

Long Form Checklist to assess whether the PMCA is discharging its obligations regarding Project Contractor WHS Compliance

WHS Requirements	PMCA Action	Defence Action	Defence Checklist	Y / N
Prior to commencing works				
Approvals	<p>Ensure the Project Contractor obtains and provides any Approvals (including authorisation, licences, prescribed qualifications or experience) to the PMCA prior to relevant work commencing.</p> <p>Review the evidence provided and ensure it is adequate and complies with all relevant Statutory Requirements, including the WHS Legislation.</p> <p>For example, ensure that if any Statutory Requirement requires a:</p> <ul style="list-style-type: none"> • person to be authorised or licensed (or to be supervised), that they are; and • workplace, plant or substance be authorised or licensed, that they are. 	<p>Ensure the PMCA has confirmed the Project Contractor's compliance (prior to work commencing) by requesting Approvals (including authorisations, licenses, prescribed qualifications, experience, other information relevant to WHS).</p> <p>For example, the WHS Legislation imposes, licensing requirements for:</p> <ul style="list-style-type: none"> • Asbestos removal; • carrying out of high risk work; <p>a <i>'competent person'</i> to carry out particular work (i.e. electrical work, confined space entry, general diving work, installing/ assembling, commissioning/ decommissioning/ dismantling of plant, inspection of pressure equipment, inspecting scaffolding, major inspections of cranes and design verifier).</p> <p>Ensure the PMCA is requiring the Project Contractor to action any non-compliance prior to work commencing.</p>	<p>Defence to document the relevant Statutory Requirements Approvals required for a Project during the Planning Phase for the Project.</p> <p>Defence to ensure the PMCA has verified any Approvals required are held by the Project Contractor, eg, licensing or other requirements prior to Works commencing on Site.</p>	<input type="checkbox"/> <input type="checkbox"/>
Consult, Co-operate and Co-ordinate	<p>Ensure the Project Contractor complies with its duty to consult cooperate and coordinate (CCC) activities with others</p>	<p>Ensure the PMCA is requiring the Project Contractor and other duty holders to CCC.</p>	<p>Does the Contract/ Project require multiple duty holders operating at or in the vicinity of the workplace/ Site?</p>	<input type="checkbox"/>

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	<p>who have WHS duties in relation to the same matter.</p> <p>Facilitate CCC between multiple duty holders</p> <p>Require each duty holder to draft and adopt a CCC Plan for the Project/Contract.</p>	<p>Ensure CCC occurs for the Project/Contract between:</p> <ul style="list-style-type: none"> • different 'Groups' and 'Divisions' within Defence; and • the Project Contractor and other duty holders such as subcontractors, consultants and Defence officials, <p>when required for a Project/Contract.</p>	<p>Defence to confirm with the PMCA that the Project Contractor has used the proforma CCC Plan available on DEQMS.</p> <p>Defence to confirm with the PMCA that each duty holder contributed to the CCC Plan and is regularly complying with its CCC duty.</p>	<input type="checkbox"/> <input type="checkbox"/>
Hazardous Substances	<p>Provide full details of each Hazardous Substance proposed to be used by the Project Contractor.¹</p>	<p>Ensure the PMCA has reviewed proposed use of Hazardous Substances to ensure use is necessary for the Works.</p>	<p>Defence to check with the PMCA regarding whether the Project Contractor proposes to use Hazardous Substances.</p> <p>Defence to confirm with PMCA that it is clearly identified which Hazardous Substances are proposed to be used - full details of Hazardous Substances must be disclosed.</p> <p>Defence to consider whether the proposed Hazardous Substances use is necessary for the Project.</p>	<input type="checkbox"/> <input type="checkbox"/>
	<p>Ensure the Project Contractor has prepared and provided a safety data sheet (SDS) for each Hazardous Substance (if any) to be used in delivering the Contractor's Activities.</p>	<p>Ensure the PMCA has confirmed that the Project Contractor has completed a SDS for each Hazard Substance to be used in the Project <u>prior</u> to works commencing.</p>	<p>Defence must ensure that the Project Contractor has provided the PMCA with the relevant SDSs and that the SDSs have been provided to Defence by the PMCA.</p> <p>Defence to confirm with the PMCA that the Project Contractor has made the SDS</p>	<input type="checkbox"/> <input type="checkbox"/>

