

CSP FOCUS AREA: Local Governance and Finance

1. INTRODUCTION

Warrumbungle Shire Council is committed to ensuring that all activities undertaken by Council and its Contractors are undertaken in a safe manner without causing risk to Council's employees, Contractors and community.

1.1. Purpose

The purpose of this policy is to define Council's Safety Policies and practices (procedures) and other statutory requirements by Contractors engaged by Council, or Council owned land or controlled sites.

1.2. Policy

Warrumbungle Shire Council acknowledges that it has the same duty of care obligations under the Work Health and Safety Act 2011 to Contractors as it does to its own employees. Council acknowledges that the duty of care to Contractors cannot be contracted out and will reasonably ensure that all Contractors are protected from risk or injury whilst on Council premises or when carrying out their duties on behalf of Council.

1.3. Definitions, Terms and Abbreviations

1.3.1. Warrumbungle Shire Council Manager

A Warrumbungle Shire Council Manager with delegated authority to sign of on the engagement or payment of a contractor.

1.3.2. Contract Supervisor

Member of Council staff with authority to engage or supervise Contractors and any sub Contractor employees, who are responsible for all matters pertaining to managing particular contracts, works. The Supervisor on site.

1.3.3. Contractor

A person or company engaged formally to undertake activities and carry out work for Warrumbungle Shire Council or their authorised representative.

1.3.4. Sub-Contractor

Any person or company formally, engaged by a Contractor to perform specified works for the Contractor.

1.3.5. Limitation

This Policy is limited and applicable for Contractors who are engaged by Council and required to undertake works on Council owned land or controlled sites.

2. OBJECTIVES AND COVERAGE OF THE POLICY

2.1. Council

A Contract Supervisor is to be specified in all engagement of Contractors. The Contract Supervisor shall:

- Be required to monitor, inspect, document and provide feedback.
- Have sufficient authority to shut down work.
- Ensure initial site specific risk assessments are carried out in accordance with Council Policy and are correct.
- Develop site specific specifications.

2.2. Contractors

Contractors shall:

- Be solely responsible for carrying out the work under the contract having the highest regard for safety of workers, persons at or in the vicinity of the site, the works temporary works, materials and the property of third parties.

- Comply with:
 - All statutory requirements applying to the site.
 - All Council policies, procedures and instructions applicable to the work on site.
 - Site safe work practices.
 - Any specific instructions provided by Council's site Contract Supervisor.
 - Hold the necessary licences, certificates and/or approved evidence of competency for all plant and equipment they operate on site.

2.2.1. Contractor Equipment and Materials

Contractors are to ensure that their equipment is current for inspection purposes and inspected prior to use to ensure that it is fit for purpose.

Contractors are to ensure that the materials they use comply with the necessary standards.

The Contract Supervisor may conduct regular spot checks on Contractor equipment and materials to ensure that they are Work Health and Safety (WHS) fit for use.

2.2.2. Contractor Work Areas

Contractors are to ensure that their work areas are maintained in a safe condition at all times.

The Contract Supervisor may conduct regular spot checks on Contractor equipment and materials to ensure that they are being maintained in a safe condition.

2.2.3. Contractor Work Practices

Contractors must comply with the Work, Health and Safety Act (2011) and Work, Health and Safety Regulation (2011) and provide as evidence as required all necessary documents that demonstrates compliance and due diligence.

The Contract Supervisor may conduct regular spot checks on Contractor work practices to ensure that there is evidence of compliance.

2.3. Contractor Management Process

2.3.1. Engagement of Contractors

In considering the engagement of Contractors, the Contract Supervisor is required to assess:

- The level of risk involved with the proposed works.
- If the contract is a Minor or Major Contract.
- Contractors undertaking Major High Risk Contracts are required to be registered on the StateWide web based Contractor Insurance Management System (CIMS) so that their insurances are verified by qualified insurance practitioners

2.3.2 Contractor Engagement Checklist

The Contract Supervisor is responsible for completing the Contract Engagement Checklist and retaining the information in Council Electronic Document Management System (InfoXpert).

2.3.3 Contractor Classification Flowchart

In determining the necessity for documentation requirements, the following flowchart shall be utilised.

What risk is involved with the Contractor?

Does any work consist of any of the following?

- Construction work or maintenance work involving structural alterations that require temporary support
- Construction work near traffic or mobile plant.
- Working over or adjacent to water where there is a risk of drowning.
- Working in confined spaces
- Working at a height greater than three (3) metres
- Demolition work or working with Asbestos
- Working with gas, or electrical work
- Use of hazardous substances
- Construction work involving the use of explosives
- Excavation Work - depth greater than 1.5 metres.
- Use of sub-Contractors for any of the above
- Entry to a hazardous or restricted access area?
- Any activity assessed as being High Risk.
- Value of work is equal to or greater than \$150,000

NO →

Low Risk Minor Contract

What is required for type of Minor contract before work commences

- Contractor Engagement Checklist
- Minor Contract – Contractor monitoring requirements**
- General on-site monitoring throughout the course of the contract.

