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Contractor WHS Survey

Guidance to complete a WHS survey

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Guidance to complete a WHS survey

Introduction

You and Defence Housing Australia (DHA) are a Person Conducting a Business or Undertaking (PCBU). You and DHA owe a duty of care to personnel performing work at a DHA managed or owned property. The primary duty imposed on you and DHA, by applicable work health and safety legislation, is to ensure, so far as is reasonably practicable, the health and safety of workers while they are at work for you and DHA, and others who may be affected by those works. Furthermore, each PCBU has a duty to consult, coordinate and cooperate with each duty holder (PCBU), so far as is reasonably practicable.

The completion of DHA's work health and safety (WHS) survey will assure that you and DHA consult, coordinate and cooperate to ensure, so far as is reasonably practicable, the health and safety of workers while they are at work for you and DHA, and others who may be affected by those works.

Completing the WHS survey

The following information will help guide you in completing the WHS survey and submitting appropriate evidence to DHA for review. Submission of appropriate evidence will help DHA to complete its review in a timely manner. If you need to clarify sections of the WHS survey please contact DHA WHS via email at whs@dha.gov.au.

In completing a review of your SMS evidence, DHA will consider how you (as a PCBU) will support DHA to fulfil its WHS obligations and how your safety management system (SMS) assures you (as a PCBU) will fulfil your WHS obligations with reference to the scope of work you will undertake on behalf of DHA. DHA may consult with you further to clarify aspects of the evidence submitted for review.

The evidence submitted to DHA must be directly related to the scope of work being undertaken on behalf of DHA. The information must be current, clear, concise, completed in full (no blank documents unless a site inspection is required for completion) and be clearly labelled to facilitate timely review by DHA. Submissions that are not coherent and/or contain unrelated information will be returned to you for amendment and resubmission.

Please note that DHA cannot provide direct technical WHS advice on the structure and/or content of your SMS, the onus is on you as a PCBU to ensure your SMS is fit for purpose, addresses the criteria outlined in this guidance information and is compliant with your State/Territory WHS legislation. If you require technical advice in relation to WHS matters, you must contact your State/Territory WHS regulator or an independent consultant.

It is imperative that you submit the required evidence and respond to DHA's requests for information in a timely manner. Delayed response and/or lack of appropriate evidence may result in the WHS survey review being closed as not complete.

WHS obligations

You and DHA, as PCBUs, share concurrent duties in relation to worker safety and to ensure that the work undertaken on behalf of DHA does not put others (visitors and tenants) at risk of harm.

DHA, as a Commonwealth entity, must comply with the *Work Health and Safety Act 2011* (Cth) and the *Work Health and Safety Regulations 2011* (Cth). The Commonwealth WHS regulator is [Comcare](#).

You, as a contractor to DHA, are obliged to be aware of and comply with your State/Territory WHS legislation and other regulatory requirements such as codes of practice applicable to the work you undertake on behalf of DHA.

You, as a contractor to DHA, are deemed to be a worker under the *Work Health and Safety Act 2011* (Cth), therefore you, and your workers, are obliged to comply with the duties of a worker as detailed in section 7 of the *Work Health and Safety Act 2011* (Cth). Completion of DHA's contractor induction module will provide you with more information.

It is instructive to note that ignorance of WHS duties, obligations or regulatory requirements is not a reasonable excuse or defence in relation WHS non-compliance(s). If you are not fully aware of your WHS obligations as a PCBU, seek qualified advice from your State/Territory WHS regulator or an independent consultant.



