



Persons Conducting a Business or Undertaking (PCBUs)

Work Health and Safety Management Handbook

**A guide to specific WHS requirements for PCBUs
(contractors) engaged by Ballina Shire Council**

Table of Contents

Introduction	3
WHS Officer.....	3
Legislation.....	4
Handbook Requirements.....	4
Work Health and Safety Consultation	5
Responsible Behaviour and Code of Conduct	5
Health and Safety Responsibilities	6
Health and Safety Risk Management.....	6
Safety Alerts	7
Incident / Accident Reporting.....	7
Unauthorised Access.....	8
Smoke Free Workplace	8
Alcohol and Other Drugs	9
Working in Infectious Environments	9
UV Protection Procedure.....	9
Personal Protective Equipment and Clothing (PPEC)	10
Safety Signage	11
Hazardous Chemicals and Dangerous Goods	11
Emergency Preparedness and First Aid.....	11
PCBU Safety Management System Audits and Safety Breaches	12
High Risk Work Licences and Permits	12
Traffic and Pedestrian Management	13
Electrical Safety.....	14
Plant and Equipment	14
Construction Work	14
Excavations	15
Working at Heights and Falls in the Workplace.....	15
Confined Space	15
Site Security and Public Safety	15
Hot Works.....	16
Insurance - Certificates of Currency and full policy documents	16
Subcontractors Statement (regarding workers compensation, payroll tax & remuneration).....	17
General Housekeeping.....	17
Further Information	17
Appendix A - Subcontractor Statement	18
Acknowledgement and Execution	20



Introduction

Welcome to Ballina Shire Council.

This PCBU WHS Management Handbook is designed to provide PCBUs (formally known as Contractors) and their workers who have been engaged for works by Ballina Shire Council (BSC) with the basic work health and safety information and requirements relevant to the work they have been engaged to undertake. The information in this handbook is not exhaustive and as such all PCBUs are required to make contact with their BSC contact relating to the works being undertaken where there is any uncertainty or when unexpected or unplanned situations arise.

As part of any works, pre-planning underpins the processes to be undertaken. This pre-planning includes the identification of any foreseeable risks to the health and safety of workers and the public, and includes the implementation of appropriate controls to eliminate or minimise the risks.

Your safety is important to us!

All PCBUs have a full responsibility to:

- demonstrate a commitment to work health and safety;
- assess work areas and identify all reasonably foreseeable hazards that give rise to risks associated with their works and to implement all necessary control measures to fully protect and ensure the health and safety of all persons (workers, general public and other PCBUs) working on or near the worksite and to continually review these controls;
- identify all relevant work health and safety (WHS) legislation, regulations, any applicable codes of practice and Australian standards relative to the works being undertaken;
- demonstrate a commitment to consultation with stakeholders (workers, other PCBUs and duty holders) to promote and ensure a safe working environment; and
- comply with all BSC policies and procedures and any other safety requirement as required or as directed by BSC.

WHS Officer

BSC has a dedicated WHS Officer to assist PCBUs by the following:

- mentoring and providing WHS advice;
- reviewing PCBU WHS Management Systems;
- conducting training sessions; and
- conducting regular inspections and audits on PCBU worksites.

Council's WHS Officer can be contacted on 0408 389 019. All of Council's WHS staff can also be referred to as 'safety specialists'.



Legislation

PCBUs are required to have an understanding of and be able to reference the applicable legislation and supporting documents relevant to their work. Such legislation and supporting documents are:

- Work Health and Safety Act 2011 (WHS Act 2011);
- Work Health and Safety Regulation 2017 (WHS Regulation 2017);
- Codes of Practice;
- Australian/New Zealand Standards;
- International Standards; and
- SafeWork NSW and Safe Work Australia guides and fact sheets.

For details on the WHS Act, Regulation, Codes of Practice, SafeWork NSW and Safe Work Australia guides and fact sheets, refer to the SafeWork NSW website, www.safework.nsw.gov.au. Safe Work Australia website can be found at www.safeworkaustralia.gov.au. Relevant Australian and New Zealand Standards and International Standards can be sourced from SAI Global via their website www.saiglobal.com

The new WHS Act 2011 and Regulation 2017 replaces the old OHS Act 2000 and Regulation 2001. All reference to the old legislation should be removed from management plans, risk assessments and any supporting documents (e.g. safe work method statements, safe work procedures, job safety analysis).

Handbook Requirements

All PCBUs are required to read this handbook and acknowledge that they have read, understand and will comply with the provisions of this handbook by signing the last page and submitting it to their BSC works contact. It is the PCBUs responsibility to ensure all their workers (current and future) and any other PCBU they are engaging are made aware of and comply with the requirements of the handbook.

