COMPLYFLOW



CONTRACTOR COMPLIANCE GUIDES

# Construction: the contractor compliance guide.

What Australian law asks of head contractors and their clients when subcontractors work on their sites, and how to prove you met it.

**Current to November 2026**
Model WHS laws as at 5 December 2025; Victoria's OHS Regulations as at 20 October 2026; sources read 13 and 16 November 2026. Other states' own laws: check yours

**Includes**
A checklist, an incident card, and a subcontractor chain register

**Covers**
Building and civil sites, in every state and territory, Victoria named

START HERE

# The short version.

## What is your business responsible for when subcontractors work on your sites, and what should you check before they start?

Most of the work on a building or civil site is done by other businesses: the scaffolder, the electrician, the plumber, the traffic controller, the cleaner, the security guard at the gate.

1 **Your WHS duties reach down the subcontractor chain.** A worker includes a contractor, a subcontractor, and their employees, and the duty reaches workers the business engages, causes to be engaged, or influences or directs, further down the chain included. That is for WHS; it does not by itself make them your employees (page 5).[1]

2 **Commissioning a project makes you its principal contractor, unless you hand the role over.** Construction work costing AU$250,000 or more is a construction project under the model Regulations (AU$350,000 in Victoria and AU$450,000 in South Australia). The business that commissions it is the principal contractor unless it engages another and authorises it to manage or control the workplace and to discharge the principal contractor's duties (pages 10 and 11).[2]

3 **High risk construction work needs a SWMS before it starts, followed on the day.** The business doing the work prepares it, the principal contractor takes all reasonable steps to get a copy first, and work that departs from it stops immediately or as soon as it is safe to do so (pages 13 to 16). It is not the same as high risk work that needs a licence.[2]

4 **A white card is the floor, not the check.** No business may direct or allow a worker to do construction work without general construction induction training, and a high risk work licence must be seen before the work it covers (pages 3 and 18).[2]

5 **The duty does not move down the chain.** "A duty cannot be transferred to another person," and a contract term that tries to transfer one is void. Our recommendation: check each worker at your gate, whoever employs them (page 6).[1]

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01 THE PRACTICAL TEST

# The practical test is what you can show.

A head contractor approves a subcontractor once, at tender or prequalification. Its people then arrive at the gate every morning. The question a regulator asks: who was on site, and what did they hold on the day?



## An approved subcontractor is not a ready worker.

Most checks stop at the company. The law reaches further. A subcontractor's employees who carry out work for the head contractor are its workers too, for WHS purposes (section 7(1)).[1] No business may direct or allow a worker to carry out construction work without general construction induction training (r 317), and before anyone does high risk work that needs a licence, the business directing or allowing it must see written evidence of that licence, provided by the worker (r 85).[2]

**ASSESSED BEFORE ENGAGEMENT; REVIEWED ON ANY CHANGE**

### The subcontractor

- ✓ Prequalified for the trade, its safety record included; again on a change of scope, an incident, or a lapse
- ✓ Its workers compensation and public liability cover, and their dates (page 18)
- ✓ The subcontract: who checks, who authorises the work, and who reports what

**OUR RECOMMENDATION: A STATUS CHECK AT THE GATE, EACH DAY**

### Each worker, at each site

Main gate | Second site | Night works

- ✓ Any high risk work licence, of the right class and current, sighted before the work: that one is law[2]
- ✓ A general construction induction card, the white card, or, while the card is being issued, a certification issued within the past 60 days: also law[2]
- ✓ Inducted to this site, signed in, briefed on the SWMS for the task, and supervised to match the work

## Where it usually breaks.

Four common gaps, each one leaving a head contractor unable to show who was on site and what they held.

### A folder per subbie.

Each project keeps its own copy of the same electrician's licence and insurance, and nobody knows which is current.

### Checked by hand.

Someone types each ticket's expiry into a spreadsheet. It holds until a pour brings 120 workers to one gate.