¹ Where the Special Conditions regarding Hazardous Substances are used

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			available and readily accessible for all workers	
	Ensure a register of Hazardous Substances is established by the Project Contractor and that the relevant information to be incorporated into ChemAlert is provided by the Project Contractor.	Ensure the PMCA is requiring the Project Contractor to establish register of Hazardous Substances and has also provided the relevant information to be incorporated into ChemAlert.	<p>Defence to verify with the PMCA that the Project Contractor has:</p> <ul style="list-style-type: none"> • developed a register of Hazardous Substances; and • ChemAlert information has been provided, as required; and <p>Updated the Hazardous Substances and Chem Alert information in accordance with the Contract.</p>	<input type="checkbox"/>
Principal Contractor/ Main Contractor	<p>Where the Project Contractor is:</p> <ul style="list-style-type: none"> • engaged as the Principal Contractor (PC) for all harmonised WHS jurisdictions² (where the value of the construction project exceeds \$250,000); or • appointed as the Principal Contractor (PC) in Victoria where the construction work the subject of a construction project exceeds \$350,000; or • is deemed to be the Main Contractor (MC) in Western Australia where more than 5 	Ensure the PC/ MC engagement/ appointment is made at time of award of Contract.	Defence must ensure the PC/ MC engagement / appointment is made at time of award of Contract by ensuring the principal contractor / main contractor provisions have been inserted into the Project Contract.	<input type="checkbox"/>

² This is all jurisdictions except for Victoria and Western Australia.

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	<p>persons are performing work on Site,</p> <p>ensure the relevant PC and MC provisions are included in the Project Contract.</p>			
	<p>Ensure the information required to be provided by Defence to the PC/MC (ie the Project Contractor) is provided in a timely manner (e.g. hazards or risks at or in the vicinity of the workplace/design report if design performed by other persons).</p>	<p>Ensure the PC/ MC is provided with information Defence is required to provide (e.g. if there is UXO present or whether the Site contains Asbestos or ACM).</p>	<p>Defence must provide the information necessary for the Project Contractor to discharge its PC/ MC obligations and to ensure Defence discharges its WHS duties regarding hazards and risks and verify with the PMCA that it has forwarded this information to the Project Contractor in a timely manner.</p>	<input type="checkbox"/>
<p>Requirements of WHS Legislation are in the Project Contracts</p>	<p>Must ensure the WHS requirements are incorporated into the Project Contracts.</p>	<p>Review the Project Contracts to ensure the PMCA has incorporated the requirements of the WHS Legislation.</p>	<p>Defence to ensure the Project Contract contains WHS requirements prior to Contract execution.</p>	<input type="checkbox"/>
<p>WHS Accreditation Scheme accreditation</p>	<p>If WHS Accreditation Scheme applies to the Project, the PMCA must ensure that the Project Contractor provides evidence of accreditation prior to executing the Project Contract.</p>	<p>Ensure that the PMCA verifies that the Project Contractor holds accreditation under the WHS Accreditation Scheme either by evidence submitted by the Project Contractor or via review of the OFSC register).</p>	<p>Defence to confirm the PMCA has verified the Project Contractor holds WHS Scheme Accreditation.</p>	<input type="checkbox"/>
<p>WHS Plan</p>	<p>Must ensure the Tenderer submits a draft WHS Plan with its Tender submission.</p>	<p>Prior to a Contract being awarded ensure the PMCA has conducted a robust review of the draft WHS Plan (and ensured it addresses Project/Contract specific risks and hazards).</p>	<p>Defence to review the WHS Plan and ensure it has been drafted:</p> <ul style="list-style-type: none"> • specifically for the Project/ Contract and addresses appropriate risks and hazards (rather than being generic); 	<input type="checkbox"/>

