

1 PURPOSE

This procedure explains the process for qualification of Contractors at Port of Newcastle (PON). It outlines the responsibilities for PON Representatives and Contractors. It also provides a system to support PON workers in monitoring contractor work to ensure that Contractors meet PON WHS requirements and the NSW Work Health and Safety (WHS) legislative requirements.

2 SCOPE

This document shall apply to all Contractors being engaged by PON. All PON workers involved in the process of engaging and supervising contractors should be familiar with this procedure.

3 REFERENCES

[Work Health and Safety Regulation 2011; Part 3.1 Managing Risks to Health and Safety](#)

[Work Health and Safety Regulation 2011; Part 3.2; Division 2; General Working Environment](#)

[Work Health and Safety Regulation 2011; Chapter 6 Construction work](#)

[Safe Work Australia Code of Practice; Construction Work](#)

[Safe Work Australia Code of Practice; How to Manage Work Health and Safety Risks](#)

[Safe Work Australia Code of Practice; WHS Consultation, Cooperation and Coordination](#)

4 DEFINITIONS

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| Construction Work | - Any work carried out in connection with the construction, alteration, conversion, fitting-out, commissioning, renovating, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a structure. |
| Construction Project | - Is a project that involves construction work where the cost of the construction work is \$250,000 or more. |
| Contract | - PON special and general conditions that define the obligations of the contractual engagement. |
| Contractor Employee | - A worker engaged by the Contractor to perform work on the site at PON. This includes any of their sub-contractor personnel. |
| Contractor Supervisor | - The Contractor's representative for the task being performed and is accountable for ensuring the task is completed as agreed with the PON Representative. |

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| PCBU | - Person Conducting a Business or Undertaking - May be an individual person or an organisation conducting a business or undertaking i.e. a Port of Newcastle, partnership, unincorporated association, a self-employed person or a sole trader. |
| Port of Newcastle Representative | - PON Manager and/or Worker supervising the task being performed by Contractors and is accountable for ensuring the task is being performed in accordance with PON procedures. |
| Qualified Contractor / Contractor | - A PCBU that has been assessed by PON and qualified to perform work or provide a service as directed by a PON Representative on PON sites. |
| Start of Work | - When a qualified Contractor is engaged to start a new job.
Examples:
If a painter is engaged to paint West Basin Amenities for 2 weeks, the PON Representative shall communicate and consult with the Contractor prior to commencement of work and where possible meet the contractor.
Or
Routine Category 1 work upon appointment, the PON Representative shall communicate and consult with the Contractor prior to commencement of work and where possible meet the contractor. |

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4.1 Categories

Category	Definition	Meaning	WHS Management System Requirements
1	<p>High Risk Construction Work as per the WHS Regulation 2011, Clause 291.</p> <p>Also refer to Construction Work Code of Practice.</p>	<ul style="list-style-type: none"> ➤ Work that involves a risk of a person falling more than 2 metres ➤ Work that is carried out on a telecommunication tower ➤ Work that involves demolition of an element of a structure that is load-bearing or otherwise related to the physical integrity of the structure ➤ Work that involves, or is likely to involve, the disturbance of asbestos ➤ Work that involves structural alterations or repairs that require temporary support to prevent collapse ➤ Work that is carried out in or near a confined space ➤ Work that is carried out in an area that may have a contaminated or flammable atmosphere ➤ Work that is carried out in or near a shaft or trench with an excavated depth greater than 1.5 metres or is carried out in or near a tunnel ➤ Work that involves the use of explosives ➤ Work that is carried out on or near: <ul style="list-style-type: none"> • pressurised gas distribution mains or piping • chemical, fuel or refrigerant lines • energised electrical installations or services ➤ Work that involves tilt-up or precast concrete ➤ Work that 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 ➤ Work that is carried out in an area at a workplace in which there is any movement of powered mobile plant ➤ Work that is carried out in an area in which there are artificial extremes of temperature ➤ Work that is carried out in or near water or other liquid that involves a risk of drowning ➤ Work that involves diving work <p><u>Note:</u> All diving work at PON is considered high risk</p>	<ul style="list-style-type: none"> ➤ WHS Management System Manual that includes the following: <ul style="list-style-type: none"> ❖ WHS Policy ❖ Procedures on: <ul style="list-style-type: none"> • Risk Management • Legal Compliance • Training & Competency • Consultation & Communication • Document & Data Control • Emergency Preparedness & Response • Measuring, Monitoring and Review (including internal audits) • Incident Reporting & Investigation • Records Management • Injury Management • Managing Subcontractors ❖ Forms i.e. training records, toolbox talks, risk assessments, SWMS etc. ❖ Checklists i.e. equipment pre start checklists, forklift pre start checklists etc. ➤ Required licences for the high risk work. ➤ A Risk Assessment specific to the project. ➤ A SWMS specific to the task. ➤ Daily Toolbox Talks