Throughout this handbook, where Council has specific policies or procedures over and above prescribed legislation, these have been referred to in this handbook. It is therefore important to Council that all PCBUs carefully read through this handbook and take the time to familiarise themselves with Council specific policy and procedure requirements.

All workers and subcontractors employed or engaged by the principle PCBU that has been given the management and control of the workplace, must also be aware of and comply with Council's requirements.

It is highly recommended that the workers of PCBUs and any subcontractor who has been engaged for works be given a copy of the PCBU WHS Management Handbook to retain and read so they are aware of Council's requirements while working on Council sites.



Work Health and Safety Consultation

WHS legislation prescribes that a PCBU must consult so far as reasonably practicable with workers who carry out work for the PCBU and who are (or are likely to be) affected by a health and safety matter. Workplace consultation must involve all workers and stakeholders involved in the works being conducted.

BSC acknowledges the critical importance of workplace consultation on matters effecting work health and safety and the role consultation has in identifying hazards and in controlling the risk of injury. Therefore, consultation will involve BSC, all PCBUs and their workers who are undertaking work at the worksite.

Consultation can occur during pre-planning meetings, design meetings, worksite induction and toolbox meetings and at any other time where the risk of injury could occur to any person at the worksite or if and when changes occur at a workplace. BSC recommends PCBUs make themselves familiar with the Code of Practice: Consultation, Co-operation and Co-ordination.

Responsible Behaviour and Code of Conduct

When PCBUs (includes workers and their subcontractors) undertake works for Council, certain conducts of behaviour are expected to be adhered to whilst undertaking these contracted works.

BSC has adopted a Code of Conduct which applies to Council's entire workforce. The Code of Conduct identifies required standards of behaviour of Council's workforce and provides guidelines to our workers on reporting of inappropriate conduct and the correct procedure surrounding gifts and benefits. PCBUs and their workers are expected to familiarise themselves with Council's Code of Conduct.

All forms of harassment are unacceptable in the workplace. Offensive behaviour and or language that exhibits inappropriate, demeaning or discriminatory remarks or assumptions about a person based on age, sex, race, sexual orientation, transgender status, marital status or disability is not acceptable. Behaviour such as whistling or unsolicited remarks of a sexual nature is also prohibited.

Workplace bullying is verbal, physical, social or psychological abuse by your employer, another person or group of people at work.

Bullying is a serious WHS hazard and is defined as repeated unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. Bullying can be either direct or indirect. Examples of direct forms of bullying include:

- verbal abuse;
- putting someone down;
- spreading rumours or innuendo about someone; and
- interfering with someone's personal property or work equipment.



Behaviour such as threats to harm someone, violence and damage to property can be criminal matters and may be referred to the police.

Health and Safety Responsibilities

PCBUs working with or for BSC are obliged to take reasonable care to:

- ensure their own health and safety;
- avoid risking the health and safety of any other person;
- not undertake any task or activity that they have not been trained in or are competent to perform and this includes the use of tools and equipment;
- assist new workers in recognising job hazards and following necessary safety procedures;
- have a system in place to ensure the health and safety of visitors to their site;
- practice good site housekeeping to control risk;
- report all hazards, incidents, injuries immediately to the relevant BSC works contact or supervisor;
- use the required personal protective equipment (including sun protection) as determined by a safety procedure(s), Safety Data Sheet (SDS) or direction;
- through act or omission not place themselves, colleagues or public in danger or risk of danger;
- not interfere with safety / emergency equipment; and
- follow all safety requests from authorised BSC representatives.

Health and Safety Risk Management

PCBUs have a Duty of Care to ensure so far as reasonably practicable the health and safety of workers and other persons while at the workplace. This duty extends to identifying hazards and eliminating or minimising the risks through appropriate control measures and management.

A hazard can be a situation, an object or thing that has the potential to harm, injure or cause ill health to a person, impact upon the environment and/or cause damage to plant / equipment / structure. A risk is the possibility that harm might occur when exposed to a hazard.

All PCBUs are required to ensure all risk management documentation is readily available at the worksite. This includes:

- safe work method statements (SWMS);
- risk assessments;
- inductions (specific worksite and work activity);
- competency certificates and relevant licences; and
- required permits/authorities to work (demolition, asbestos removal etc.).



PCBUs are required to have or complete prior to works being undertaken, their own safe work method statements and risk assessments. Following consultation between BSC and all PCBUs, a discussion on what safe work method statements will be used or amended to reflect the works will be determined.