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Guidance information

SMS component	Criteria
<p>WHS management system – Section 2 WHS survey</p> <p>Provide evidence of a safety management system (SMS).</p> <p>DHA uses the term SMS to describe a range of procedures and/or processes that are applied to safely manage the risks associated with a contractor’s business practices (scope of work). The SMS would also include: a commitment to work in a safe and compliant manner; identification of applicable State/Territory WHS legislation; emergency planning; and sub-contractor management. The evidence must provide assurance a SMS exists to <u>safely manage the risks associated with the scope of work being undertaken by the contractor</u>. Each SMS will be different due to the scope of work being undertaken on behalf of DHA, the size and/or complexity of the contractor’s business operation and/or standards certification of the contractor’s SMS. A sole trader contractor must have a SMS that is fit for purpose. Ensure your SMS is fit for purpose and includes evidence of the following criteria.</p>	
<p>Commitment to safety</p>	<p>A commitment to safety confirms a contractor’s intention to work in a safe and compliant manner. This commitment may be expressed in a policy document, procedure or statement in a safety management plan. A commitment to safety will take many forms due to the size and/or complexity of the contractor’s business operation and/or standards certification. Generally, it is accepted across various industries that a commitment to safety is acknowledged by the PCBU through a signed and dated document. Please ensure the evidence is at a standard applicable to your business operation as a PCBU and included in your SMS.</p>
<p>Regulatory compliance</p>	<p>Ensure your SMS evidence identifies the applicable State/Territory WHS legislation and other relevant codes or standards you must comply with in relation to the work you will undertake on behalf of DHA. This information provides an assurance to DHA that you (as a PCBU) understand the regulatory framework under which you must operate in a compliant manner.</p>
<p>Emergency planning</p>	<p>The evidence must include the identification of emergency response procedures for the types of emergency situations that may occur in relation to the scope of work being undertaken on behalf of DHA. As a general guide, emergency situations may be categorised as: injury; fire or explosion; evacuation and threats of harm or violence.</p> <p>Furthermore it is essential your emergency procedures (or other SMS section) identify the following additional procedures in reporting WHS incidents to DHA:</p> <ul style="list-style-type: none"> Ⓐ <u>Report all WHS incidents</u> to DHA (or referenced as client, etc) as soon as practical Ⓐ Report all <u>notifiable incidents</u> to DHA (or referenced as client, etc) immediately, DHA will notify the WHS regulator Comcare, and



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	<ul style="list-style-type: none"> Ⓐ Secure the work site involving a notifiable incident until it is released by Comcare (or reference to a WHS regulator). <p>For reference, DHA contact details for incident reporting include:</p> <ul style="list-style-type: none"> Ⓐ Your DHA contract manager or representative Ⓐ Telephone DHA WHS direct on 02-6270 6060, option 3, or Ⓐ Email to dha@whs.gov.au.
Sub-contractor management	<p>If you engage sub-contractors to complete the work on behalf of DHA, you must include in your SMS detailed procedures as to how you will ensure sub-contractors will work in a safe and compliant manner. Such detail would include: induction, submission of compliant SWMS as required, incident reporting as required by DHA and the way in which you will consult, coordinate and cooperate on WHS matters.</p>
Pandemic response, ie, COVID-19	<p>The evidence must confirm compliance with current State/Territory Health directives in relation to managing the risk of viral exposure for your trade or industry group. It is not acceptable as evidence to simply state you (as a PCBU) will comply with State/Territory Health directives. DHA requires sufficient evidence to assure that you and your workers will not put DHA employees and/or tenants at uncontrolled risk of viral exposure. DHA will verify compliance with current State/Territory Health directives in relation to trade or industry pandemic response plans.</p>
<p>Risk management – Section 3 WHS survey</p> <p>Provide evidence of a risk management procedure(s).</p> <p>The evidence must confirm procedure(s) are applied to identify hazards, assess the risk and actions to control the risk in relation to the scope of work being undertaken on behalf of DHA.</p> <p>Risk management procedure(s) must be fit for purpose and include evidence of the following criteria.</p>	
Risk or hazard identification and assessment	<p>The evidence must confirm a process exists to record or register the hazards/risks and control measures (an assessment) associated with the scope of work being undertaken on behalf of DHA. Examples of this evidence may include: hazard/risk register(s); job safety analysis; plant risk assessments; hazard/risk control plans. Please ensure this evidence is clear, concise and directly relates to the scope of work being undertaken on behalf of DHA.</p>
Hierarchy of controls	<p>The evidence would indicate the use of the ‘hierarchy of controls’ in the determination of effective hazard/risk control measures. There may be one or more controls applied to hazards/risks from the hierarchy. Control measures that are regulatory requirements, ie, use of fall control measures when working at height, must be included in the evidence.</p>



