

## WHS Cheat Sheet and Check List

### Key WHS Obligations: Contractors, PMCAs and Defence - Suite of Contracts - Contract Administration and Project Management of Project Contracts

No	Tenderer/Contractor	PMCA	Defence	Check List - Key Issues/Tips
<b>Request for Tender</b>				
1.	Demonstrate <b>WHS Accreditation Scheme</b> accreditation.	As a component of assessing the Tender ensure <b>WHS Accreditation Scheme</b> accreditation is held by the Tenderer in their name.	Ensure PMCA has confirmed Tenderer holds <b>WHS Accreditation Scheme</b> Accreditation prior to Contract being awarded.	Accreditation must be held by the person who will perform the ' <b>building work</b> ' the subject of the Contract.
2.	Submit a draft <b>WHS Plan</b> with their Tender submission.	Persons with relevant expertise and specialisation review the draft <b>WHS Plan</b> and ensure: <ul style="list-style-type: none"> <li>• it contains information specified in the definition of WHS Plan;</li> <li>• it is Project/Contract specific;</li> <li>• it addresses Project/Contract hazards and risks;</li> <li>• it aligns with and addresses the matters in the definition of WHS Plan; and</li> <li>• details how the Tenderer proposes to comply with its WHS duties and obligations.</li> </ul>	Ensure the PMCA has conducted a robust review of the draft <b>WHS Plan</b> and is satisfied its content demonstrates an understanding of the WHS hazards and risks applicable to the Project/Contract and that the <b>WHS Plan</b> in all other respects demonstrates the Tenderer understands its WHS duties and demonstrates it has procedures/processes in place to discharge these duties, prior to a Contract being awarded.	Ensure the draft <b>WHS Plan</b> is Project/Contract specific (rather than merely being generic), addresses the definition of WHS Plan (as relevant) and identifies the relevant Project/Contract WHS hazards and risks.

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<b>Contract Management and Contract Administration</b>				
3.	<p><b><u>Notifiable Incidents</u></b></p> <p>Immediately notify the PMCA of a <b>Notifiable Incident (NI)</b>.</p> <p>Immediately notify the relevant regulator immediately upon becoming aware of the <b>NI</b>;</p> <p>Where a <b>NI</b> has occurred, as far as reasonably practicable, not disturb the site unless it is to;</p> <ul style="list-style-type: none"> <li>• assist an injured person or remove a deceased person;</li> <li>• make the area safe to minimise the risk of a further <b>NI</b>; or</li> <li>• the relevant regulator/inspector has given permission to disturb the site.</li> </ul>	<p>Ensure Contractors' understand their <b>NI</b> reporting obligation.</p> <p>Ensure once <b>NIs</b> are reported, they are reported immediately to the relevant Defence personnel, including the Project Officer.</p> <p>Ensure the Contractor provides Defence;</p> <ul style="list-style-type: none"> <li>• information supplied to the relevant regulator; and</li> <li>• any notices from the relevant regulator.</li> </ul>	<p>Ensure the <b>NI</b> is reported to Comcare immediately upon becoming aware of it and recorded in Sentinel.</p> <p>Ensure <b>NI</b> details are appropriately reported to the Deputy Secretary and E&amp;IG officers (significant NIs reported forthwith and others through relevant reports).</p>	<p>Defence must immediately report upon becoming aware all <b>NI's</b> arising out of its business or undertaking.</p> <p>It is better to report to Comcare than to not report (if you are not sure an incident is an <b>NI</b>).</p>

