

1. SUMMARY

This document details the responsibilities of Principal Contractors as detailed within Work Health and Safety legislation.

2. DEFINITIONS

As per WHS Regulations 2012 a '**Construction Project**' is a project that involves construction work where the cost of the construction work is \$450,000 or more,

A PCBU that commissions a construction project is, subject to the regulation, the **principal contractor** for the project.

- a) If the person referred to above engages another PCBU as principal contractor for the construction project and authorises the PCBU to have management or control of the workplace and to discharge the duties of a principal contractor under this section, the PCBU is so engaged as the **principal contractor** for the project.
- b) If the owner of residential premises is an individual who directly or indirectly engages a PCBU to undertake a construction project in relation to the premises, then Bartsch Builders is the **principal contractor** for the project if the PCBU has management or control of the workplace.
- c) Note: A construction project has only one principal contractor at any specific time.

3. OBJECTIVES

To ensure understanding regarding Principal Contractor requirements and compliance against legislation.

4. RESPONSIBILITIES

POSITION	RESPONSIBILITY
Project Supervisor	Preparation & Communication of WHS Management Plan for Works over \$ 450,000

5. INFORMATION

A person with management or control of a workplace must comply with section 20 of the Work Health and Safety Act 2012.

Person who commissions project must give information to principal contractor

If a PCBU that commissions a construction project engages a principal contractor for the project, the person must give the principal contractor any information the person has in relation to hazards and risks at or in the vicinity of the workplace where the construction work is to be carried out.

Duties of person conducting business or undertaking

As a principal contractor is a PCBU, this Part also applies to a principal contractor.

Safe work method statement—copy to be given to principal contractor

A PCBU (eg subcontractor) that includes carrying out high risk construction work in connection with a construction project must, before the high risk construction work commences, ensure that a copy of the safe work method statement for the work is given to the principal contractor.

Division 3—Further duties of the PCBU

20—Duty of PCBU involving management or control of workplaces

- (1) In this section— **Management or control of a workplace** mean to the extent that the business involves the management or control, in whole or in part, of the workplace.
- (2) with management or control of a workplace must ensure, so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.

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Additional duties of principal contractor

- (a) Applies in relation to a construction project; and
- (b) imposes duties on the principal contractor for the project that are additional to the duties imposed under [Chapter 6 Part 3](#) – Duties of person conducting business or undertaking

Note- As a principal contractor has management or control of a workplace, the principal contractor is also subject to duties imposed by the Act and these regulations on a person with management or control of a workplace.

Specific control measure—signage identifying principal contractor

The principal contractor for a construction project must ensure that signs are installed, that—

- (a) show principal contractor’s name and telephone contact numbers (including an after hours telephone number); and
- (b) show the location of the site office for the project, if any; and
- (c) are clearly visible from outside the workplace, or the work area of the workplace, where the construction project is being undertaken.

The above operates in addition to the requirements of the [Building Work Contractors Act 1995](#).

WHS Management Plan —preparation

- (1) The Principal contractor for a construction project must prepare a written *WHS Management Plan* for the workplace before work on the project commences.
- (2) A *WHS Management Plan* must include the following:
 - (a) 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;
 - (b) the arrangements in place, between any persons conducting a business or undertaking at the workplace where the construction project is being undertaken, for consultation, co-operation and the co-ordination of activities in relation to compliance with their duties under the Act and these regulations;
 - (c) the arrangements in place for managing any work health and safety incidents that occur;
 - (d) any site-specific health and safety rules, and the arrangements for ensuring that all persons at the workplace are informed of these rules;
 - (e) the arrangements for the collection and any assessment, monitoring and review of *safe work method statements* at the workplace.

Part 3—Duties of person conducting business or undertaking

Note— As a principal contractor is a person conducting a business or undertaking, this Part also applies to a principal contractor.

Division 1—General

297—Management of risks to health and safety

A person conducting a business or undertaking must manage risks associated with the carrying out of construction work in accordance with [Chapter 3 Part 1](#).

Note— WHS Act—section 19– Primary Duty of Care.