PCBUs will be required to adhere to all of the above requirements and agree to work under any additional Council safety requirements.

Safety Alerts

Council's Safety Specialists issue safety alerts from time to time to highlight matters that can impact on the health and safety of workers. The safety alerts can be issued to PCBUs by simply providing Council with your email address via the PCBU WHS Questionnaire.

Incident / Accident Reporting

Incidents and accidents can occur at the workplace during work activities at any time. No matter how small an incident or accident may seem they must all be reported to the BSC works contact or supervisor, or WHS Compliance Officer immediately.

An 'incident' is a potentially hazardous event which did not cause an injury or damage but could have (i.e. a dangerous occurrence or near miss).

An 'accident' is defined as an unexpected or undesirable event, especially one causing injury, illness to person(s) or damage to property or the environment.

PCBUs are expected to conduct their own incident/accident investigations where their own workers are involved (SafeWork NSW notifiable or not) and submit an investigation report to BSC within 48 hours of the incident/accident. The investigation report is to be accompanied by relevant licenses, tickets, evidence of competency, safe work method statements, risk assessments, statements and any other information BSC may request. Corrective Actions must be identified within this report to ensure ongoing safety in the workplace and to demonstrate a process of continual improvement.

Notifiable Incidents

All PCBUs are to make themselves aware of the provisions of the WHS Act 2011, Part 3 Incident Notification and the requirements of a PCBUs duty to notify SafeWork NSW of 'notifiable incidents'.

A 'notifiable incident' may be:

- "the death of a person, or
- "a serious injury or illness of a person, or'



- “a dangerous incident”.

PCBUs have a further ‘Duty to preserve incident sites’ until directed by SafeWork NSW during the course of the incident investigation.

It should be noted that where an incident is a notifiable incident to SafeWork NSW that both BSC and the PCBUs involved will individually notify SafeWork NSW. BSC requires all PCBUs to assist in any incident/accident investigation by making their workers available to interview(s) when required and to all relevant WHS documentation associated with the incident.

Unauthorised Access

Worker Access (PCBU access)

PCBUs entering or working within Council managed worksites must undertake a Council site induction. These inductions will clearly outline the identified hazards associated with the site and BSC WHS requirements and expectations.

PCBU Managed Sites

Where PCBUs are managing and controlling a work site for Council, these areas will be managed and controlled by the PCBUs to prevent injury or harm to workers and to the general public (site security and public safety) as outlined in WHS legislation and the Primary Duty of Care.

Children

PCBUs and workers are not permitted to allow children to enter any BSC worksite.

Pets

PCBUs and workers are not permitted to bring pets onto any BSC worksite.

Smoke Free Workplace

BSC promotes a smoke free work environment. Therefore, smoking is strictly prohibited from any Council building, vehicle and worksites. PCBUs and their workers are expected to familiarise themselves with Council’s Non Smoking Policy.

The BSC contact or site supervisor of the works can assist PCBUs to determine an appropriate location near a worksite where smoking will be permitted.



Alcohol and Other Drugs

Persons effected by alcohol or other drugs are prohibited from carrying out work at any BSC building or worksite. This prohibition includes any PCBU plant / machinery and extends to the operation of any BSC vehicle or item of plant and machinery. Any person found to be in breach of this prohibition will be asked to leave the building or worksite until further notice.

PCBUs must have a system in place to test their workers for alcohol and drugs. Council can at any time request evidence to support a PCBUs compliance to worker alcohol and drug testing.

It is the responsibility of the PCBU to ensure their workers and any subcontractor they engage present to work in a fit and healthy state and do not undertake work on a Council site where they appear to be affected by alcohol, illegal or legal drugs or any other substance that may lead to the inability to safely perform the requirements of their role.

PCBUs are expected to manage workers taking prescribed medications which can impact on their ability to operate plant and machinery safely. PCBUs are not required to provide Council with alcohol and drug test results for confidentially reasons however; they must provide a statement within seven days confirming the number and name of workers tested. All costs associated with alcohol and drug testing will be at the PCBUs expense.

A copy of Council's Drug and Alcohol Management Procedure can be made available to PCBUs upon request via Council's WHS Compliance Officer.

Working in Infectious Environments

Council operates a number of worksites that are known environments with a potentially higher risk of infection through contact with possible infectious substances (e.g. Waste Water Treatment Plants and Waste Management Centre). Council staff working in these environments are immunised against hepatitis A and hepatitis B as an added pre-cautionary measure.

PCBUs must also undertake a site risk assessment to identify infectious hazards and implement appropriate controls. Council may request evidence of worker immunisations where the risk level of working in a hazardous environment is considered to be high.