### The second tier.

The concreter brings a labour hire crew, and the head contractor never saw their cards.

### No view across projects.

Nobody can say who is current across every site, or who was on level 4 last Tuesday.

**One standard, every gate.** One process for every subcontractor, requirements matched to the trade, task, and state. Each gap above makes the verification step of an officer's due diligence harder to show: the model Act says due diligence includes taking reasonable steps to verify the provision and use of the business's health and safety resources and processes (section 27(5)(f)).[1]



02 THE DUTY HOLDERS

# Every business on site is a duty holder.

Work health and safety law puts its main duty on a "person conducting a business or undertaking", a PCBU, whether or not it is conducted for profit or gain.[1] The developer, the head contractor, each trade, and the sole trader on the tools are each one.

> **"WHS duties cannot be contracted out to another party, such as a subcontractor."**
>
> Safe Work Australia, WHS duties in a contractual chain, March 2022[8]

02 THE DUTY HOLDERS

## Who the head contractor owes the duty to.

Three sections of the model Act decide it. Read together, they reach well past the people on the head contractor's payroll.

### Subcontractors are workers.

A person is a worker if they carry out work in any capacity for a PCBU, including as "a contractor or subcontractor", "an employee of a contractor or subcontractor", or a labour hire employee assigned to the business (section 7(1)). That is for WHS duties; it does not by itself make them your employees under other laws.[1]

### Engaged or directed is enough.

The business must ensure, so far as is reasonably practicable, the health and safety of workers "engaged, or caused to be engaged" by it, and of workers whose activities in carrying out work are "influenced or directed" by it (section 19(1)). That can reach a second-tier subcontractor's crew the head contractor never contracted with.[1]

### The site carries its own duty.

Whoever manages or controls a workplace must ensure, so far as is reasonably practicable, that the workplace, the ways in and out, and anything arising from it are without risks to the health and safety of any person (section 20(2)).[1]

## Who is in the chain.

Safe Work Australia notes there can be several levels in a contractual chain.[8] Everyone below the client brings people onto the site, and each needs a place in your checks.

**The client or developer**
The PCBU that commissions the work: a developer, a property owner, a government agency, or a business fitting out its own premises

**The principal or head contractor**
Usually engaged as principal contractor on a construction project, and authorised to manage or control the site (page 10)

**Officers on both sides**
Directors, and others who meet the officer tests at the client and the head contractor (page 7); the role decides, not the title

**Designers and consultants**
The architect and engineers whose designs set many of the hazards the crews will meet (page 12)

**Trade subcontractors**
Demolition, civil and concrete, scaffolding, steel, cranes, electrical, plumbing, mechanical, fire, glazing, and finishing trades

**Their subcontractors and labour hire**
Second and third tiers, sole traders, agency crews, and apprentices

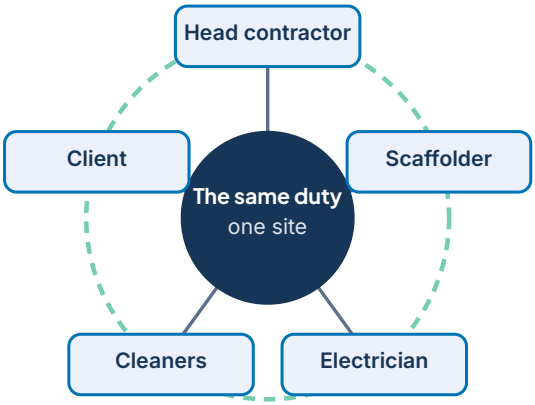
**Site services**
Traffic control, security, cleaning, waste removal, and plant hire with operators

**A sole trader is both.** Safe Work Australia's example: a self-employed contractor is a PCBU in its own right, with a duty to the workers of any subcontractors it engages, and is also a worker of the business that engaged it.[8] Our recommendation: treat a one-person subcontractor like any other, with the same checks at the gate.