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4.	<p>Immediately provide PMCA with a copy of notice required by the relevant regulator concerning the <b>NI</b>.</p>	<p>Ensure the Contractor provides the PMCA with the notice required by the relevant regulator immediately regarding the <b>NI</b>.</p> <p>Review the regulator notice to ensure it accords with the PMCA's understanding of the facts/circumstances of the <b>NI</b>.</p> <p>Review the regulator notice to determine if legal advice is required to be sought by Defence regarding the <b>NI</b> (and possible regulator investigation/action).</p>	<p>Ensure the notice submitted to the regulator is reviewed to ensure it aligns with Defence's understanding of the facts/circumstances of the <b>NI</b>.</p> <p>Take advice from the PMCA and relevant Defence personnel to determine if legal advice is required regarding the <b>NI</b>.</p>	<p>Consider if any investigation of the <b>NI</b> by Defence should be facilitated through legal advisers to ensure Legal Professional Privilege attaches to any investigation report.</p>
5.	<p>Promptly provide (when requested) the PMCA with copies of:</p> <ul style="list-style-type: none"> <li>• witness statements regarding the <b>NI</b>; and</li> <li>• any notice or documentation issued by the relevant regulator regarding the <b>NI</b>.</li> </ul>	<p>Ensure other documentation regarding the <b>NI</b>, including witness statements and notices such as prohibition notices or notices seeking information regarding the <b>NI</b> are requested from Contractors in all circumstances where an <b>NI</b> occurs which arises from the Defence business or undertaking.</p> <p>Review the documentation and witness statements provided and consider if a revision of Defence policies and procedures is required to ensure the circumstances giving rise to the <b>NI</b> do not arise again.</p> <p>Following a review of the documentation/notices, determine if legal advice is required by Defence regarding the <b>NI</b> (and possible regulator investigation/action).</p>	<p>Ensure the PMCA is fully exercising Defence's rights under the Contract (and seeking and obtaining all relevant documentation).</p> <p>Review the notice/documentation submitted and take advice from the PMCA and relevant Defence personnel including whether legal advice should be sought regarding the <b>NI</b>.</p> <p>Take advice from the PMCA regarding whether changes to Defence procedures and policies are required as a result of the <b>NI</b> to ensure the circumstances giving rise to the <b>NI</b> do not occur again.</p> <p>Provide summary report to Deputy Secretary and E&amp;IG officers regarding the witness statements/documentation contents and any changes/proposed changes to Defence policies/procedures.</p>	<p>Always ensure that Defence exercises its rights under the Contract and requests witness statements, notices and other documentation promptly following an <b>NI</b> occurring.</p>

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6.	<p>Within 10 days of notification to the relevant regulator, provide the PMCA with;</p> <ul style="list-style-type: none"> <li>• a summary of investigations carried out by the Contractor, proposed corrective actions to be taken by the Contractor and any impacts on the Contract arising from the <b>NI</b>;</li> <li>• all formal notices and written communications issued by relevant regulator to the Contractor;</li> <li>• all formal notices issued by the Contractor's WHS representative or subcontractor regarding the <b>NI</b>; and</li> <li>• all formal notices and written communications provided by the Contractor to the relevant regulator regarding the <b>NI</b>.</li> </ul>	<p>Ensure the Contractor provides to the PMCA within 10 days of notification to the regulator a summary of the investigation of the <b>NI</b> carried out by the Contractor, the corrective actions the Contractor proposes to carry out regarding the <b>NI</b> and any impacts on the Contract as advised by the Contractor regarding the <b>NI</b>.</p> <p>Review the investigation report and determine if a revision of Defence policies and procedures is required to ensure the circumstances giving rise to the <b>NI</b> do not arise again.</p> <p>Ensure the corrective actions proposed by the Contractor are robust and the Contractor implements the proposed corrective actions.</p> <p>Consider any impacts on the Contract advised by the Contractor regarding the <b>NI</b>.</p> <p>Consider following a review of the investigation summary and possible impacts on the Contract if legal advice should be sought by Defence regarding the <b>NI</b>.</p> <p>Refer requests for information or documents from Comcare to Defence promptly and keep records of the documents produced.</p> <p>Ensure a process is in place to address interview requests for the PMCA by the relevant regulator</p>	<p>Ensure the PMCA has received the summary of the investigation, actions to be taken by the Contractor and any impacts on the Contract within 10 days of notification of the incident.</p> <p>Take advice from the PMCA regarding whether any changes to Defence policies and procedures following a review of the investigation summary and actions the Contractor proposes to carry out.</p> <p>Take advice from the PMCA and relevant Defence personnel to determine if legal advice is required regarding the <b>NI</b>.</p> <p>Provide summary report to Deputy Secretary and E&amp;IG's officers regarding the investigation summary, any corrective actions and any changes/proposed changes to Defence policies/procedures.</p>	<p>Conduct a robust review of the investigation summary. Consider if it is adequate and provides sufficient detail regarding the Contractor's investigation of the incident.</p>