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Category	Definition	Meaning	WHS Management System Requirements
2	All work that is <u>not</u> considered High Risk Construction Work or Low impact work.	<p>The following without a high risk condition present:</p> <ul style="list-style-type: none"> ➤ Test and tagging of electrical equipment ➤ Plumbing work ➤ Routine building maintenance ➤ Lawn mowing ➤ Painting ➤ Security Guard duties ➤ Cleaning amenities and offices ➤ Consultant whose expertise / advice may impact on WHS and Operations. <ul style="list-style-type: none"> • Example: A consultant designing a new Gantry for a common user berth, as a mistake in engineering design could result in a fatality on site 	<ul style="list-style-type: none"> ➤ Procedures on: <ul style="list-style-type: none"> • Risk Management • Training & Competency • Consultation & Communication • Emergency Preparedness & Response • Measuring, Monitoring and Review (including internal audits) • Incident Reporting & Investigation • Managing Subcontractors ➤ Forms i.e. training records, toolbox talks, risk assessments, safe work procedures etc. ➤ Checklists i.e. equipment pre start checklists etc. ➤ A Risk Assessment specific to the project. ➤ Daily Toolbox Talks
Category	Definition	Meaning	WHS Management System Requirements
3	Low impact work	<ul style="list-style-type: none"> ➤ Consultants working at Newcomen Street Office, conducting work that has a minimal impact on WHS and Operations: <ul style="list-style-type: none"> • auditing • training • IT consultants ➤ Watering indoor plants at Newcomen Street Office 	<ul style="list-style-type: none"> ➤ No additional WHS management system requirements.

5 PROCEDURE**5.1 Responsibilities****5.1.1 Chief Executive Officer & Executive Managers**

- Facilitate the provision of appropriate resources for the implementation of the requirements of this procedure across the organisation

5.1.2 Executive Managers, Managers and Supervisors

- Ensure that the provisions of this procedure are implemented within their areas of responsibility
- Ensure that a Port of Newcastle Representative is assigned to engage and manage the Contractors work in accordance with this procedure

5.1.3 Port of Newcastle Representatives

Whenever a Port of Newcastle Representative engages a Contractor, they ensure:

- That the Contractor is pre-qualified by PON and qualified to work on PON sites;
- The Contractor is guided through the process;
- This procedure is adhered to;
- The Contractors have been inducted before accessing PON sites and work areas;
- They have reviewed the Contractor's site specific risk assessment and task specific safe work method statements before the start of work to identify all risks introduced to the site (by the Contractor) depending on the Category of work;
- They have informed the Contractor of PON's known risks prior to the Contractor starting work on PON sites;
- Regular monitoring/supervision of the Contractor whilst on PON sites for Category 1 and Category 2 work;
- That they monitor the work undertaken by the Contractor and ensure it is carried out in a safe manner;
- That if the scope of work changes or there are deviations from the original scope of work they assess the impact together with the Contractor's Supervisor and may document this on the Communication Form (FM 0504-3); and
- On the David Allan Dredge the Contractor Lay-up Toolbox talk form FM 0504-2 is completed.