02 SHARED DUTIES

# Shared, but never handed over.

A single floor can hold the head contractor, the scaffolder, the electrician, the plumber, and the cleaners at once. Four rules apply to every one of them.




Consult, cooperate, and coordinate

1. **Held at once, each to its own control.** "More than 1 person can concurrently have the same duty" (section 16(1)). Each keeps responsibility for its own duty and must discharge it to the extent of its capacity to influence and control the matter, or the capacity it would have had but for an agreement or arrangement that tries to limit or remove it (section 16(3)).[1]
2. **Worked together.** Each "must, so far as is reasonably practicable, consult, co-operate and co-ordinate activities with all other persons who have a duty in relation to the same matter" (section 46). On a construction project, the WHS management plan records how (page 11).[1, 2]
3. **Workers consulted too.** So far as is reasonably practicable, each consults the workers who carry out work for it, subcontractors' workers included, who are, or are likely to be, directly affected by a health and safety matter (section 47(1)). That means sharing the information, a reasonable chance to raise views and help decide, taking those views into account, and telling workers the outcome in good time; any health and safety representative is involved (section 48). A meeting between businesses, or a signed SWMS briefing, does not meet it on its own.[1]
4. **Never transferred.** "A duty cannot be transferred to another person" (section 14). A contract term that tries to exclude, limit, or modify a duty, or transfer it, is void (section 272).[1]

## Handing over the site does not end the client's duties.

SafeWork SA puts it plainly: "Engaging a principal contractor does not discharge the commissioning person of all their work health and safety (WHS) obligations."[1,2] The client still gives the principal contractor what it knows about the site's hazards (page 12), and keeps any duty that goes with the control it keeps.[2]

## In Victoria.

Victoria's OHS Act extends an employer's duties to the independent contractors it engages, and their employees, for matters over which it has control, or would have control but for an agreement that tries to limit or remove it (s 21(3)(b)). It must also ensure, so far as is reasonably practicable, that people other than its employees are not exposed to risks from its undertaking (s 23).[4]

Consultation follows its own route there: so far as is reasonably practicable, an employer consults the employees likely to be directly affected, and the independent contractors it engages and their employees on matters it controls or would control but for an agreement, in the listed cases, such as identifying hazards and deciding on controls, involving any health and safety representative (s 35).[4]

03 OFFICERS

# Due diligence is personal.



Under the model WHS Act, an officer of a PCBU "must exercise due diligence to ensure that the person conducting the business or undertaking complies with that duty or obligation" (section 27(1)). An officer can be convicted whether or not the business itself is (section 27(4)).[1]

## Who is an officer.

### Is the business a company?

A company director or secretary is an officer, and so is anyone who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business, who can significantly affect its financial standing, or whose instructions or wishes the directors are accustomed to act on, other than advice given in a professional or business capacity (section 4, taking the Corporations Act meaning).[1]

Then

### Name the officers by what they decide.

At a head contractor, that can include the managing director, the board, and the construction or operations director who decides how projects run: the role decides, not the title. A developer client has its own. A government client uses the public-sector test: whoever makes, or participates in making, decisions that affect the whole, or a substantial part, of its business; a Minister is not one (sections 247, 252).[1]

## What an officer risks.

Under the model Act, a Category 1 offence, the most serious of the three categories of health and safety duty offence, is engaging, without reasonable excuse, in conduct that exposes someone to a risk of death or serious injury or illness, with gross negligence or recklessness as to that risk. It carries, for an individual such as an officer, a fine, up to 10 years in prison, or both, and for a body corporate a fine (section 31). Safe Work Australia puts the model fines, for the year from 1 July 2026, at up to AU$2,464,000 for an officer and AU$12,321,000 for a body corporate.[1, 9] It is not the ceiling: the model Act leaves room for an industrial manslaughter offence, with a recommended 20 years for an individual (section 30A). Each jurisdiction sets its own offences and penalties: check yours.[1, 9]