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	<p>Personnel with sufficient expertise and specialisation must carry out a robust review of the WHS Plan and ensure:</p> <ul style="list-style-type: none"> • it contains information specified in the definition of WHS Plan; • it is Project/Contract specific; • it addresses Project/Contract hazards and risks; • it aligns with and addresses the matters in the definition of WHS Plan; and • details how the Tenderer proposes to comply with its WHS duties and obligations. 	<p>Defence to verify that the PMCA conducted a robust review of the draft WHS Plan. For example, if required, has the PMCA inserted any feedback/ queries for the Project Contractor to consider?³ Has the PMCA rejected WHS Plan and subsequently non-rejected it following resubmission by the Tenderer?</p>	<ul style="list-style-type: none"> • to address the content set out in the definition for WHS Plan found in the glossary; • so the content demonstrates an understanding of the WHS hazards and risks applicable to the Project/Contract; • that the WHS Plan in all other respects demonstrates the Tenderer understands its WHS duties; and • demonstrates the Tenderer has procedures/processes in place to discharge these duties. 	
Contract Management and Contract Administration				
Approvals	<p>Conduct verification activities to ensure Approvals related Statutory Requirements are complied with in accordance with the WHS Legislation (including reviewing the Project Contractor audit and verification reports) to ensure ongoing compliance by the Project Contractor.</p>	<p>Ensure the PMCA is requiring the Project Contractor to action any non-compliance re approvals and is conducting regular verification activities to confirm Project Contractor compliance.</p> <p>Ensure requests to the Project Contractor are made requiring evidence of Approvals (including authorisations, licenses, prescribed qualifications,</p>	<p>Defence to verify with the PMCA the Approvals required under the Project Contract and that the Project Contractor has obtained these prior to commencing the Works.</p> <p>Defence must ensure it has:</p> <ul style="list-style-type: none"> • completed regularly reviews of the evidence provided by the Project Contractor to the PMCA; and 	<input type="checkbox"/> <input type="checkbox"/>

³ PMCAs should not be directing Project Contractors to insert specific content. Rather, feedback/ queries should be open-ended asking the Project Contractor to consider any potential issues that may be relevant to the Project/ Contract. This avoids potentially altering the agreed risk allocation between the Commonwealth and the Project Contractor with respect to WHS.

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	<ul style="list-style-type: none"> • any identified WHS matters/ risks/ hazards that require escalation (for example those identified in verification and audit reports); • lead and lag indicator data; • confirmation of WHS Accreditation Scheme accreditation currency (i.e. in the name of the party carrying out building work);⁵ • audit and verification results for audit and verification activities carried out by the Project Contractor regarding the Project and Contract (and not simply summary data); and • written assurance compliance in accordance with terms of the Project Contract and any format and terms specified by the Commonwealth. 		<p>requiring the Project Contractor to action any systemic risk management failures.</p> <p>Defence must ensure that WHS risks and hazards requiring escalation (for example, those identified in verification and audit reports) are reported regularly to the Deputy Secretary and E&IGs officers.</p> <p>Defence must ensure actual site verification and audit reports are provided to the PMCAs by the Project Contractor - not simply summary results.</p>	<input type="checkbox"/>
Design	<p><u>Design Certificate</u></p> <p>Ensure the Project Consultant's required design certification confirms the design work complies with the requirements of the WHS Legislation (as well as the requirements of the Contract).</p>	<p>Ensure the PMCA is requiring submission of Consultant Design Certificates, and if applicable, Subconsultant Design Certificates, in accordance with the timing provisions in the Contract.</p>	<p>Defence to verify with PMCA that the Project Consultant has provided design certification that the design complies with the WHS Legislation, in accordance with the Project Contract.</p>	<input type="checkbox"/>

⁵ There are limited exemptions for joint ventures where a party that does not hold accreditation under the WHS Accreditation Scheme may still carry out building work for the Project where the Office of the Federal Safety Commissioner has confirmed the requirements have been met and this has been forwarded to Defence prior to the Contract being executed.