UV Protection Procedure

BSC recognises the risks of exposure to the harmful effects of UV radiation for all workers undertaking field based work and that covering up exposed skin areas is the best form of protection.

To assist in controlling the risks of UV exposure, the following is a list of clothing required to be worn when working at a BSC worksite:



- Long sleeved shirts; ¹
- Long trousers or long shorts (knee length) or overalls – BSC’s preference is for long trousers or overalls to be worn, however it is accepted that for some activities that long shorts provide adequate protection subject to other protective measures such as sunscreen being applied to any areas exposed to the sun. A written risk assessment outlining the decision to wear either long shorts or long pants must be undertaken and recorded, after taking into consideration the type of work activity that is involved;
- Broad brimmed hats or legionnaire style caps with mandatory neck flap attached;
- Hard hats with snap on broad brim (worn where activity requires a hard hat);
- UV rated eye wear (sunglasses); ²
- Broad spectrum sunscreen compliant with current Australian Standards; and
- Lip balm compliant to current Australian Standards.

¹ rolling up of sleeves on long sleeve shirts is not acceptable.

² the wearing of sunglasses does not override the requirement to wear other forms of protective eye wear as PPE (for example, a welding mask).

If the wearing of long shorts is permitted then a risk assessment will need to indicate that it is an acceptable PPE control to be worn for the foreseeable risk for the activity being undertaken; i.e. when sweeping a concrete footpath where the risk is low then this approach would be appropriate; whereas working in or around long grass where the risk of a snake bite is high and increased, this approach would be inappropriate. The same risk assessment approach would apply to personnel undertaking Hot Works and the potential of exposed skin being subjected to sparks and burns. In this situation long trousers / overalls would be the expected PPE in this work environment.

If working at height while wearing hard hats, consideration must be given to wearing a chin strap on the hard hat to minimise and reduce the chance of hard hats falling to the ground.

Changes to the above requirements may occur and Council will ensure all PCBUs are consulted with and notified of any change.

Personal Protective Equipment and Clothing (PPEC)

PCBUs who direct the carrying out of work must provide suitable PPEC to workers to allow works to be undertaken in a safe manner. Suitable PPEC must be fit for purpose.

All PPEC shall comply with relevant legislation (i.e. WHS regulation, Code of Practice, Australian Standards) and be applied where required through risk assessment, legislation, BSC protocol/procedure, SDS and BSC nominated mandatory areas.



Safety Signage

Safety signs are displayed in the workplace to:

- help prevent accidents;
- warn of health and safety hazards;
- identify where emergency equipment is kept;
- identify where and when specific safety equipment must be worn (i.e. PPE); and
- identify who is undertaking the works and where applicable, an after-hours contact name and phone number.

Workplace safety signs use different colours and shapes to make their meaning clear. These include:

- a red circle with a red line through it means 'Must Not Do' or 'Prohibited';
- a yellow triangle warns of danger or risks to health and safety;
- a green rectangle gives information e.g. safety equipment, exits or first aid; and
- a blue circle means 'Must Do' or identifies a mandatory requirement.

Hazardous Chemicals and Dangerous Goods

No hazardous chemical or dangerous good is to be brought onto a BSC site without the appropriate Safety Data Sheet (SDS). The SDS must be current and within five years of the last revision, have Australian contact details and the 16 points of mandatory information.

All workers using a hazardous chemical or dangerous good must be deemed competent and must follow the requirements of the SDS with regard to safe handling, use and wearing of appropriate PPE.

All instructions for storage, handling and disposal as per the relevant SDS shall be adhered to. Decanted hazardous chemicals must have the appropriate information attached on a label as per the code of practice for labelling of workplace hazardous chemicals.

PCBUs using chemicals shall have an appropriate chemical spill clean-up kit on site in case of spillage. The PCBU must ensure that the clean-up kit is appropriate for the volume and type of chemicals used and that at least one person on the site at any time is trained to clean up a spill.

Emergency Preparedness and First Aid

BSC buildings and facilities have emergency evacuation plans. PCBUs should make themselves aware of the evacuation plans at any BSC worksite (office or field based works). These will be outlined in site inductions / tool box meetings however, PCBUs should contact the BSC works contact or supervisor for further assistance if required.



PCBUs must also take into consideration the type of works being undertaken and the necessity to prepare emergency rescue plans as part of the risk assessment for that activity. For example, confined space entry and working at heights must have an emergency rescue plan in place.

A PCBU must ensure that workers have access to first aid equipment while at a workplace. The type and class of first aid equipment will depend upon the nature of the work, the nature of the hazards, the size and location of the workplace, and workforce.