298—Security of workplace

- (1) A person with management or control of a workplace at which construction work is carried out must ensure, so far as is reasonably practicable, that the workplace is secured from unauthorised access.
- (2) In complying with [subregulation \(1\)](#), the person must have regard to all relevant matters including—
 - a) risks to health and safety arising from unauthorised access to the workplace; and
 - b) the likelihood of unauthorised access occurring; and

Example—

The proximity of the workplace to places frequented by children, including schools, parks and shopping precincts.

- c) to the extent that unauthorised access to the workplace cannot be prevented—how to isolate hazards within the workplace.

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WHS Management Plan —duty to inform

The principal contractor must ensure, so far as is reasonably practicable, that each person who is to carry out construction work in connection with the project is, before commencing work, made aware of—

- (a) the content of the WHS Management Plan for the workplace; and
- (b) the person's right to inspect the WHS Management Plan under WHS Regulation 313, refer 'Copy of WHS Management Plan must be kept' section below.

WHS Management Plan —review

The principal contractor for a construction project must review and, as necessary, revise the WHS Management Plan to ensure that it remains up-to-date.

The principal contractor for a construction project must ensure, so far as is reasonably practicable, that each person carrying out construction work in connection with the project is made aware of any revision to the WHS Management Plan.

High risk construction work—safe work method statements

The principal contractor for a construction project must take all reasonable steps to obtain a copy of the safe work method statement relating to high risk construction work before the high risk construction work commences.

Note—

The WHS Management Plan contains arrangements for co-operation between persons conducting a business or undertaking at the construction project workplace, including in relation to the preparation of safe work method statements (see [regulation 309\(2\)\(b\)](#) and [\(e\)](#)).

Copy of WHS Management Plan must be kept

- (1) Subject to a notifiable incident occurring, The principal contractor for a construction project must ensure that a copy of the WHS Management Plan for the project is kept until the project to which it relates is completed.
- (2) If a notifiable incident occurs in connection with the construction project to which the statement relates, The principal contractor must keep the WHS Management Plan for at least 2 years after the incident occurs.
- (3) The principal contractor ensures that, for the period for which the WHS Management Plan must be kept under this section, a copy is readily accessible to any person who is to carry out construction work in connection with the construction project.
- (4) The principal contractor ensures that for the period for which the WHS Management Plan must be kept under this section, a copy is available for inspection under the WHS Act 2012.
- (5) In this section - **WHS Management Plan** means the initial plan and all revised versions of the plan.

Further health and safety duties—specific regulations

[Company Name] for a construction project has put in place arrangements for ensuring compliance at the workplace with the following:

- (a) [Division 2 of Chapter 3 Part 2](#); - General Work Environment
- (b) [Division 3 of Chapter 3 Part 2](#); - First Aid
- (c) [Division 4 of Chapter 3 Part 2](#); - Emergency Plans
- (d) [Division 5 of Chapter 3 Part 2](#); - Personal Protective Equipment
- (e) [Division 7 of Chapter 3 Part 2](#); - Managing Risk from Airborne Contaminants
- (f) [Division 8 of Chapter 3 Part 2](#); - Hazardous Atmospheres
- (g) [Division 9 of Chapter 3 Part 2](#); - Storage of Flammable or Combustible Substances
- (h) [Division 10 of Chapter 3 Part 2](#); - Falling Objects
- (i) [Chapter 4 Part 4](#). - Falls

Note—

All persons conducting a business or undertaking at the construction project workplace have these same duties (see [Chapter 3 Part 2](#) of these regulations and section 19 of the Act). Section 16 of the Act provides for situations in which more than 1 person has the same duty.

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Further health and safety duties—specific risks

[Company Name] for construction project will accordance with WHS Regulations 2012 [Chapter 3 Part 1](#) manage risks to health and safety associated with the following:

- (a) the storage, movement and disposal of construction materials and waste at the workplace;
- (b) the storage at the workplace of plant that is not in use;
- (c) traffic in the vicinity of the workplace that may be affected by construction work carried out in connection with the construction project;
- (d) essential services at the workplace.

Note—

WHS Act—section 20 (see [regulation 9](#)) - Duty of persons conducting businesses or undertakings involving management or control of workplaces

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