.081 Smoking Policy	✓	✓	✓	✓
WHS evaluation requirements				
FRM-10.247 Contractor - WHS questionnaire for to be completed and returned by tenderer. Review to be completed using FRM-10.248 Contractor – WHS evaluation checklist for OR Tenderers may provide evidence that they have a WHSMS that complies with AS/NZS 4801:2001 or ISO 45001:2018	✓	✓	✓	✓
Prior to commencing work, the Principal Contractor must supply a copy of the WHS Management Plan to the MRC Representative. MRC may review and raise any concerns or issues, and make recommendations regarding the suitability of the WHS Management Plan using FRM-10.249 Contractor – Review of WHS Management Plan for Principal.			✓	
Prior to commencing work or at any time during the implementation of a contract in a MRC workplace, the engaged consultant or contractor may be requested to supply copies of all applicable SWMSs to the MRC Representative. MRC may review and bring to the attention of the consultant or contractor any concerns or issues, and make recommendations regarding the suitability of SWMS using FRM-10.250 Safe Work Method Statement - Review of.		✓		
For work not classified as 'high risk construction work', contractor must ensure risk management tools are developed. Prior to commencing work or at any time during the implementation of a contract in a MRC workplace, the engaged consultant or contractor may be requested to supply copies of all applicable risk management tools to the MRC Representative. MRC may review and bring to the attention of the consultant or contractor any concerns or issues, and make recommendations regarding the suitability of consultant or contractor risk management tools using FRM-10.274 Risk Management Tool – Review of.		✓		✓
Induction, Training, Licences, and Certificates of Competency				
Consultant, contractor, contractor's workers, and all subcontractors must complete the online MRC contractor induction.	✓ ⁵	✓		
Post tender award meeting. Documented using FRM-10.246 Contractor - Post tender award meeting record form		✓	✓	✓
Applicable MRC site-specific inductions. Induction to be completed using FRM-22.069 Induction Generic Site.	✓	✓		✓
All workers undertaking construction work must hold a General Induction for Construction Work (green / white) card.	✓	✓	✓	✓
All workers undertaking high risk work must have a current high-risk work licence.	✓	✓	✓	✓
All workers have the appropriate licences, trade qualifications and competencies for the work that they are performing.	✓	✓	✓	✓
Site specific project induction.			✓	
WHS monitoring requirements				
During the implementation of a contract in a MRC workplace, the MRC Representative or a person authorised by MRC may monitor consultant and contractor WHS performance to verify the consultant or contractor is undertaking the work safely in accordance with applicable WHS legislative requirements, MRC WHS Guidelines, relevant SWMS, risk management tools or site specific WHS requirements using FRM-10.251 Contractor Spot Check – Safety.	✓	✓		✓
During the implementation of a contract where MRC has appointed a Principal Contractor, the MRC Representative or a person authorised by MRC may verify the implementation of the contractor's WHS management plan using FRM-10.252 Contractor – WHS Management Plan Site Review for Principal A schedule for project monitoring will be agreed upon between MRC and the contractor.			✓	
5. Consultants are only required to complete online MRC contractor induction when they are attending a MRC workplace and will not be under the direct supervision of MRC Representative.				