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		regarding the <b>NI</b> .		
7.	<p><b><u>Incident is not an NI</u></b></p> <p>Within 24 hrs, notify the PMCA of any incident (or series of incidents of a similar nature) that may indicate a <b>systemic failure to identify and manage hazards and risks</b> to health and safety (where the incident is not a <b>NI</b>).</p>	<p>Ensure notification is occurring within 24 hour period and that the Contractor provides details of how it is proposing to address the <b>systemic failure</b>, including the control measures it has or is proposing to implement regarding the <b>hazards and risks</b> that have not been identified.</p> <p>Ensure the incidents (and Contractor's actions/control measures) are reported to Defence personnel and Defence's officers.</p> <p>Determine if a revision of Defence policies and procedures is required and advise Defence accordingly.</p>	<p>Ensure the PMCA is requiring reporting from Contractors regarding this obligation in a timely manner.</p> <p>Take advice from the PMCA regarding whether any changes to Defence policies and procedures are required.</p> <p>Provide summary report to Deputy Secretary and E&amp;IG's officers regarding the <b>systematic failure/identified hazards and risks</b>, any corrective actions/control measures and any changes/proposed changes to Defence policies/procedures.</p>	<p>A <b>systemic failure to identify and manage WHS hazards and risks</b> may be a precursor to an <b>NI</b> occurring and/or may indicate a failure to maintain a safety culture.</p> <p>PMCA and Project Officer must ensure Contractors implement robust risk management procedures to anticipate hazards and risks arising for Contracts/Projects.</p>

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8.	<p><b><u>General WHS Obligations</u></b></p> <p>In the <b>Contractor's Monthly Report</b>:</p> <ul style="list-style-type: none"> <li>• notifies all other WHS matters arising from the Contract/Project;</li> <li>• confirms compliance with WHS Legislation;</li> <li>• all reviews, updates and amendments to the WHS Plan;</li> <li>• details the proactive risk management measures implemented by the Contractor to prevent systemic WHS issues, incidents or accidents arising;</li> <li>• details lead indicator data (inductions, training, WHS awareness programs, site audits and verification activities, including copies of site audit and verification activity reports, inspections of Plant, Equipment and Work.);</li> <li>• details lag indicator data, including lost time injury data and NI data;</li> <li>• confirms compliance with; <ul style="list-style-type: none"> <li>○ Building Code 2016; and</li> <li>○ WHS Accreditation Scheme;</li> </ul> </li> </ul>	<p>Ensure the <b>Contractor's Monthly Report</b> contains the information it is required to contain.</p> <p>Conduct a robust review of the information provided in the <b>Contractor's Monthly Report</b> and require the Contractor to action outstanding items/matters requiring further information to be provided.</p> <p>Facilitate the reporting of:</p> <ul style="list-style-type: none"> <li>• NI's and other incidents or accidents (including any systematic failures to manage risks);</li> <li>• Information to and from the relevant regulator regarding WHS matters (including NI);</li> <li>• details of proactive risk management measures;</li> <li>• any identified WHS matters/risks/hazards that require escalation (for example those identified in verification and audit reports);</li> <li>• lead and lag indicator data;</li> <li>• audit and verification results;</li> <li>• WHS accreditation currency; and</li> <li>• written assurance compliance with WHS Legislation,</li> </ul> <p>to relevant Defence personnel and E&amp;IG's officers.</p>	<p>Ensure the PMCA is requiring the Contractor to report in their <b>Monthly Report</b> regarding the matters required by the Contract.</p> <p>Review the <b>Contractor's Monthly Report</b> and ensure written assurance compliance, lead/lag indicator data, proactive risk management measures and WHS risks and hazards requiring escalation (for example, those identified in verification and audit reports) are reported regularly to the Deputy Secretary and E&amp;IGs officers.</p>	<p>Ensure the Contractor is reporting <u>all matters</u> it is required to report under the Contract regularly and completely.</p> <p>Ensure actual site verification and audit reports are provided by Contractors, not simply summary results.</p>