In assessing the need to have trained first aiders on site, access to and the timely response of emergency services (ambulance or doctor) must be taken into consideration.

PCBU Safety Management System Audits and Safety Breaches

Prior to any PCBU commencing works with BSC, they must have completed the relevant PCBU WHS Questionnaire sent to them by the WHS Officer and have provided the WHS Officer with their WHS Management System for review. The type of WHS Questionnaire sent to the PCBU will depend on the work activity being undertaken and whether it is either High Risk work or Low Risk work and whether the PCBU engages other PCBUs in the work activity.

A PCBUs WHS Management System must be deemed compliant to Council's WHS requirements before a PCBU is authorised to commence any work. A PCBUs Management System will be assessed as either compliant to undertaking High Risk Work or to undertaking Low Risk, Minor Works only. Current insurances will also be required for review and will need to remain current during the proposed contract works.

Council's WHS Officer can conduct safety system audits and inspections on a random basis throughout contract works at any time. PCBUs are required to actively participate in the audit or inspection process by making available their safety systems which will include but not be limited to safe work method statements, risk assessments, daily plant prestart checklists, evidence of worker competencies, licences/tickets and site inductions.

If the WHS Officer identifies any non-compliances, a '*PCBU WHS Compliance Inspection Corrective Action Report*' will be issued to the PCBU to complete and return outlining their corrective action approach.

BSC, at its discretion, may suspend a PCBU from undertaking works based on the outcomes of system audits and inspections, and for continual safety breaches. However, it should be noted that BSC will work in consultation with the PCBU to assist in rectifying any cause of the suspension.

High Risk Work Licences and Permits

Where legislated, PCBUs will ensure only appropriately licenced workers complete works where a licence or permit is required. Such works includes but are not limited to:



- Asbestos removal;
- Demolition;
- Scaffolding;
- Dogging;
- Rigging;
- Forklift operation;
- Crane (where required);
- Confined space entry; and
- Excavation works.

PCBUs are required to provide BSC with all permits, approvals and high risk licences for works where a licence or an approval is required prior to the works commencing. PCBUs should include relevant licenses and permits within risk assessments as part of the control measures. It is the PCBUs responsibility to ensure workers have the appropriate licences and permits for the type of work activity being undertaken. All high risk work licences must be made available for sighting when requested by Council staff. If a licence is not available onsite the worker will be deemed to be unlicensed and will be required to cease the high risk work the licence applies to. Photocopies of licences onsite are not acceptable.

BSC has implemented a 'Permit to Work' system when works involving mobile plant are required. The permit (Working Near Mobile Plant) allows only nominated workers on the permit to be allowed to work within 10 meters of mobile plant.

Works undertaken that necessitate the need to have a worker(s) inside the 10-meter exclusion zone is to be limited to only those workers with a direct need as part of the work.

Any worker(s) without an immediate involvement in the work must remain outside the 10-meter zone. The 10-meter zone begins from the furthest point of the plant items reach (e.g. 10 meters from the extended reach of an excavator arm and bucket).

Should entry be required (by any person not authorised on the permit or having a direct need as part of the immediate works) inside the 10-meter zone, the mobile plant is to be isolated before entry is permitted.

Traffic and Pedestrian Management

Traffic Control Plans (TCPs) must be developed and followed when works impact upon roads and the normal flow of traffic. This further extends to pedestrian management and any impact upon them due to the works. TCPs must only be developed by an appropriately trained and competent worker who holds the required Roads and Maritime Service ticket to design and or modify a traffic control plan.

TCPs must be presented to the Council site supervisor (where a Council site supervisor exists on the site) for consultation and review prior to the display of the TCP signage.



Electrical Safety

PCBUs will be required to ensure all power tools, extension leads and power boards have been tested and tagged as per legislative requirements. Evidence of testing and tagging must be displayed on the item. Piggy back leads and double adaptors are prohibited from being used.

The use of portable Residual Current Devices (RCDs) for portable power equipment is required. Any power equipment where electrical cords and joints are taped with electrical tape to cover damage will be prohibited from use. Electrical lead stands with the use of non-conductive hooks will be used to elevate leads from the ground.

Plant and Equipment

PCBUs must ensure all items of plant and equipment are maintained in a safe operating manner. This will include the use of daily Plant Pre-start checklists. Only appropriately certified and competent workers are permitted to operate items of plant. Evidence of certification and competency is to be submitted to BSC prior to any works commencing and can be requested by a BSC representative at any time during the works.

In a situation where PCBUs using BSC plant and equipment identify safety concerns, the PCBU worker must immediately cease using the item of plant or equipment and isolate/tag out the item and contact their BSC works contact or supervisor immediately. The item or plant in question is not to be used until remedied and declared safe by a responsible Council officer.

