# Development guidance for Contractors

## Version 1.4 - 27/10/2022

The Contractor shall ensure that its employees, agents, sub-contractors and their employees or agents comply with the requirements of the *Work Health and Safety (National Uniform Legislation) Act 2011*(WHS Act*), Work Health and Safety (National Uniform Legislation) Regulations 2011 (*WHS Regulations*)*, Australian Standards and the requirements of Power and Water Corporation or any other relevant water, sewerage, electricity, gas or other utility infrastructure owner or operator in so far as they are applicable to the execution of the Works.

The Contractor shall make itself aware of all potential hazards and of all safety requirements relating to the Works.

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| Item | | Contractual Requirement | Minimum requirement |
| **General Requirements** | | | |
| Compliance with relevant legislation | | **NPWC NT**: Clause 15.1  **Minor Works and Services**: Clause 9  **Period Contract**: Clause 9 | “…The Contractor shall comply with all work health and safety and workers compensation legislation, licensing and registration requirements, Codes of Practice and standards established or promulgated by any relevant authority or regulator or standard setting entity…” |
| **WHSMP requirements** | | | |
| 1 | WHSMP preparation  WHSMP approval by Superintendent (if required by RFT) | WHS Regulation 309(1)  Relevant RFT Clause if applicable | WHS Regs 309(1) requires the Principal Contractor to prepare the Work Health and Safety Management Plan (WHSMP) before work commences on the project.  If required by the RFT, the WHSMP must be submitted within 14 days of NOA and approved for use by the Superintendent before works commence. |
| 2 | Names positions, roles and responsibilities. | WHS Regulation 309 WHS(2)(a)  WHS Regulation 309(2)(b)  WHS Regulation 42 | The WHSMP must include the names, positions and health and safety responsibilities of all persons at the workplace whose positions or roles involve specific health and safety responsibilities in connection with the project.  The WHSMP must nominate the names and contact details of the nominated first aider(s).  Other Contractor supporting documents must align with the position titles within the WHSMP. |
| 3 | Arrangements for consultation, cooperation and coordination of WHS activities | WHS Regulation 309(2)(b)  WHS Act and Regulations generally | The WHSMP must provide details of the arrangements in place, between any persons conducting a business or undertaking at the workplace where the construction project is being undertaken, for consultation, cooperation and the coordination of activities in relation to compliance with their duties under the Act and these Regulations.  The requirements of this regulation must cover where applicable items including, but not limited to, Risk Identification and Management (item 4), Information, Training and Instruction (items 5 and 6), remote or isolated work (item 7), hazardous chemicals management (item 8), inspection and testing of electrical equipment (item 9), asbestos (item 10) and adequate and accessible facilities (item 11). |
| 4 | Risk identification, management and control | WHS Regulation 309(2)(b)  WHS Regulation 32 – 38  Conditions of Contract ‘General Obligations’ (risk assessment) | The WHSMP must describe the arrangements in place for consultation, cooperation and the coordination of activities in relation to identifying and managing risks to health and safety.  It is recommended the WHSMP also documents and reflects arrangements and outcomes related to the contract requirement to carry out a risk assessment in relation to the Works. |
| 5 | Information, Training and Instruction | WHS Regulation 309(2)(b)  WHS Regulation 39  WHS Act 19(3)(f) | The WHSMP must describe the arrangements in place for consultation, cooperation and the coordination of activities in relation to provision of information, training and instruction.  This may include arrangements relating to any site induction process undertaken, toolbox meetings, and other consultation processes. |
| 6 | Information, Training and Instruction – Mobile Plant | WHS Regulation 309(2)(b)  WHS Regulation 39  WHS Act 19(3)(f)  Refer to Federal Safety Commissioner Fact Sheet: VOC – Mobile Plant | If any mobile plant is to be used on the Project, the WHSMP must describe the arrangements in place for consultation, cooperation and the coordination of activities in relation to provision of information, training and instruction for mobile plant.  It is recommended that a Verification of Competency (VOC) process is considered for mobile plant operators.  The VOC process should be described in the WHSMP, if applicable.  Plant Risk Assessments can also be used to assist with training. |