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	<ul style="list-style-type: none"> <li>• details the particulars of any WHS matters arising regarding the Contract/Project;</li> <li>• provides (and updates) ChemAlert information (Hazardous Substances Register), including SDS; and</li> <li>• provides written assurance of the Contractor's compliance with the WHS Legislation.</li> </ul>			
9.	<p>Prepare and submit a <b>WHS Plan</b> based on the draft plan lodged in its tender and otherwise in accordance with the requirements of the Contract &amp; regularly review and update the <b>WHS Plan</b>.</p>	<p>Robustly review the <b>WHS Plan</b> and ensure:</p> <ul style="list-style-type: none"> <li>• it is Project/Contract specific;</li> <li>• it addresses Project/Contract hazards and risks;</li> <li>• it aligns with and addresses the matters listed in the definition of <b>WHS Plan</b>; and</li> <li>• details how the Contractor will comply with its WHS duties and obligations.</li> </ul> <p>Ensure the Contractor is regularly reviewing its <b>WHS Plan</b> and updating the <b>WHS Plan</b> during the Project/Contract.</p> <p>Ensure active and regular monitoring of Contractor compliance with the <b>WHS Plan</b>.</p>	<p>Ensure the PMCA has conducted a robust review of the <b>WHS Plan</b> and that the PMCA verifies that the WHS Plan is being regularly reviewed and updated by the Contractor during the Project/Contract.</p>	<p>Ensure any <b>WHS Plan</b> that doesn't address the matters listed in the definition of WHS Plan (as they are relevant to the Project/Contract) is rejected and require the Contractor to re-submit a tailored <b>WHS Plan</b> to the matters listed in the definition of <b>WHS Plan</b>.</p>

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10.	<p>Ensure any <b>design work</b> carried out complies with WHS Legislation - and provide a <b>Contractor Design Certificate</b> to this effect when:</p> <ul style="list-style-type: none"> <li>• Design Documentation is submitted;</li> <li>• when a payment claim is submitted; and</li> <li>• as a condition precedent to Completion.</li> </ul> <p>Where a subcontractor has performed design work forming any part of the Works, a corresponding <b>Subcontractor Design Certificate</b> from each subcontractor.</p>	<p>Ensure the Contractor provides a <b>Contractor Design Certificate</b> and if applicable a <b>Subcontractor Design Certificate</b>, which confirms the design work performed complies with the requirements of the WHS Legislation (and that such certificates are provided in accordance with the timing provisions included in the Contract).</p>	<p>Ensure the PMCA is requiring submission of <b>Contractor Design Certificates</b> and if applicable <b>Subcontractor Design Certificates</b>, in accordance with the timing provisions in the Contract.</p>	<p>Also ensure if <b>any design work</b> is undertaken, that the obligations imposed on the <b>designer</b> by the WHS Legislation - see Item 23, are complied with by the Contractor.</p>
11.	<p>Comply with its duty to <b>consult cooperate and coordinate (CCC)</b> activities with others who have WHS duties in relation to the same matter.</p> <p>Consult with workers who carry out work for the business, or who are likely to be directly affected by a matter relating to work health or safety.</p>	<p>Ensure the Contractor complies with its <b>CCC</b> duty.</p> <p>Facilitate <b>CCC</b> between multiple duty holders</p> <p>Require each duty holder to draft and adopt a <b>CCC Plan</b> for the Project/Contract.</p>	<p>Ensure the PMCA is requiring Contractors and other duty holders to <b>CCC</b>.</p> <p>Ensure <b>CCC</b> occurs for the Project/Contract between different 'Groups' and 'Divisions' within Defence when required for a Project/Contract.</p>	<p>A <b>CCC Plan</b> should be used for complex Contracts/Projects where there are multiple duty holders operating at or in the vicinity of the workplace/Site.</p> <p>See proforma CCC Plan available on the DEQMS WHS page</p>