YES ↓

What kind of Major Contract

Does the contract involve any of the following?

- Construction work worth over \$150,000
- High risk construction work **under** \$150,000
- Demolition or Asbestos removal
- Explosives
- Electrical Work

NO →

Low Risk Major Contract

What is required for type of Low Risk Major Contracts before work commences

- Contractor Engagement Checklist
- Major Contract - Contractor monitoring requirements**
- On site monitoring of contract to ensure that WHS requirements are met. Frequency and nature will depend on the risk associated with the activities undertaken.
- Scheduled meetings with Contractors as required

YES ↓

High Risk Major Contract

What is required for type of Major contract before work commences

- Contractor Engagement Checklist
- WSC Induction onsite
- Safe Work Method Statements and WHS Management Plan

Major Contract - Contractor monitoring requirements

- On site monitoring of contract to ensure that WHS requirements are met. Frequency and nature will depend on the risk associated with the activities undertaken.
- Scheduled meetings with Contractor as required.
- Contractors complete WSC Performance Report monthly if the contract extends beyond one month.

2.3.4 Insurance and Licence Requirements of Contractors

All Contractors engaged must possess the minimum \$20 million Public Liability insurance.

And where applicable;

- Trades licences and specialist industry accreditation
- Workers Compensation Insurance
- Professional Indemnity Insurance \$10m and Product Liability Insurance \$20m
- Motor Vehicle insurance and other insurances as necessary

2.3.5 Reviews and Approval of Safety Plans

For all Major High Risk Contracts, the Contractor is required to have a specific Work Health and Safety Management Plan and Safe Work Method Statements (SWMS).

2.3.6 Inductions

The Contractor Supervisor shall ensure that Contractors are provided with a Safety Induction prior to commencing work on site. The site Specific Safety Induction shall include:

- Coverage of key safety rules:
- Procedures (incident reports etc.): and
- Any identified hazards applicable to the work on site.

No person shall commence work on external sites or construction sites until such time as the Induction has been completed and signed off by all attendees at the site.

2.3.7 Monitoring Contractor Activities

The site Contract Supervisor may regularly monitor the Contractor's activities to ensure full compliance with all agreements and instructions related to WHS.

2.3.8 Reporting and Investigating Incidents

All incidents involving the Contractor/Contract shall be reported in accordance with Councils, Incident/Accident Reporting and Investigations Procedures. (A copy of the Incident Report form is located with the WHS Performance Report for Contractors)

2.4 Contractor Payments

An approved Council Purchase Order must be completed prior to the engagement of the Contractor. Payment will only be processed when the invoice is approved as per Councils Payment of Accounts Policy.

2.5 Failure to Provide Details

2.5.5 For Contractors:

Council may terminate the contract effective immediately on the supply a written termination statement if the Contractor:

- Fails to comply or unreasonably delays in complying with any direction given by WSC authorised representative,
- Fails to maintain any Equipment to the Equipment Requirements,
- Provides Operators who fail to meet Operator Competency Requirements,
- Fails to effect and maintain all the registration, licence and insurance requirements,
- Fails to make any Equipment and or Operator available for inspection/interview when required to do so by WSC,
- Fails to adhere to Work, Health and Safety Requirements and Environmental Requirements,

- Has given or made a false warranty, acknowledgment or representation required to be given by this contract, or
- Persistently commits any other breaches of this policy,

2.5.6 For Council Staff:

Failure to comply with the requirements of this policy shall result in disciplinary measures being undertaken in accordance with Warrumbungle Shire Council's Disciplinary Policy.

2.6 Reporting

All reports, incidents or other notifications are to be reported in accordance with the Council's Policies and Procedures.

All documentation relating to the engagement of the contracted works is to be recorded and registered within Council's Electronic Document Management System.

2.7 Training

The policy is to be communicated to all staff to ensure corporate compliance throughout Council's activities.

2.8 References

Local Government (General) Regulation 2005
Work, Health and Safety Regulation 2011
Work, Health and Safety Act 2011

3 LEGISLATIVE REQUIREMENTS

Local Government (General) Regulation 2005
Work, Health and Safety Regulation 2011
Work, Health and Safety Act 2011
Warrumbungle Shire Council Work, Health and Safety Policy

4 ASSOCIATED DOCUMENTS

Warrumbungle Shire Council Contractor Engagement Checklist
Warrumbungle Shire Council WHS Performance Report
Warrumbungle WHS Management Plan
WHS Safe Work Method Statement
Payment of Accounts Policy

REVIEWS AND VERSION CONTROL

Applies to:	All Staff engaging contractors			
Endorsed Date	23 September 2014			
Resolution No.:	N/A			
Review Date:	September 2015			
History:	Name	Details	No.	Date
Reasons for Changes:	Policy moved from Strategic to Operational			