## In Victoria.

Victoria's officer liability works differently from section 27. Where a body corporate breaches the OHS Act or Regulations and the breach is attributable to an officer's failure to take reasonable care, the officer commits an offence, judged on what they knew, their ability to make decisions about the matter, and whether others contributed (s 144). It also has its own workplace manslaughter offence, in Part 5A (s 39G).[4]



03 OFFICERS

## Due diligence includes taking reasonable steps to:

Each card gives one of the six steps the model Act lists, then what it can look like at a head contractor. The last, verify, checks that what (c) to (e) put in place is provided and used.

a

### Know.

Acquire and keep up to date knowledge of WHS matters.

**At a head contractor:** a briefing when the state changes its rules, such as the engineered stone ban or new notification duties.

b

### Understand.

The operations, and their hazards and risks.

**At a head contractor:** knowing which projects have deep excavations, demolition, cranes, or work beside live traffic.

c

### Resource.

Make sure the business has, and uses, appropriate resources and processes to eliminate or minimise risks.

**At a head contractor:** one funded subcontractor process, used by every project, not only the large ones.

d

### Hear and respond.

Make sure it has appropriate processes to receive and consider information on incidents, hazards, and risks, and to respond in a timely way.

**At a head contractor:** subcontractor incidents and near misses reported to the same place as its own.

e

### Comply.

Make sure it has, and implements, processes for complying with its duties, such as reporting notifiable incidents.

**At a head contractor:** a written route for who notifies the regulator from each site, agreed with every trade.

f

### Verify.

Verify that the resources and processes in (c) to (e) are provided and used.

**At a head contractor:** a regular report that shows the checks happened, not only that the policy exists.

The model WHS Act, section 27(5)(a) to (f);[1] the examples are ours.

## What the board can ask for.

Four regular reports that show the checks happen, not only that they are planned: evidence for the verify step above. One of them samples the work itself.

Subcontractors engaged this month, by project and tier, and how many workers were checked at the gate before their first shift.

Licences and insurance due to expire in the next 30 days; licences suspended or cancelled; and white cards cancelled, or due for retraining after 2 years without construction work, by subcontractor.

High risk construction work under way, how much was checked on site, and a sample of SWMS compared with the work being done.

Incidents, which regulator was told, and the corrective actions still open past their due date.

04 WHERE THE LAWS DIFFER

# One set of model laws, real differences.

Safe Work Australia says: "Victoria is the only jurisdiction who has not implemented the model WHS laws." [3] The other states and territories each enact their own version. For a construction business, three differences matter most.

| Topic | Model WHS laws | Victoria |
|---|---|---|
| **The principal contractor** | The business that commissions a construction project of AU$250,000 or more, unless it engages and authorises another; it prepares a WHS management plan (r 292, r 293, r 309). [2] | The owner, unless it appoints a principal contractor and authorises it to manage or control the workplace, for a project of AU$350,000 or more; it prepares a health and safety co-ordination plan (r 332, r 333, r 335). [5] |
| **High risk construction work** | 18 kinds; the business carrying out the work ensures a SWMS is prepared before it starts (r 291, r 299). [2] | 19 kinds, demolition of any kind among them; an employer or self-employed person must not perform the work, where there is a risk to anyone's health or safety, without a SWMS prepared first and followed (r 322, r 327). [5] |
| **The induction card** | General construction induction training, and a card or, while the card is being issued, a certification under 60 days old; training again if it is more than 2 years old and the worker has not done construction work in the past 2 years (page 18). [2] | A current construction induction card; it lapses after a consecutive period of 2 years without construction work (r 340, r 341, r 349). [5] |

### Where the principal contractor rules start

**AU$250,000** — Model laws, and NSW (says SafeWork NSW) [2, 10]

**AU$350,000** — Victoria [5]

**AU$450,000** — South Australia [12]

AU$0

Each figure is "or more". The same fit-out can need a principal contractor in one state and not in another.