5.1.4 Contractors:

Whenever a Contractor is engaged to work on a PON site they must:

- Adhere to this procedure;
- Nominate a 'Contractor Supervisor' to supervise their workers to ensure that work is carried out as per the scope of work for Category 1 and Category 2 work;
- Communicate the name and contact details of their Supervisor to PON;
- Conduct their works in accordance with current Work Health and Safety legislation and PON's procedures;
- Meet WHS Management System requirements as per Category of work;
- Conduct a daily tool box talk before starting Category 1 and Category 2 work;
- For Category 1 work, complete the self assessment on the safe work method statement (SWMS) Review Form (FM 0504-9) and submit this to the PON Representative together with the SWMS.
- Conduct their work in a safe and responsible manner at all times;

- Meet PON's site PPE requirements and any additional PPE that is required to conduct their work safely (i.e. issue, training, maintenance, signage, use and supervision);
- Ensure they have their own first aid supplies and the appropriate trained personnel to administer them;
- Be willing to participate in PON's Safety Conversation program;
- Ensure that the Contractors Supervisor reports any changes/deviations to the agreed scope of work, hazards, near misses, incidents or injuries immediately to the PON Representative;
- Ensure at completion of the work that the 'Contractor Supervisor' is accountable for leaving the work site clean, tidy, and in a safe condition;
- Ensure that any electrical, water or fire safety system are restored or if not restored, the PON Representative has been notified;
- Ensure that the 'Contractor Supervisor' advises the PON Representative that the work is complete; and
- For Category 1 work complete and submit together with their invoice a Post Work Assessment (FM 0504-11) to the PON Representative.

5.1.5 People and Safety Division:

- Communicate the requirements of this procedure to all PON workers;
- Audit conformance with this procedure as per the WHS Internal Audit Schedule; and
- Maintain records of non-conformance and associated corrective actions in isystain as per WHS 0901 Event Reporting Procedure.
- Assist and support the PON Representatives and Contractors.

5.2 New Contractor Nomination Process

If a PON Representative identifies a possible need for a new Contractor, they will first check the Qualified Contractor list to identify if there is already a Qualified Contractor that can complete the work.

Where there is no Qualified Contractor or if need for a further contractor to complete a type of work is identified, the PON Representative will initiate the Contractor Qualification process as per 5.3.

5.3 Contractor Qualification Process

5.3.1 The PON Representative must provide the relevant Contractor Management Pre-qualification WHS Questionnaire (Category 1, Category 2 or Category 3) to the new Contractor.

5.3.2 Completion of the Contractor Management Pre-qualification WHS Questionnaire by the Contractor and returned to PON Representative.

5.3.3 Assessment of the pre-qualification WHS Questionnaire by the People & Safety Division using the WHS Management System Pre-Qualification Evaluation Tool for (Category 1 and Category 2 Contractors) to ensure that requirements have been met. The People & Safety Division will note any items for further clarification at the time of the assessment for inclusion in correspondence to the Contractor regarding the assessment.

5.3.4 People & Safety Division to notify the Contractor of the evaluation outcome i.e. that they have qualified or where the Contractor is unable to meet the requirements communicate reasons for the decision. The Contractor may be provided opportunity to resubmit items that did not meet the requirements during the initial evaluation.

For Tender work the PON Representative will communicate the evaluation out come as per above.

5.3.5 People & Safety Division to save the completed WHS Management System Pre-qualification Evaluation Tool in the appropriate file in Objective folder 'Contracting out / WHS Contractor Management' ([fA30543](#)).