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	<p>The Contract requires the Consultant to submit a Consultant Design Certificate (and Subconsultant Design Certificate, if applicable):</p> <ul style="list-style-type: none"> • when Design Documentation is submitted; • when a payment claim is submitted; and • as a condition precedent to Completion. 			
	<p><u>Design Review</u></p> <p>When necessary, conduct/facilitate a design review (general review and reasonable check) to:</p> <ul style="list-style-type: none"> • ensure compliance with the WHS Legislation; and • identify risks and hazards. 	<p>Ensure the PMCA:</p> <ul style="list-style-type: none"> • conducts/facilitates a design review (when required); and • confirms the design review has addressed the WHS Legislation compliance and design specific risks and hazards. 	<p>Defence to confirm with the PMCA that the Project Contractor has provided the Design Documentation to enable it to conduct/ facilitating of a design review.</p> <p>Defence to confirm that the PMCA has conducted a design review in accordance with the PMCA scope of services (when required).</p>	<input type="checkbox"/> <input type="checkbox"/>
Formal Notices for WHS matters	<p>Ensure that within 10 days of receipt the Project Contractor provides copies regarding any formal WHS notice/ communication/ undertaking:</p> <ul style="list-style-type: none"> • received from regulators regarding work health and safety; 	<p>Ensure the PMCA is actively seeking information/ documentation from the Project Contractor in accordance with Defence's rights under the Contract.</p>	<p>Has there been a Notifiable Incident (NI) at the Project Contractor's Site⁶ or any other sufficiently serious WHS matter arising (also refer to NI section)?</p> <p>Where such circumstances exist, Defence must ensure this contractual right is exercised and the PMCA seeks the</p>	<input type="checkbox"/> <input type="checkbox"/>

⁶ If the regulator conducting an investigation it is likely various notices will be issued by the regulator to the Project Contractor and that in response to these notices the Project Contractor will be required to provide information to the regulator.

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	<p>and hazards associated with Hazardous Substance prior to being used or incorporated into the works.</p> <p>Ensure the Project Contractor is providing any updated SDS from the manufacturer, importer or supplier of each relevant Hazardous Substances:</p> <ul style="list-style-type: none"> • on each occasion an updated SDS is provided; and • on request from Defence. 		<p>Substances being used or incorporated into the works.</p> <p>Defence to verify with the PMCA that the Project Contractor has provided updated SDSs from a manufacturer, imported or supplier of Hazardous Substances.</p>	<input type="checkbox"/>
	<p>Ensure ChemAlert Information is:</p> <ul style="list-style-type: none"> • updated for each Hazardous Substances; and • provided to Defence in as part of Project Contractor's Monthly Report or on request. 	<p>Ensure the PMCA is providing updated ChemAlert Information in its Monthly Report or on request.</p>	<p>Defence to review ChemAlert Information in the Project Contractor's Monthly Report.</p> <p>Defence to confirm with the PMCA that the Project Contractor is updating ChemAlert Information, as required.</p>	<input type="checkbox"/> <input type="checkbox"/>
Information and Records	<p>Must facilitate the exchange, keeping and maintenance of information and records for all work health and safety issues between duty holders, including:</p> <ul style="list-style-type: none"> • Defence; • the Project Contractor; and • Other Contractors. 	<p>Ensure the PMCA is requiring the Project Contractor to maintain easy access to current WHS information and records.</p> <p>The PMCA must ensure that all records regarding WHS are current and easily accessible:</p> <ul style="list-style-type: none"> • to facilitate exchange between duty holders; • to provide to a regulator or a court (if requested); or 	<p>Defence to confirm with the PMCA it is facilitating the exchange of WHS information and records, including information and records for all WHS issues between Defence, the Project Contractor and Other Contractors.</p>	<input type="checkbox"/>

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		<ul style="list-style-type: none"> where required for an investigation. 		
Principal Contractor/ Main Contractor obligations	Ensure the Project Contractor is complying with its duties as PC/ MC for the duration of the Contract/ Project.	Undertake audit and verification activities to confirm the Project Contractor is discharging responsibilities as PC/ MC.	Defence to verify with PMCA that the Project Contractor is meeting its statutory obligations as PC/ MC and exercising sufficient management or control of the workplace.	<input type="checkbox"/>
Risk Register	Ensure there is a Risk Register, which includes WHS risks and that it is regularly reviewed and updated in consultation with all WHS duty holders.	Ensure the PMCA has required the Project Contractor to prepare and maintain a Risk Register for the Project which includes WHS related risks.	Defence to verify with the PMCA and audit that the Project Contractor is updating the Risk Register updated regularly to identify hazards at workplaces where construction work will be performed. ⁸	<input type="checkbox"/>
Subcontracts	Verify that any subcontracts entered into by the Project Contractor have equivalent WHS provisions to the Project Contract.	Ensure the PMCA is conducting verification activities to confirm equivalent WHS provisions are being included in subcontracts.	Defence to ensure that the PMCA has verified that subcontracts contain equivalent WHS requirements to the Project Contract.	<input type="checkbox"/>
Written Assurances	Institute a system to obtain regular written assurances from the Project Contractor, each Other Contractor and any subcontractor regarding ongoing compliance with WHS Legislation.	Ensure the PMCA is requiring the Project Contractor to provide written assurances in accordance with the Contract and the standard templates on DEQMS.	Defence to confirm with the PMCA that the Project Contractor is providing the written assurances in accordance with the Project Contract's requirements and the written assurance template available on the DEQMS WHS page (short form or long form).	<input type="checkbox"/>