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12.	Ensure <b>information and records</b> for all work health and safety issues arising under the Contract are up to date and easily accessible to provide to the PMCA if requested.	Facilitate the exchange, keeping and maintenance of <b>information and records</b> for all work health and safety issues for Contracts, as necessary, including between; <ul style="list-style-type: none"> <li>• Defence;</li> <li>• Project Contractor; and</li> <li>• Other Contractors.</li> </ul>	Ensure the PMCA is requiring the Contractor to maintain easy access to current WHS <b>information and records</b> .	Ensure all <b>information and records</b> regarding work health and safety are current and easily accessible to facilitate their exchange between concurrent duty holders/if requested by the Regulator/a Court/required for an investigation.
13.	Consult with the PMCA regarding the <b>Risk Register</b> and the identification of hazards at workplaces relevant to the Contract documentation.	Ensure there is a <b>Risk Register</b> , which includes WHS risks and that it is regularly reviewed and updated in consultation with all WHS duty holders.	Ensure the PMCA prepares and maintains a <b>Risk Register</b> for the Project.	The <b>Risk Register</b> should be updated regularly to identify hazards at workplaces where construction work will be performed.  See also proforma Hazard and Risk Log available on the DEQMS WHS page.
14.	Provide copies of the design documentation (or similar) to PMCA for the <b>design review</b> if required.	Where necessary, conduct/facilitate a <b>design review</b> (general review and reasonable check) to ensure compliance with the WHS Legislation and to identify risks and hazards.	Ensure the PMCA conducts/facilitates a <b>design review</b> and provide comments regarding internal Defence policy requirements where necessary.	Ensure Contractor provides the design documentation to enable the conducting / facilitating a <b>design review</b> to confirm compliance with WHS Legislation and identification of WHS hazards and associated risks.
15.	Comply with and maintain accreditation under <b>WHS Accreditation Scheme</b>	Ensure the Contractor complies with and maintains throughout the life of the Project/Contract <b>WHS Accreditation</b>	Ensure PMCA is requiring the Contractor to report regarding compliance with and maintenance of <b>WHS Accreditation</b>	Accreditation must be held by the person who will perform the <b>'building</b>

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		<p><b>Scheme</b> accreditation (including via requiring such confirmation of compliance via the <b>Contractor's Monthly Report</b>).</p>	<p><b>Scheme</b> accreditation, including in its <b>Monthly Report</b>.</p>	<p><b>work'</b> the subject of the Contract.</p>
16.	<p>Institute systems to obtain <b>written assurances</b> from Other Contractors/subcontractors re their ongoing compliance with WHS Legislation.</p> <p>Provide <b>written assurances</b> to the PMCA re ongoing compliance with the WHS Legislation (monthly in the Contractor's Monthly Report, quarterly (when requested by the PMCA), or as directed)</p>	<p>Institute a system to obtain regular <b>written assurances</b> from the Contractor, each other Contractor and any sub-consultant regarding;</p> <ul style="list-style-type: none"> <li>• ongoing compliance with WHS Legislation;</li> <li>• critically evaluate any non-compliances with the WHS Legislation identified in the <b>written assurance</b>;</li> <li>• any recommendations or proposed steps/actions regarding any WHS non-compliance identified within the <b>written assurance</b>.</li> </ul> <p>Ensure the Contractor provides <b>written assurances</b> as required by the Contract.</p> <p>Ensure the Contractor provides other Contractors and sub-consultants <b>written assurance</b> as required under the Contract.</p> <p>Ensure the <b>written assurance</b> is as per the <b>written assurance template</b> available on the DEQMS WHS page (short form or long form).</p> <p>Identify and carefully consider any statement in the <b>written assurance</b></p>	<p>Ensure the PMCA is requiring the Contractor to provide <b>written assurances</b> in accordance with the Contract's provisions and the standard templates developed.</p> <p>Ensure any statement of non-compliance with the WHS Legislation is investigated and reported to the Deputy Secretary and E&amp;IG officers.</p>	<p>The provision of <b>written assurances</b> regularly by Contractors will assist E&amp;IGs and the PMCA officers discharge their <b>duty of due diligence</b>.</p> <p>See the written assurance templates available on the DEQMS WHS page.</p>

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		<p>provided which indicates the Contractor is not complying with its WHS Legislation duties (consider if any action is required to be taken by the PMCA/Defence as a result of such a statement (including reporting the statement to E&amp;IGs officers/Deputy Secretary).</p> <p>See <b>Item 8</b> regarding reporting of <b>written assurance</b> compliance provided in <b>Contractor's Monthly Report</b>. Facilitate any other <b>written assurance</b> compliance being provided to the Deputy Secretary and E&amp;IG's officers.</p>		