Appendix 3 – Consultant/Contractor WHS Management Process

<p align="center">1.0a CONSULTANT/CONTRACTOR WORK IDENTIFIED (Purchase order/Pre-Qualified Supplier or Approved Contractor List)</p>	<p>Resp: Contract Owner &/or MRC Rep</p> <p>WHS requirements identified in MRC Terms of Business</p>	<p>Resp: WHSA, Contract Owner &/or MRC Rep</p> <p>Go to 3.2</p>	<p>LEGEND MRC Rep: MRC Representative P&P: Procurement & Plant WHS: Work Health & Safety Advisor</p>	
<p align="center">1.0b CONSULTANT/CONTRACTOR WORK IDENTIFIED (Where Tender Process is required) <i>IF Consultant/contractor pre-qualified with "licence to work for Council", go to Phase 3.0 Refer Note 5 for guidance</i></p>	<p align="center">1.1 WHS CATEGORY OF CONSULTANT/CONTRACTOR, HAZARDS & RISKS</p> <p>Resp: Contract Owner</p> <p>- Complete WHS inclusions on Authority Form (FRM-66.030)</p> <ul style="list-style-type: none"> i. WHS category of consultant/contractor ii. WHS Contract Risk Register (FRM-10.293) <p>Refer Note 1 for guidance</p>			
<p align="center">2.0 TENDER, EVALUATE, AWARD</p>	<p align="center">2.1 PREPARE AND ISSUE TENDER DOCUMENTS</p> <p>Resp: P&P, Contract Owner &/or MRC Rep</p> <p>- WHs inclusions in tenders doc's:</p> <ul style="list-style-type: none"> i. Contract Risk Register (FRM-10.293) ii. GUI-10.011 MRC WHS Guidelines for Consultants & Contractors iii. WHS consultant/contractor specific info: Refer Appendix 3 PRO010.043 iv. Tender specific requirements 	<p align="center">2.2 WHS EVALUATION OF TENDER</p> <p>Resp: WHSA</p> <p>- Evaluate WHS responses of preferred tenderers, (FRM-10.248)</p> <p>- Confirm areas of current non-conformance of tenders</p> <p>- Forward completed FRM-10.248 to: P&P (contracts@mackay.qld.gov.au), and WHS (contractorWHS@mackay.qld.gov.au)</p>	<p align="center">2.3 NEGOTIATE WITH THE PREFERRED TENDERER</p> <p>Resp: P&P, WHSA</p> <p>- Conduct due diligence checks to verify tenderers claims regarding WHS, eg-obtain copies of policies, procedures, forms, WHS performance records.</p> <p>- Conduct negotiations & document outcomes.</p>	<p align="center">2.4 AWARD CONTRACT</p> <p>Resp: P&P</p> <p>- Letter of Acceptance to the successful tenderer.</p> <p>- Prepare Agreement & distribute – must contain: WHS info as per Appendix 3 of PRO-10.043. Must include advice of next steps required prior to commencement of work.</p>
<p align="center">3.0 EXECUTE CONTRACT</p>	<p align="center">3.1 POST TENDER MEETING</p> <p>Resp: P&P, Contract Owner &/or MRC Rep., Consultant/Contractor, WHSA</p> <p>- All to attend meeting as organised by P&P.</p> <p>- At this meeting, requirements prior to commencement of work are agreed to.</p> <p>- Consultant/Contractor advised of the following WHS review prior to commencement of work:</p> <p>Review of:</p> <ul style="list-style-type: none"> i. Contractor – Review of WHS Management Plan for Principal (FRM-10.249) ii. SWMS (FRM-10.250) iii. Risk Management Tool – Review of (FRM-10.274) 	<p align="center">3.2 PRIOR TO WORK COMMENCING</p> <p>Resp: WHSA</p> <p>WHS may review as advised at Post Tender Award Meeting</p> <p>Refer Note 3 for guidance</p> <p>Resp: Consultant/Contractor</p> <p>Complete MRC WHS online induction</p>	<p align="center">3.3 CONTRACTOR ARRIVES AT SITE</p> <p>Resp: Contract Owner &/or MRC Rep.</p> <p>- Arrange site access, to be granted on basis that the relevant induction has been undertaken and advice of known hazards, risks, site specific requirements has been provided to contractor by Contract Owner/MRC Rep.</p> <p>- Review agreed logistics and site facilities (lay down areas, storage, amenities, emergency arrangements, etc – if applicable).</p>	<p align="center">3.4 INITIATE WORK</p> <p>Resp: Contract Owner &/or MRC Rep., Consultant/Contractor, WHSA (ad-hoc, advisory capacity only)</p> <p>- Ensure workers on-site are inducted, trained, licenced.</p> <p>- Ensure that site specific SWMS/risk management tools are conducted and readily available at the workplace.</p> <p>- Periodic review of SWMS (FRM-10.250) for life of contract</p> <p>- Periodic review of risk management tools (FRM-10.274) for life of contract</p> <p>- Conduct toolbox meetings</p>
<p align="center">4.0 MANAGEMENT OF WHS REQUIREMENTS OF CONTRACT</p>	<p align="center">4.1 PERFORMANCE & EVALUATION</p> <p>Resp: Contract Owner &/or MRC Rep., Consultant/Contractor, WHSA (ad-hoc, advisory capacity only)</p> <p>Auditing:</p> <ul style="list-style-type: none"> - Undertake spot checks (FRM-10.251) - Review implementation of Principal Contractor WHSMP (FRM-10.252) <p>Incident management:</p> <ul style="list-style-type: none"> - Consultant/contractor incidents reported & investigated - Contract Owner/MRC Rep. enters all incidents in MRC incident management system 	<p>Safety related non-conformance & corrective action:</p> <ul style="list-style-type: none"> - Contract Owner/MRC Rep. may issue FRM-22.023 where non-conformance cannot be rectified - Non-conformance/corrective actions must be entered in InControl - Recognise good WHS performance 	<p align="center">4.2 COMMUNICATION</p> <p>Resp: WHSA, Contract Owner &/or MRC Rep</p> <p>MRC must engage on WHS matters with Contractors/ Consultants through periodic contract review meetings, pre-start meetings & toolbox talks. Consultants/contractors may be invited to MRC Health and Safety Committee meetings. Sharing of relevant Bulletins and learnings from incidents.</p>	<p align="center">4.3 CONTINUOUS IMPROVEMENT</p> <p>Resp: WHSA, Contract Owner &/or MRC Rep</p> <p>Where opportunities for improvement are identified, these are to be considered & implemented as deemed appropriate.</p>
<p align="center">5.0 WORKS COMPLETE</p>	<p align="center">5.1 FINALISE & TRANSITION</p> <p>Resp: Contract Owner &/or MRC Rep., Consultant/Contractor, WHSA, P&P</p> <p>- Plan for close out of contract & close out:</p> <ul style="list-style-type: none"> i. Review WHS performance of Consultant/Contractor (incl. sub contractors) – based on incidents & outcomes of completed spot checks. Run InControl report. ii. Negotiate any outstanding non-conformance issues &/or corrective actions – only while contract remains active 	<p align="center">5.2 WHS REVIEW</p> <p>Resp: Contract Owner &/or MRC Rep., WHSA, P&P</p> <p>- WHS review of end to end process (internal focus).</p> <p>- Identify opportunities & implement recommendations where appropriate</p>	<p>NOTES</p> <ol style="list-style-type: none"> 1. When developing the WHS Contract Risk Register: <ol style="list-style-type: none"> a. Identify the WHS hazards & risks at, or in the vicinity of, the workplace where the work will be conducted that MRC is aware of. b. Identify any site specific WHS requirements applicable to the workplace or work to be undertaken that MRC is aware of. 2. Documents to be forwarded to the WHSA for review by the contract owner/MRC Rep. The WHSA to return after review. 3. This process provides an overview of the tender, tender award and contract management process for the life of the contract. It is understood that some steps are not practicable for a regular or returning consultant/contractor. 4. "Licence to work for council," arrangements in development 	