When plant is in operation, these areas must be controlled to prevent unauthorised entry by persons. The level of control will be determined by a risk assessment and will also meet the requirements within relevant legislation.

Construction Work

Construction work encompasses a wide variety of different work areas, trades and disciplines and may be general and low risk in nature or high risk depending on the work activity involved. Because of its diverse nature PCBUs that undertake construction work must ensure they are familiar with and understand the requirements outlined within the relevant section(s) of the WHS Regulation and the Construction Work Code of Practice along with any other Code(s) of Practice that relate to the work that is being undertaken.

PCBUs are advised that a number of High Risk Construction Work activities have been identified in the Construction Work Code of Practice that requires the development of Safe Work Method Statements. Construction works valued over \$250,000.00 will require a Work Health & Safety Management Plan to be developed in line with the Work Health & Safety Regulation c309 (WHS management plan – preparation).



Excavations

Excavation work is inherently dangerous work and can involve many risks to plant operators, other workers and to the general public. A PCBU must assess and manage potential risks associated with all kinds of excavations at the workplace, no matter how deep the excavation. Specific duties apply to higher-risk excavations such as trenches, shafts and tunnels so PCBUs must ensure they are familiar with and understand the requirements outlined within the relevant section(s) of the WHS Regulation and the Excavation Work Code of Practice for guidance in safe systems of work for excavations.

Working at Heights and Falls in the Workplace

A PCBU must manage risks associated with working at heights and fall hazards at the workplace. Where a person has the potential to fall from one level to another while working at height, or when a person who is working at ground level could fall into a hole, pit, excavation etc., safe systems of work must be in place to prevent exposure to these risks. PCBUs must ensure they are familiar with and understand the requirements outlined within the relevant section(s) of the WHS Regulation and Managing the Risk of Falls at Workplaces Code of Practice.

If ladders are to be used at the workplace they must be suited to the task to be undertaken and should be manufactured for industrial use and have a load rating of at least 120kg.

Confined Space

Confined spaces pose dangers because they are usually not designed to be areas where people work. A confined space is determined by specific hazards associated with the work area and not just because the work is performed in a small space.

PCBUs must ensure a risk assessment is undertaken prior to any works commencing and that workers are trained in Confined Space Entry. PCBUs must ensure a Permit is in place and that they are familiar with and understand all the requirements that must be met within the relevant section(s) of the WHS Regulation and the Confined Space Code of Practice.

Site Security and Public Safety

WHS legislation outlines the requirement to ensure that any works that are undertaken are not only safe for workers but also to persons who may be able to come into contact with the works being undertaken. Primarily, this includes the general public and visitors.



PCBUs shall take all necessary precautions to ensure worksites are secured and safe to all persons accessing the immediate area where the works are being undertaken. This will include risk assessing the area and using appropriate and secured fencing and signage. Note: BSC does not deem Para web barriers as being an appropriate form of fencing in highly frequented pedestrian areas and therefore the PCBU must consult with the Council supervisor and/or WHS Compliance Officer on the required security / safety barrier requirements prior to commencing works.

Hot Works

Hot work is any work that involves burning, welding, grinding and cutting using fire or spark producing tools, or that produces a source of ignition. When undertaking Hot Work ensure a Hot Work Permit is completed and that works are performed in a safe location, or with fire hazards removed or covered and ensure a fire-extinguishing equipment is on standby. Ensure Hot Works are undertaken by a competent person who has through a combination of training and experience acquired knowledge and skills to perform Hot Works safely.

Insurance - Certificates of Currency and full policy documents

A range of insurances will be required to be held before any work for Council can commence. The types of insurances required will depend on the works being undertaken. The following is a list of the most common insurances that may be required:

- *Public liability.* Council requires a minimum of \$20 million public liability insurance where a contractor is performing work on Council land. For major projects please confirm with Council for the appropriate level of coverage required.
- *Workers compensation.* This is required for all contractors who are not sole traders and who engage workers.
- *Motor vehicle and plant.* This is required for all contracted works where plant and machinery will be operated on Council land.
- *Personal accident and injury insurance (salary continuance).* This is required for sole traders undertaking high risk work.
- *Professional indemnity.* This is required for consultants / contractors who are providing professional advice or management support to Council.

After Council receives insurances they will be verified and if appropriate, approved prior to works commencing. This requires in the first instance the certificate of currency to be checked. However, if the works provided by the PCBU are deemed as High Risk then the Public Liability insurance policy will also need the following additional policy information provided:

- The Full Policy Wording;
- Product Disclosure Statement / Policy Schedule.