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17.	<p>Within 10 days of receipt provide copies to the PMCA of any <b>formal WHS matter notice/communication/undertaking</b>:</p> <ul style="list-style-type: none"> <li>received from regulators or health and safety representative of the Contractor/subcontractor;</li> <li>issued by a health and safety representative of the Contractor or subcontractor under the WHS Legislation; or</li> <li>given by Contractor/subcontractor to a regulator under the WHS Legislation.</li> </ul>	<p>Ensure Defence exercises its rights in accordance with the Contract to seek <b>documentation received from regulators/health and safety representatives or provided to a regulator</b> under provisions of the WHS Legislation, particularly where an <b>NI</b> has occurred and is being investigated by a regulator.</p> <p>Escalate any WHS risks (including potential regulator prosecutions) arising from the information to the Deputy Secretary and E&amp;IG officers.</p>	<p>Ensure the PMCA is actively seeking information/documentation from Contractors in accordance with Defence's rights under the Contract.</p> <p>Ensure escalation of WHS risks (including potential prosecutions) to the Deputy Secretary &amp; E&amp;IG officers.</p>	<p>Where a regulator is conducting an <b>investigation</b> of an <b>NI</b> it is likely various notices will be issued by the regulator to the Contractor and that in response to these notices the Contractor will be required to provide information to the regulator.</p> <p>Where such circumstances exist ensure this clause's rights are enacted and documentation is sought from the Contractor as this information will assist Defence and its officers to confirm their compliance (and assist compliance) with WHS duties/obligations.</p>

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18.	Ensure <b>subcontracts</b> have equivalent WHS provisions	Ensure when conducting verification activities the Contractor's <b>subcontracts</b> contain equivalent WHS provisions.	Ensure the PMCA is conducting verification activities to confirm equivalent WHS provisions are being included in <b>subcontracts</b> .	<p><b>Subcontracts</b> containing equivalent WHS provisions will assist Defence to ensure it is able to discharge its WHS duties under the WHS Legislation.</p> <p>The Suite of Contracts <b>subcontracts</b> contain WHS provisions equivalent to those in the Suite of Contracts templates.</p>
19.	<p>Ensure that if any:</p> <ul style="list-style-type: none"> <li>Statutory requirement require a person to be <b>authorised or licensed</b> (or to be supervised), that they are; and</li> <li>Statutory requirement require a workplace, plant or substance <b>be authorised or licensed</b>, that they are.</li> </ul>	<p>Identify where work required to be performed under the Contract will require a person to be <b>authorised or licensed or supervised</b> or that a <b>workplace, plant or substance to be authorised or licensed</b> and ensure the applicable Statutory Requirements are met prior to work commencing. Conduct verification activities (including reviewing Contractor audit/verification reports) during the Contract's operation to ensure the <b>Statutory Requirements</b> are complied with by the Contractor during the Contract/Project.</p>	<p>Ensure the PMCA has identified the relevant <b>Statutory Requirements</b> and has verified Contractor compliance prior to work commencing and is conducting regular verification activities (including reviewing audit and verification reports of the Contractor).</p>	<p>Document the relevant <b>Statutory Requirements</b> during the planning stage of the Project so they can be verified prior to work commencing and during the operation of the Contract.</p>

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20.	<p>If requested by the PMCA or required by WHS Legislation, produce evidence of any <b>Approvals (including authorisations, licenses, prescribed qualifications, experience, other information relevant to WHS)</b> prior to commencing such work</p>	<p>Ensure requests to the Contractor are made requiring evidence of <b>Approvals (including authorisations, licenses, prescribed qualifications, experience, other information relevant to WHS)</b> prior to work commencing.</p> <p>Review the evidence provided and ensure it is adequate and complies with all relevant <b>Statutory Requirements</b>, including the WHS Legislation.</p> <p>Ensure the Contractor actions any non-compliance prior to work commencing.</p> <p>Conduct verification activities (including reviewing Contractor audit and verification reports) to ensure ongoing compliance by the Contractor</p>	<p>Ensure the PMCA has confirmed Contractor compliance (prior to work commencing) by requesting <b>Approvals (including authorisations, licenses, prescribed qualifications, experience, other information relevant to WHS)</b>.</p> <p>Ensure the PMCA is requiring the Contractor to action any non-compliance prior to work commencing and conducting regular verification activities to confirm Contractor compliance.</p>	<p>The <b>WHS Legislation</b> imposes obligations regarding, for example, licensing of high risk work, certificate of medical fitness for dive work, licensing of asbestos removalists and the requirement a person is a 'competent person'(for example, to conduct design verification activities).</p>