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SMS component	Criteria
Safe systems of work (SSW)	<p>The evidence must confirm the contractor and workers are guided by systems that assure the completion of work in a safe and compliant manner. Examples of SSW include but not limited to:</p> <ul style="list-style-type: none"> Ⓐ Safe work method statements (SWMS), ensure SWMS are specific to the work being undertaken on behalf of DHA and are compliant with State/Territory WHS regulations. Ⓐ Job safety analysis. Ⓐ Safe work processes and/or procedures. Ⓐ Take 5 processes. Ⓐ Pre-start checks. Ⓐ Electrical testing of RCDs. <p>Note: There is an abundance of WHS information available from Safe Work Australia and each State/Territory WHS regulator in relation to appropriate SSW.</p>
<p>High risk work – Section 4 WHS survey</p> <p>Provide evidence of compliance for high risk work.</p> <p>Some work that DHA requires to be completed may involve high risk work as defined by State/Territory WHS legislation.</p>	
Regulatory compliance	<p>You (as a PCBU) must be aware of your regulatory obligations in relation to high risk work and provide DHA with evidence that confirms the type of high risk work to be undertaken and method(s) of compliance with the applicable State/Territory WHS legislation. This evidence will include safe work procedures, creation of SWMS for application at a DHA work site and licensing.</p> <p>DHA will verify compliance, ensure SWMS templates comply with your State/Territory WHS legislation.</p>
<p>Licences – Section 5 WHS survey</p> <p>Provide evidence of regulatory and/or trade licensing.</p> <p>The evidence must validate your workers are appropriately licenced to perform the work on behalf of DHA in accordance with applicable State/Territory WHS legislation.</p> <p>DHA will verify the evidence is compliant.</p>	
Regulatory licences	<p>Licensing required by a State/Territory WHS Act or Regulation. Evidence may include copies of applicable licences for each worker or a register that details the licensing of all workers, which can be used to verify compliance with the applicable State/Territory WHS regulator.</p>



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SMS component	Criteria
Trade licensing	Licensing required by trade type as required by a State/Territory WHS Act or Regulation. Evidence may include copies of applicable licences for each worker or a register that details the licensing of all workers, which can be used to verify compliance with the applicable State/Territory WHS regulator.
Note: DHA complies with the <i>Privacy Act 1988</i> (Cth) in relation to the handling and protection of personal information.	
<p>Induction and WHS training – Section 6 WHS survey</p> <p>Provide evidence of induction and WHS training for workers.</p> <p>Training is an essential part of managing work health and safety in a DHA workplace. DHA requires contractors to ensure all workers are appropriately inducted and trained for the tasks being completed, are aware of the hazards/risks associated with that work (including equipment use) and the control measures that must be implemented to eliminate or minimise the risk of harm.</p>	
General induction	The evidence must confirm that all workers receive a WHS induction to the work activity or role. Include evidence of this induction program and how it is managed. Refer to (complete) DHA's contractor induction program for information on hazard identification and incident reporting. You, or a safety contact, in your company must complete the DHA contractor induction module to ensure the information in the module is reflected in your worker induction program or process(es).
Construction sites	The evidence must confirm: <ul style="list-style-type: none"> Ⓐ workers are required to complete General Construction Induction training prior to commencing works on a DHA construction site. Include evidence of how this requirement is managed. Ⓑ workers complete a site induction prior to commencing works on a DHA construction site. Include evidence of the induction program and how it is managed.
Note: Evidence may include induction program as an online system, detailed in a safety management plan or procedure, part of a checklist or other form of record that confirms workers are appropriately trained for the tasks being completed, and are aware of the hazards/risks associated with that work and the control measures that must be implemented to eliminate or minimise the risk of harm (refer to DHA's contractor induction module for guidance on workplace hazards). The onus is on you (as a PCBU) to ensure your workers are appropriately trained in accordance with State/Territory WHS legislation and/or code(s) of practice.	



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SMS component	Criteria
Consultation, coordination and cooperation – Section 7 WHS survey	
<p>Provide evidence of WHS consultation in the workplace.</p> <p>You, as a PCBU, have an obligation to consult, coordinate and cooperate in relation to WHS matters. This obligation extends to your workers, other PCBUs and others (visitors and/or tenants) who may be affected by the work you undertake on behalf of DHA. This obligation is expressed in varied terms in State/Territory WHS legislation.</p>	
Workers, sub-contractors and others	Evidence in addition to procedure(s) may include team meetings, site briefings, Take 5 records, toolbox talks, WHS committee minutes, visitor induction(s), client or tenant fact sheets or FAQs.
DHA, as another PCBU	Evidence may include statements related to engagement or communication with DHA or clients, client relations plan, communication plan.
<p>Note: the evidence would be fit for purpose based on the size and complexity of your business operation.</p>	
Declarations – Section 8 WHS survey	
<p>It is a requirement you (if an officer of the PCBU) and the PCBU declare issues related to non-compliance with WHS legislation or equivalent (ie, Notices issued by the Queensland Electrical Safety Office). Where a declaration is made, DHA will review the evidence and may consult with you further, to assure that you and the PCBU have implemented corrective actions that mitigate a reoccurrence of the non-compliance(s).</p> <p>Please note it is an offence under section 137.1 of the schedule to the <i>Criminal Code Act 1995</i> (Cth) to give false or misleading information to the Commonwealth.</p>	

WHS Resources

[Safe Work Australia](#) provides appropriate resources and links to each State/Territory WHS regulator. These sources of information will provide all that you need to prepare, implement and maintain your SMS.