Appendix 4 – Additional Information – Principal Contractors

Below is an extract from the WHSQ website (<https://www.worksafe.qld.gov.au/construction/workplace-hazards/principal-contractors>) regarding statutory obligations in respect of principal contractors for use as an easy reference guide. For additional information refer to the *WHS Regulation 2011*.

Engaging a Principal Contractor

By default, a person conducting a business or undertaking (PCBU) that commissions construction work valued at \$250,000 or more (often referred to as the client) is the principal contractor. However, a client can appoint another PCBU as a principal contractor by authorising them to have management or control of the workplace where the construction work will take place.

It is recommended that any authorisation or appointment regarding the principal contractor be documented and signed by the relevant parties to ensure clear definition of roles.

The *WHS Regulation 2011* defines a construction project as any project that involves construction work where the cost is \$250,000 or more. Work valued at less than \$250,000 is not deemed to be a construction project.

Principal Contractor Duties

Principal contractor duties include:

- Signage identifying principal contractor.
- Preparation of the WHS management plan (includes site rules):
 - Duty to inform all persons of plan before they commence.
 - Duty to review – must remain up-to-date.
 - Must obtain safe work method statement (SWMS) before high risk construction work commences.

Refer to part 6.4 of the *WHS Regulation* for additional duties.

Principal contractors for construction work valued at \$250,000 or more

Each construction project will have a principal contractor who has specific duties under the WHS Regulation, in addition to their duties as a PCBU.

A construction project covers all the activities involved in the construction work. The cost of construction work can be determined by the contract price for carrying out the work. The kinds of costs that would be included are:

- Project management costs.
- Cost of fittings and furnishings.
- Any taxes, levies, or charges payable in connection to the work, excluding GST.

Principal contractors for construction work valued at less than \$250,000

A client can authorise a contractor to have management or control of a workplace for construction work that is valued less than \$250 000 (and is therefore not a construction project).

However, in this situation the contractor would not inherit the additional duties of a principal contractor under part 6.4 of the *WHS Regulation*.

No requirement to notify the regulator

The WHS Regulation does not require that WHSQ is notified of the appointment of principal contractors. Notification must still be made to QLeave, the portable long service leave authority.

Only one principal contractor per construction project

Section 293 of the *WHS Regulation* states that a construction project can have only one principal contractor at any specific time.

Where a client has commissioned two or more construction projects and intends to appoint different principal contractors to each one, it is essential that the workplaces associated with each construction project are defined as separate and distinct. Only one PCBU can have management or control of a defined workplace at any given time. The following scenario helps to illustrate these requirements.

Two construction projects taking place immediately adjacent to each other working either on entirely separate projects or as part of a large program of works. For example, the construction of a bridge as one construction project and the approaching road works as another construction project. Or the refurbishment of a structure as one construction project and the installation, maintenance or repair of a significant item of plant within the structure as another construction project.

- Each construction project must clearly identify where management or control starts and ends for each principal contractor. This is ideally done by using physical boundaries (eg a fence) or visible markers (eg signs).
- Where it is not possible or practical to physically separate or visually demarcate a boundary between the two construction projects, both principal contractors must be able to demonstrate:
 - How risks associated with workers or others crossing the boundary between the two construction projects are identified and managed, and
 - How the duty to ensure that the workplace is secured against unauthorised access is met.
- Each principal contractor must be in a contract directly with the client - one principal contractor cannot be a subcontractor to the other.
- Each of the PCBUs (the principal contractors, any subcontractors, and the client) must consult, coordinate and cooperate with each other to ensure that risks to health and safety are managed. This is an equal duty between the parties and must be carried out prior to and during the work.

WHS levy for building and construction projects valued at \$150,000 or more

The *Building and Construction Industry (Portable Long Service Leave) Act 1991 (QLD)* provides for payment of a work health and safety levy on certain building and construction work. The fee is payable for building and construction projects valued at \$150,000 or more and is collected by Q Leave.