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21.	<p>Provide full details of each <b>Hazardous Substance</b> proposed to be used by Contractor.<sup>1</sup></p> <ul style="list-style-type: none"> <li>Prepare and update a <b>register of Hazardous Substances</b> where <b>Hazardous Substances</b> will be used on site, incorporated into the Works, held on Site or transported to or from the site in or through Defence Land. Prepare <b>safety data sheet (SDS)</b> for each <b>Hazardous Substance</b> to be used in Contractor's Activities</li> <li>Provide <b>SDS</b> to the PMCA prior to use of <b>Hazardous Substance</b>. Prepare and update information as required for entry into <b>ChemAlert</b> database for each <b>Hazardous Substance</b> (this is provided to the PMCA via the Contractor's Monthly Report).</li> </ul>	<p>Review proposed use of <b>Hazardous Substances</b> to ensure use is necessary for the Works.</p> <p>Ensure a register of <b>Hazardous Substances</b> is established and maintained by the Contractor and that the relevant information to be incorporated into ChemAlert is provided by the Contractor to Defence in its Monthly Report (SDS details and register information).</p> <p>Ensure the Contractor complies with its WHS Legislation and Contract obligations regarding the use, management and storage of Hazardous Substances.</p>	<p>Ensure the PMCA has reviewed proposed use of <b>Hazardous Substances</b> to ensure use is necessary for the Works.</p> <p>Ensure the PMCA is requiring the Contractor to establish and update a register of <b>Hazardous Substances</b> and that the relevant information to be incorporated into ChemAlert is provided by the Contractor to Defence in its Monthly Report (SDS details and register information).</p> <p>Ensure ChemAlert is updated to reflect the information supplied by the Contractor.</p>	<p>Full details of <b>Hazardous Substances</b> must be disclosed.</p> <p>A register of <b>Hazardous Substances</b> and SDSs must be established and maintained.</p> <p>ChemAlert must be updated to reflect the information provided by the Contractor on a regular basis.</p>

<sup>1</sup> Where the Special Conditions regarding Hazardous Substances are used

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22.	<p>Where Contractor is:</p> <ul style="list-style-type: none"> <li>• Engaged as the <b>Principal Contractor (PC)</b> for all <b>harmonised WHS jurisdictions</b> (where the value of the construction project is \$250,000 or more); or</li> <li>• Appointed as the <b>Principal Contractor (PC)</b> in <b>Victoria</b> where the construction work the subject of a construction project is valued at \$350,000 or more; or</li> <li>• Is deemed to be the <b>Main Contractor (MC)</b> in <b>Western Australia</b> where more than 5 persons are performing work on Site.</li> </ul>	<p>Ensure <b>PC</b> and <b>MC</b> provisions are included in the Contract.</p> <p>Ensure Contractor is complying with its duties as a <b>PC</b> over the life of the Contract.</p> <p>Ensure information required to be provided by Defence to the <b>PC/MC</b> is provided in a timely manner (hazards or risks at or in the vicinity of the workplace/design report if design performed by other person).</p>	<p>Ensure <b>PC</b> engagement/appointment is made at time of award of Contract.</p> <p>Ensure <b>PC/MC</b> is provided with information Defence is required to provide to the <b>PC/MC</b>.</p>	<p>If <b>no PC</b> is engaged or appointed, Defence will be the <b>PC</b> (this circumstance to be avoided).</p> <p>The <b>PC/MC</b> has management or control of the workplace/site necessary to discharge their duties as a <b>PC/MC</b>. This means Defence and PMCA personnel will likely be required to attend an induction prior to entering site and are required to comply with the reasonable directions of the <b>PC/MC</b> where they concern WHS.</p>
<b>Post Completion/Handover/Takeover</b>				
23.	<p>Where the Contractor is a <b>designer, importer, supplier or manufacturer for WHS purposes</b>, it must:</p> <ul style="list-style-type: none"> <li>• provide to the PMCA as a condition precedent to Completion and before expiry of the Defects Liability Period information concerning: <ul style="list-style-type: none"> <li>○ the purpose for which any plant, structure or substance has been designed or manufactured;</li> </ul> </li> </ul>	<p>Ensure that where the Contractor is a <b>designer, importer, supplier or manufacturer</b> the information required to be supplied by the WHS Legislation is provided prior to Completion (and if this does not occur before the expiry of the DLP).</p>	<p>Ensure the PMCA is requiring the supply of information required to be provided by a <b>designer, importer, supplier or manufacturer</b> under the WHS Legislation and ensure such information is provided to those Groups or Divisions of Defence who require such information to ensure the safe use of plant, substances and structures for their intended purpose.</p>	<p>It is critical the information required to be supplied by a <b>designer, importer, supplier or manufacturer</b> is collected by Defence as part of the handover/takeover process. This information is required to ensure Defence can discharge its WHS duties and obligations regarding the safe use, handling and</p>