5.3.6 People & Safety Division to add the Contractor to the Qualified Contractor List ([fA34082](#)).

5.4 Contractor Induction Procedure

5.4.1 Notification to PON Inductions of New Contractor qualification to trigger both the Access and Work inductions.

5.4.2 Refer to WHS 1201 Contractor Induction Procedure.

5.4.3 PON Induction team to provide confirmation of Access and Work inductions complete to the PON Representative.

5.5 Contractor Management Procedure

5.5.1 PON Representative Conducts Start of Work with Contractor

The PON Representative shall communicate and consult with the Contractor prior to commencement of work and where possible meet the contractor to:

- Confirm that the Contractor Employees have completed the Access Induction and Work Induction;
- Provide information on site and plant conditions and possible interactions that may affect the contractors works or that the contractors work may impact on others;
- Ensure that all known/perceived site and environmental hazards have been identified and controlled for all tasks to be undertaken in the work scope;
- For Category 1 and 2 work review, provide comment and/or acknowledge the Contractor's project specific risk assessment ensuring it identifies site specific hazards and specifies measures to either eliminate or control those hazards; and
- For Category 1 work complete the SWMS Review Form (FM 0504-9) for task specific safe work method statement(s).

The only exception to the above is when unplanned and or after business hours' work is required. In this instance the PON Representative will communicate and confirm the above via a phone conversation with the contractor.

5.5.2 PON Representative monitoring/supervision of Contractor's work

The PON Representative will monitor/supervise work being performed by Contractors to ensure safe work whilst the Contractor is on site.

Monitoring/supervision may involve:

- Sighting the daily toolbox talk forms / attending toolbox talks
- Conducting safety conversations
- Conducting workplace inspections
- Reviewing project specific risk assessments
- Inspecting equipment e.g. test & tagging, pre start checklist
- For Category 1 work, reviewing task specific safe work method statements to ensure the contractors are completing their forms daily

- Monitoring compliance with scope of work
- Reviewing permits to work ensure that they are being followed
- Ensuring isolations are correct for the task being performed
- Ensuring personal locks are placed on correct isolators by Contractor Employees

If after business hours' work is required, the PON Representative shall communicate with contractor via phone conversation.

5.5.3 Submission of Post Work Assessment Tool

For Category 1 work, at the completion of the work scope or project, the Contractor is required to complete and submit a Post Work Assessment Form (FM 0504-10) to the PON Representative.

This provides the Contractor an opportunity to declare any events that may have occurred on the site including but not limited to injuries, illnesses, incidents, near misses, hazards or damage.

5.6 Review of the Contractor's WHS Management System

A review of the Contractor's WHS Management System will be conducted three yearly by the P&S Division and if triggered by a significant incident (WHS S 003 Contractor WHS MS Review Schedule).

5.7 Engagement of Contractors

5.7.1 Engagement of Contractors shall be conducted in accordance with the following Port of Newcastle documents:

- Instrument of Delegation; and
- Procurement and Disposal Policy.

5.7.2 PON Representatives may only engage Contractors that have completed the contractor qualification process as per item 5.3 of this procedure.

This requirement maybe waived for ad hoc urgent situation events where a qualified contractor is unable to complete the task. In these circumstances the following must be obtained from the contractor as a minimum:

- Category 1 Work: a copy of the relevant trade licence where applicable; Workers Compensation and Public Liability Insurances; required licences for high risk work; a risk assessment specific to the project; and SWMS specific to the task/s and daily toolbox talks.
- Category 2 Work: a copy of the relevant trade licence where applicable; Workers Compensation and Public Liability Insurances; a Risk Assessment specific to the project and daily toolbox talks.

The PON Representative shall provide the Contractor with the relevant PON WHS procedures / documentation to assist the Contractor to comply with PON WHS requirements and the NSW Work Health and Safety (WHS) legislative requirements.