[Comcare](#) provides a range of resources for Commonwealth PCBUs and also PCBUs who are engaged by a Commonwealth entity to perform work.



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Definitions

The following definitions are applicable to this guidance information.

Topic	Definition
Construction work	<p>Construction work means any work carried out in connection with the construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a structure. Further guidance on what constitutes construction work can be referred to in reg 289 (2) of the <i>Work Health and Safety Regulations 2011</i> (Cth).</p> <p>The WHS Act defines a structure as anything that is constructed, whether fixed or moveable, temporary or permanent. A structure includes buildings, which includes DHA owned or managed properties.</p>
Control measure	Action taken to either eliminate or minimise the risk of a hazard resulting in harm. There are many ways to control risks. You must consider various control options and choose the control that most effectively eliminates the hazard or minimises the risk in the circumstance(s).
Fit for purpose	A decision based on the concept the evidence is appropriate for the scope of work the contractor is being engaged to complete on behalf of DHA. Appropriate means the evidence would assure the work is completed in a safe and compliant manner.
Hazard	A situation or thing that has the potential to harm a person. Hazards at work may include: noisy machinery, dust, moving plant, chemicals, electricity, gas, working at height, a repetitive job, asbestos, lead based paint, use of power tools, dog encounters, bullying and violence in the workplace.
Pandemic	A disease that is prevalent over a whole country or the world. A recent example is the COVID-19 pandemic.
Person conducting a business or undertaking (PCBU)	<p>A person conducts a business or undertaking (PCBU) whether it is conducted alone or together with others, and whether or not it is conducted for profit or gain. A 'person' can include a body corporate (company), unincorporated body or association or a partnership.</p> <p>An individual is also a 'person' but will only be a PCBU where that individual is conducting a business in their own right. For example, a sole trader or self-employed person. Individuals who are in a partnership that is conducting a business will individually and collectively be a PCBU. PCBUs have duties of care, regulatory obligations, under State/Territory WHS legislation. Source of information: Safe Work Australia.</p> <p>DHA, as a Commonwealth entity, is bound by the <i>Work Health and Safety Act 2011</i> (Cth) and the <i>Work Health and Safety Regulations 2011</i> (Cth).</p>
Regulatory	Control or direction of an activity by a set of rules or laws.
Repairs and maintenance services (RMS)	<p>RMS work involves testing, maintenance or repair work of a minor nature carried out in connection with a structure. DHA owned and/or managed properties are structures.</p> <p>Testing, maintenance or repair work is considered of a minor nature if it requires little or no pre-start preparation of the work area. It is small scale and involves minimal hazard/risk control measures. Minimal preparation of the work area includes:</p> <ul style="list-style-type: none"> Ⓒ small scale work that does not impact on the existing design or stability of the building or structure



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Topic	Definition
	<ul style="list-style-type: none"> Ⓒ work that can be completed using hand tools Ⓒ work that has minimal effect on the public – i.e. roads and footpaths are unaffected. <p>Further guidance is available in Appendix A – Examples of Construction Work in the Work Health and Safety (Construction Work) <u>Code of Practice</u> 2015.</p> <p>Be aware that some RMS work issued by DHA will be deemed construction work and therefore requires further consideration of your obligations under State/Territory WHS legislation. Further guidance is available in Appendix A – Examples of Construction Work in the Work Health and Safety (Construction Work) <u>Code of Practice</u> 2015.</p>
Risk	Is the possibility that harm (death, injury or illness) might occur when exposed to a hazard.
WHS Act	<u>Work Health and Safety Act 2011 (Cth)</u>
WHS Regulations	<u>Work Health and Safety Regulations 2011 (Cth)</u>
Worker	<p>Under the WHS Act, a worker is a person who carries out work, in any capacity, for DHA. This includes employees, contractors/subcontractors and employees of contractors/subcontractors.</p> <p>Each contractor, as a PCBU, is deemed a worker of DHA in relation to DHA's duties as a PCBU. Each contractor in turn owes a duty to DHA as a worker under the WHS Act. Ensure you complete DHA's contractor induction module.</p> <p>In the context of a DHA contractor being a PCBU, State/Territory WHS legislation also applies to a contractor/subcontractor worker.</p>
Workplace	<p>Any place a worker goes, or is likely to be, while carrying out work on behalf of DHA.</p> <p>In the context of a DHA contractor being a PCBU, State/Territory WHS legislation also applies to a DHA workplace.</p>