| 7 | Remote or isolated worker | WHS Regulation 309(2)(b)  WHS Regulation 48  NT WorkSafe Code of Practice – Managing the Work Environment and Facilities | *Remote or isolated work is work that is isolated from the assistance of other people because of the location, time or nature of the work being done. Assistance from other people includes rescue, medical assistance and emergency services. A worker may be isolated even if other people may be close by, for example, a cleaner working by themselves at night in a city office building. In other cases, a worker may be far away from populated areas, for example, on a farm.*  If a worker will be associated with remote or isolated work as part of the project, the WHSMP must describe the arrangements in place for consultation, cooperation and the coordination of activities in relation to management of risks associated with the remote or isolated work. |
| 8 | Hazardous chemicals management (Safety Data Sheets) | WHS Regulation 309(2)(b)  WHS Regulation 341 – 346 | The WHSMP must describe the arrangements in place for consultation, cooperation and the coordination of activities in relation to hazardous chemicals.  This must include the arrangements in place for coordination of provision of access to Safety Data Sheets.  This may also include training requirements, spill kit locations (if applicable) and labelling requirements. |
| 9 | Inspection and testing of electrical equipment | WHS Regulation 309(2)(b)  WHS Regulation 150 | The WHSMP must describe the arrangements in place for consultation, cooperation and the coordination of activities in relation to inspection and testing of electrical equipment (including mobile gen-sets). |
| 10 | Asbestos | WHS Regulation 309(2)(b)  WHS Regulation 422  WHS Regulation 429  NT WorkSafe Code of Practice - How to Manage and Control Asbestos in the Workplace  NT WorkSafe Code of Practice ‘How to Safely Remove Asbestos | Select applicable section below as per scope of works:  *Asbestos to be identified or assumed at workplace:*  If applicable, the WHSMP must describe the arrangements in place for consultation, cooperation and the coordination of activities in relation to the asbestos management plan and/or asbestos removal control plan.  OR  *Unexpected Asbestos identified at workplace:*  If applicable, the WHSMP must describe the arrangements in place for consultation, cooperation and the coordination of activities in relation to unexpected asbestos at the workplace. |
| 11 | Adequate and accessible facilities | WHS Regulation 309(2)(b)  WHS Regulation 41  NT WorkSafe Code of Practice – Managing the Work Environment and Facilities | The WHSMP must describe the arrangements in place for consultation, cooperation and the coordination of activities in relation to provision of adequate facilities for workers, including toilets, drinking water, washing facilities and eating facilities. |
| 12 | WHS Incident Management | WHS Regulation 309(2)(c)  WHS Act 38  WHS Act 39  Conditions of Contract ‘Contractor’s Obligations to Inform’ | The WHSMP must describe arrangements in place for managing any work health and safety incidents that occur, including arrangement in place for notifiable incidents (reporting to NT WorkSafe).  A description of a “notifiable incident” should also be included in the WHSMP as this confirms the Contractor has a state of knowledge.  It is recommended the arrangements described in the WHSMP reflect the requirement of the Conditions of Contract to keep the DIPL Superintendent fully informed of all health and safety matters (not just incidents). Refer clause ‘Contractor’s Obligations to Inform’.  The WHSMP must include processes for scene preservation that aligns with the requirements of WHS Act section 39. |
| 13 | Site-specific health and safety rules | WHS Regulations 309(2)(d)  WHS Regulations 32 – 38 | The WHSMP must include any site-specific health and safety rules, and the arrangements for ensuring that all persons at the workplace are informed of these rules. |
| 14 | SWMS | WHS Regulation 309(2)(e)  WHS Regulation 299  WHS Regulation 291  Conditions of Contract ‘High Risk Construction Work’ | The WHSMP must include the arrangements for the collection and any assessment, monitoring and review of safe work method statements at the workplace. This should include arrangements between the Principal Contractor and sub-contractors.  The WHSMP should reflect requirements of the ‘High Risk Construction Work’ clause of the Conditions of Contract, which require a copy of the SWMS to be provided to the DIPL Superintendent before the high risk construction work is carried out. |
| 15 | Additional requirements of the contract | RFT clause, if applicable | There may be specific requirements detailed in the RFT relating to items to be contained in the WHSMP. The Contractor must address these requirements in the WHSMP, if applicable. |