⁸ Refer to proforma Hazard and Risk Log available on the DEQMS WHS page for further information regarding the Risk Register and common hazards that should be addressed.

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	<p>to ensure the circumstances giving rise to the NI do not occur again;</p> <ul style="list-style-type: none"> • ensure the corrective actions proposed are robust and are implemented; • consider any impacts on the Contract advised by the Project Contractor regarding the NI. • consider if legal advice should be sought by Defence regarding the NI. • refer requests for information or documents from Comcare to Defence promptly and keep records of the documents produced; and • ensure a process is in place to address interview requests for the PMCA by the relevant regulator regarding the NI. 			
Not a Notifiable Incident	<p>Within 24 hrs, ensure the Project Contractor notifies the PMCA of any incident (or series of incidents of a similar nature) that may indicate a systemic failure to identify and manage hazards and risks to health and safety (where the incident is not a NI).¹¹</p>	<p>Ensure the PMCA is requiring reporting from Project Contractors regarding WHS incidents in a timely manner.</p> <p>Consider advice from the PMCA regarding whether any changes to</p>	<p>Has a non-notifiable incident been reported to Defence?</p> <p>Defence to verify that the PMCA has conducted a robust risk management assessment regarding the Project Contractor's procedures to anticipate</p>	<input type="checkbox"/> <input type="checkbox"/>

¹¹ A systemic failure to identify and manage WHS hazards and risks may be a precursor to an NI occurring and/ or may indicate a failure to maintain a safety culture.

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	<p>of the plant, structure or substance; and</p> <ul style="list-style-type: none"> any conditions necessary to ensure the plant, structure or substance are without risks to health and safety when used for the purpose for which they were designed or manufactured. 			
Asbestos/ Asbestos Containing Material (ACM)	Ensure the Project Contractor provides a certificate certifying Asbestos/ACM have not been used or incorporated into the works as a precondition to Completion.	Ensure the PMCA obtains the Certificate from the Project Contractor prior to Completion.	<p>Has the project reached Completion? <input type="checkbox"/></p> <p>Defence to verify with the PMCA that it has obtained the relevant certificate from the Project Contractor. <input type="checkbox"/></p> <p>Defence to confirm with the PMCA that where the Project Contractor has used or incorporated Asbestos/ACM into the Works, whether an exemption applies?¹³ <input type="checkbox"/></p>	
Documents to be handed over	<p>Ensure all information required to be provided by the Project Contractor is provided prior to Completion and updated prior to the expiry of the DLP, including:¹⁴</p> <ul style="list-style-type: none"> Operation and Maintenance Manuals; 	<p>Ensure the PMCA requires the Project Contractor to provide all required information prior to:</p> <ul style="list-style-type: none"> Completion and expiry of the DLP. 	<p>Has the project reached Completion? <input type="checkbox"/></p> <p>Defence to verify with the PMCA that the Project Contractor has submitted the required documentation in accordance with the Project Contract <input type="checkbox"/></p>	

¹³ It is highly unlikely an exemption would apply for E&IG Contract works.

¹⁴ This information is required for Defence to be able to discharge its duties and obligations regarding safe use, handling and storage of plant, substances and structures and in the event Defence seeks to lease, licence or sell all plant or structures.

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	<ul style="list-style-type: none"> • Updated Final Maintenance Schedule; • Updated Final As Constructed Drawings and Documents; • Updated Final Index to Estate Information; and • Copies of Project Documents 			