Examples of documentation may include:

- WHS 0002 Work Induction
- WHS 0155 Pest and Herbicide Spraying
- WHS 0400 High Voltage Electrical Infrastructure Safety Management Plan
- WHS 0609 Hazardous Chemicals
- WHS 06017 Asbestos Management
- WHS 0703 Inspection and Testing of Electrical Equipment

- WHS 0402 High Voltage Electrical Safety Rules
- WHS 0504 Contractor Management
- WHS 0602 Confined Space
- WHS 0605 Life Jackets
- WHS 0608 Isolation and Tagging
- WHS 0710 Wharf Load Notifications – Crane
- WHS 0902 Risk Management
- WHS 1402 Safety Conversations
- WHS 0910 Personal Protective Equipment

5.8 Engaging a Principal Contractor for Construction Work

PON may appoint another PCBU as a principal contractor for construction work by authorising them to have management or control of the workplace where the work will take place. Appointment regarding the principal contractor is to be documented and signed by the relevant parties to ensure clear definition of roles.

PON must give the principal contractor any information they have about hazards and risks in the vicinity of the workplace where the construction work is to be carried out.

5.8.1 Principal Contractor for a construction project valued at \$250,000 or more

A construction project has only one principal contractor at any specific time.

The following specific duties apply to principal contractors of construction projects (these are additional to the duties imposed under Part 6.3 of the WHS Regulation).

Under Part 6.4 of the WHS Regulation a principal contractor for a construction project must:

- Ensure signs are installed that:
 - show the principal contractor's name and telephone contact numbers (including an out of hours telephone number)
 - show the location of the site office for the project, if there is one, and
 - are clearly visible from outside the workplace, or the work area of the workplace, where the construction project is being undertaken.
- Prepare and review the WHS management plan for the workplace, ensuring, so far as is reasonably practicable, that each person who is to carry out the construction work is made aware of the plan, their right to inspect it and ensuring that a copy of the WHS management plan is accessible for the appropriate amount of time.
- Obtain the SWMS before high risk construction work on the construction project commences.
- Make arrangements for ensuring compliance with the requirements for general workplace management in Part 3.2 of the WHS Regulations.
- Manage the specific risks to health and safety associated with:
 - the storage, movement and disposal of construction materials and waste at the workplace
 - the storage of plant that is not in use
 - traffic in the vicinity of the workplace that may be affected by construction work carried out in connection with the construction, and
 - essential services at the workplace.

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

PON may appoint a principal contractor to manage or control a construction work that is valued less than \$250,000 (and 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.

5.9 Breaches of Work Health & Safety

If a Contractor is observed or reported to be operating in what appears to be an unsafe manner, the matter shall be raised directly with the contractor by a PON Representative (if practical) and then directly referred to the PON Representative who engaged them for investigation.

The PON Representative will then promptly investigate to establish if the contractor is operating in an unsafe manner and consider whether the Contractor has undertaken reasonable consultation, cooperation and coordination to ensure safe work. The PON Representative may request the Contractor to “pause work” to discuss and agree safe work practices.

Non-compliance with PON Contractor engagement process may result in:

- documenting an Event Report in isystain;
- termination of the contract and/or;
- reporting the incident to SafeWork NSW, depending on the severity of the breach and cooperation of the Contractor.

6 DOCUMENTATION

WHS 0901	Event Reporting
WHS 0902	Risk Management
WHS 1201	Site Inductions
WHS S 003	Contractor WHS MS Review Schedule
FM 0504-2	David Allan Contractor Lay-up Toolbox Talk
FM 0504-3	Contractor Communication Form
FM 0504-4	Contractor Management Pre- Qualification WHS Questionnaire - Category 1
FM 0504-5	Contractor Management Pre-Qualification WHS Questionnaire - Category 2
FM 0504-6	Contractor Management Pre-Qualification WHS Questionnaire - Category 3
FM 0504-7	Contractor Management Pre-Qualification Evaluation Tool - Category 1
FM 0504-8	Contractor Management Pre-Qualification Evaluation Tool - Category 2
FM 0504-9	Contractor Management Safe Work Method Statement (SWMS) Review Checklist
FM 0504-10	Contractor Management Post Work Assessment
	Qualified Contractor List
	Instrument of Delegation
	Procurement and Disposal Policy