This additional information is essential when assessing the policy to ensure that it is appropriate and that it covers the High Risk works or services being undertaken.

General Housekeeping

PCBUs must maintain worksites in a clean, tidy and orderly manner during and at the conclusion of works. Where stockpiles of various worksite materials cannot be removed immediately, appropriate barricades and signage should be placed to prevent access to the area.

When cleaning work areas, do not wash contaminants into drains. Remove from site to an authorised receiver of waste. When undertaking construction works, the use of skip bins to store waste on site is preferred. The use of covers on the skip bins is also preferred to control lightweight materials from being blown off site.

Subcontractors Statement (regarding worker's compensation, payroll tax & remuneration)

Contractors are required to complete a Subcontractor's Statement to ensure compliance with Section 175B of the Workers Compensation Act 1987, Schedule 2 Part 5 Payroll Tax Act 2007 and section 127 of the Industrial Relation Act 1996.

Contractors will need to complete the form declaring that, for all works undertaken in the previous six-month period, the Contractor has meet all obligations under the Workers Compensation Act 1987, Payroll Tax Act 2007 and the Industrial Relation Act 1996.

Contractors are able to download the Subcontractor's Statement from the Ballina Shire council website - https://www.ballina.nsw.gov.au/cp_themes/default/page.asp?p=DOC-JVS-12-62-43

Please save the completed form and upload via the SRM Portal - <https://supplierportal.ballina.nsw.gov.au/login?ReturnUrl=%2f>.

Further Information

Further information can be obtained from your BSC works contact or supervisor.

PCBUs should take the time to familiarise themselves with the current WHS legislation that relates to their speciality and or to the works they are being engaged to undertake. For assistance in completing your WHS Management Systems and any other WHS information, SafeWork NSW have a website that can be accessed at:

<http://www.safework.nsw.gov.au/health-and-safety>

Appendix A - Subcontractor Statement



Subcontractor's Statement Regarding Worker's Compensation, Payroll Tax and Remuneration

(Note 1 – see back of form)

For the purposes of this Statement a "subcontractor" is a person (or other legal entity) that has entered into a contract with a "principal contractor" to carry out work.

This Statement must be signed by a "subcontractor" (or by a person who is authorised, or held out as being authorised, to sign the statement by the subcontractor) referred to in any of s175B *Workers Compensation Act 1987*, Schedule 2 Part 5 *Payroll Tax Act 2007*, and s127 *Industrial Relations Act 1996* where the "subcontractor" has employed or engaged workers or subcontractors during the period of the contract to which the form applies under the relevant Act(s). The signed Statement is to be submitted to the relevant principal contractor.

Subcontractor's Statement

Refer to the back of this form for Notes, period of Statement retention, and Offences under various Acts.

Subcontractor: _____ ABN: _____
(Business name)

of _____
(Address of subcontractor)

has entered into a contract with _____ ABN: _____
(Business name of principal contractor) (Note 2)

Contract number/identifier _____

This Statement applies for work between: DD/MM/YYYY and DD/MM/YYYY inclusive, (Note 4)

subject of the payment claim dated: DD/MM/YYYY (Note 5)

I, _____ a Director or a person authorised by the Subcontractor on whose behalf this declaration is made, hereby declare that I am in a position to know the truth of the matters which are contained in this Subcontractor's Statement and declare the following to the best of my knowledge and belief:

- (a) The abovementioned Subcontractor has either employed or engaged workers or subcontractors during the above period of this contract. Tick if true and comply with (b) to (g) below, as applicable. If it is not the case that workers or subcontractors are involved or you are an exempt employer for workers compensation purposes tick and only complete (f) and (g) below. You must tick one box. (Note 6)
- (b) All workers compensation insurance premiums payable by the Subcontractor in respect of the work done under the contract have been paid. The Certificate of Currency for that insurance is attached and is dated DD/MM/YYYY (Note 7)
- (c) All remuneration payable to relevant employees for work under the contract for the above period has been paid. (Note 8)
- (d) Where the Subcontractor is required to be registered as an employer under the *Payroll Tax Act 2007*, the Subcontractor has paid all payroll tax due in respect of employees who performed work under the contract, as required at the date of this Subcontractor's Statement. (Note 9)
- (e) Where the Subcontractor is also a principal contractor in connection with the work, the Subcontractor has in its capacity of principal contractor been given a written Subcontractor's Statement by its subcontractor(s) in connection with that work for the period stated above. (Note 10)

(f) Signature* _____ Full name _____

*Once the form is complete please print and sign.