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	<ul style="list-style-type: none"> <li>○ results or any calculations, analysis, testing, or examinations carried out concerning the safety of the plant, structure or substance; and</li> <li>○ 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.</li> </ul>			storage of plant, substances and structures for their intended purpose.
24.	<p><b>Post Completion WHS Compliance (ACT, NSW, NT, QLD, SA, Tas)</b></p> <p>Cooperate with, provide all assistance necessary as required by the PMCA to achieve <b>WHS Legislation Compliance</b> of the relevant Stage or the Works.</p> <p>After Completion, if required by the PMCA, ensure that <b>WHS Legislation Compliance</b> is achieved during Defects Liability Period.</p>	As soon as reasonably practicable after Completion, arrange to have relevant Stage or the Works inspected, tested and checked for <b>WHS Legislation Compliance</b>	<p>Ensure the PMCA is requiring the Contractor to achieve <b>WHS Legislation Compliance</b> for each Stage/Works and during the DLP.</p> <p>Ensure the PMCA is arranging the inspection of the Stage/Works (including during the DLP) to provide for <b>WHS Legislation Compliance</b>.</p>	<p>This is a special condition that can be included in Contract's where the work/risks arising from the work are such that a WHS compliance check is necessary.</p> <p>Carrying out <b>WHS Legislation Compliance</b> activities provides Defence with certainty that the Stage/Works comply with all WHS legislative requirements.</p>

No	Tenderer/Contractor	PMCA	Defence	Check List - Key Issues/Tips
25.	As a precondition to Completion provide a Certificate that <b>Asbestos</b> and <b>ACM</b> have not been used in or incorporated into the Works.	<p>Ensure the Contractor provides as a precondition to Completion a certificate that <b>ACM and/or Asbestos</b> have not been used in or incorporated into the Works.</p> <p>If any <b>ACM</b> or <b>Asbestos</b> has been used in the Works and no exemption applies, the Works are defective and should be dealt with (in accordance with Defence's contractual rights).</p>	<p>Ensure the PMCA obtains the Certificate from the Contractor prior to Completion that <b>Asbestos</b> and <b>ACM</b> have not used in or incorporated into the Works.</p> <p>If any <b>ACM</b> or <b>Asbestos</b> has been used and no exemption applies, seek expert advice, including from the Asbestos Safety and Eradication Agency and the Department of Home Affairs. .</p> <p>Ensure the Works are treated as defective (and ensure the relevant Contract clauses are applied).</p>	It is very unlikely any exemption regarding the use or incorporation of <b>ACM</b> or <b>asbestos</b> into the works will apply to E&IG Contract works.
26.	<p>Prior to Completion (and then prior to the end of DLP) provide updated versions of the following):</p> <ul style="list-style-type: none"> <li>• <b>Operation and Maintenance</b> Manuals;</li> <li>• Updated <b>Final Maintenance Schedule</b>;</li> <li>• Updated Final As Constructed <b>Drawings and Documents</b>;</li> <li>• Updated <b>Final Index to Estate Information</b>; and</li> <li>• Copies of <b>Project Documents</b></li> </ul>	Ensure all <b>information</b> required to be provided is provided prior to Completion and updated prior to the expiry of the DLP.	Ensure the PMCA requires the Contractor to provide all required <b>information</b> prior to Completion and prior to expiry of the DLP.	This information is required for Defence to be able to discharge its duties and obligations <b>regarding safe use, handling and storage of plant, substances and structures</b> and in the event Defence seeks to lease, licence or sell all plant or structures.