(g) Position/Title _____ Date DD/MM/YYYY

NOTE: Where required above, this Statement must be accompanied by the relevant Certificate of Currency to comply with section 175B of the *Workers Compensation Act 1987*.

Notes

1. This form is prepared for the purpose of section 175B of the *Workers Compensation Act 1987*, Schedule 2 Part 5 *Payroll Tax Act 2007* and section 127 of the *Industrial Relations Act 1996*. If this form is completed in accordance with these provisions, a principal contractor is relieved of liability for workers compensation premiums, payroll tax and remuneration payable by the subcontractor.
A principal contractor can be generally defined to include any person who has entered into a contract for the carrying out of work by another person (or other legal entity called the subcontractor) and where employees of the subcontractor are engaged in carrying out the work which is in connection with the principal contractor's business.
2. For the purpose of this Subcontractor's Statement, a principal contractor is a person (or other legal entity), who has entered into a contract with another person (or other legal entity) referred to as the subcontractor, and employees/workers of that subcontractor will perform the work under contract. The work must be connected to the business undertaking of the principal contractor.
3. Provide the unique contract number, title, or other information that identifies the contract.
4. In order to meet the requirements of s127 *Industrial Relations Act 1996*, a statement in relation to remuneration must state the period to which the statement relates. For sequential Statements ensure that the dates provide continuous coverage.
Section 127(6) of the *Industrial Relations Act 1996* defines remuneration 'as remuneration or other amounts payable to relevant employees by legislation, or under an industrial instrument, in connection with work done by the employees.'
Section 127(11) of the *Industrial Relations Act 1996* states 'to avoid doubt, this section extends to a principal contractor who is the owner or occupier of a building for the carrying out of work in connection with the building so long as the building is owned or occupied by the principal contractor in connection with a business undertaking of the principal contractor.'
5. Provide the date of the most recent payment claim.
6. For Workers Compensation purposes an exempt employer is an employer who pays less than \$7500 annually, who does not employ an apprentice or trainee and is not a member of a group.
7. In completing the Subcontractor's Statement, a subcontractor declares that workers compensation insurance premiums payable up to and including the date(s) on the Statement have been paid, and all premiums owing during the term of the contract will be paid.
8. In completing the Subcontractor's Statement, a subcontractor declares that all remuneration payable to relevant employees for work under the contract has been paid.
9. In completing the Subcontractor's Statement, a subcontractor declares that all payroll tax payable relating to the work undertaken has been paid.
10. It is important to note that a business could be both a subcontractor and a principal contractor, if a business 'in turn' engages subcontractors to carry out the work. If your business engages a subcontractor you are to also obtain Subcontractor's Statements from your subcontractors.

Statement Retention

The principal contractor receiving a Subcontractor's Statement must keep a copy of the Statement for the periods stated in the respective legislation. This is currently up to seven years.

Offences in respect of a false Statement

In terms of s127(8) of the *Industrial Relations Act 1996*, a person who gives the principal contractor a written statement knowing it to be false is guilty of an offence if:

- (a) the person is the subcontractor;
- (b) the person is authorised by the subcontractor to give the statement on behalf of the subcontractor; or
- (c) the person holds out or represents that the person is authorised by the subcontractor to give the statement on behalf of the subcontractor.

In terms of s175B of the *Workers Compensation Act* and clause 18 of Schedule 2 of the *Payroll Tax Act 2007* a person who gives the principal contractor a written statement knowing it to be false is guilty of an offence.

Further Information

For more information, visit the SafeWork NSW website www.safework.nsw.gov.au, Revenue NSW website www.revenue.nsw.gov.au, or Office of Industrial Relations, Department of Commerce website www.commerce.nsw.gov.au. Copies of the *Workers Compensation Act 1987*, the *Payroll Tax Act 2007* and the *Industrial Relations Act 1996* can be found at www.legislation.nsw.gov.au.

Ballina Shire Council PCBU Work Health and Safety Management Handbook

Acknowledgement and Execution

I/we acknowledge having received, read and understood the requirements of Council's PCBU WHS Management Handbook and explained Council's requirements to workers I/we employ and any other PCBUs and their workers I/we may engage as part of the works being undertaken for Council.

Furthermore, I/we agree to comply with Council's requirements as stated in the PCBU WHS Management Handbook and I/we undertake to ensure compliance by any other PCBUs and their workers that I/we may engage is met and maintained throughout the course of the works.

Name of PCBU:

Owner(s) / Director(s) / Sole Trader Name:

.....

Owner(s) / Director(s) / Sole Trader Signature:

.....

Dated / /

Dated / /

Dated / /