Unless another law is named, section and rule numbers in this guide are the model WHS Act's and Regulations'. Your state's numbers may differ, and Victoria's is a different Act. Check your own state's law, and its regulator's guidance, before you rely on a number. [1, 2]






05 THE PRINCIPAL CONTRACTOR

# On a construction project, one business runs the site.

A construction project is construction work costing AU$250,000 or more under the model Regulations (AU$350,000 in Victoria and AU$450,000 in South Australia; page 9). It has a principal contractor, and only one at any specific time.[2] That business carries extra duties on top of its own.

> **"The principal contractor for a construction project must prepare a written WHS management plan for the workplace before work on the project commences."**
>
> Model Work Health and Safety Regulations, regulation 309(1)[2]

05 THE PRINCIPAL CONTRACTOR

## Who is the principal contractor?

Our reading: first define the construction project and its total cost under the law that applies, because letting the work in packages does not by itself make each package a separate project. Two questions then settle it, under the model Regulations.

**Is it a construction project?**
Construction work, which excludes testing, maintenance, or repair work of a minor nature, costing AU$250,000 or more (r 289(3)(d), r 292). Victoria's principal contractor rules start at AU$350,000, and South Australia's figure is AU$450,000 (page 9). [2, 5, 12]

No → **No principal contractor under these rules.**
Every other duty still applies, to the client and to every business on site.

Yes ↓

**Has the client engaged a head contractor as principal contractor, and authorised it to manage or control the workplace?**
And to discharge the principal contractor's duties (r 293(2)). If not, the client that commissioned the project is the principal contractor (r 293(1)). Where an individual owner of a home engages a builder, the builder is the principal contractor if it has management or control of the workplace (r 293(3)). [2]

Yes → **That business is the principal contractor.**
Our view: say so in the head contract, in writing, with the area and dates it controls.

## What the principal contractor then does.

Seven cards are duties of the role, under the model Regulations (Part 6.4), on top of the business's own. The eighth it holds because it manages or controls the site. Each card names its rule.

**R 308**
Signs showing its name and telephone numbers, including an after hours number, and the site office's location, visible from outside the site. [2]

**R 309**
A written WHS management plan before work starts: who holds which safety role, how the businesses coordinate, incidents, site rules, and how SWMS are collected and reviewed. [2]

**R 310, R 311**
Everyone who is to do construction work told about the plan, and their right to inspect it, before they start, so far as is reasonably practicable; the plan kept up to date, and changes passed on, so far as is reasonably practicable. [2]

**R 312**
All reasonable steps to get a copy of each SWMS before the high risk construction work starts (page 15). [2]

**R 313**
The plan, with every revision, kept until the project is completed (at least 2 years after a connected notifiable incident), and readily accessible to everyone working on it. [2]

**R 314**
Arrangements for first aid, emergency plans, protective equipment, falling objects, falls, and the other listed general duties across the site. [2]

**R 315**
The risks of materials and waste, idle plant, traffic near the site, and essential services managed. [2]

**R 298**
As the business that manages or controls the site, securing it from unauthorised access, so far as is reasonably practicable. [2]

05 THE PRINCIPAL CONTRACTOR

## And what the client does, whoever holds the role.

The client usually knows the site best. Three rules move that knowledge to the people about to build on it.

### Consult the designer.

A business that commissions construction work on a structure consults the designer, so far as is reasonably practicable, about design risks during construction, and gives it the hazard information it holds (r 294). [2]

### Get the safety report.

A client that commissions a project but not its design takes all reasonable steps to get the designer's written report of the design's hazards to construction workers (r 295(2)). [2]

### Pass on what you know.

A client that engages a principal contractor must give it any information it has about hazards and risks at or near the workplace (r 296): asbestos, services, ground conditions, and the neighbours. [2]

Safe Work Australia's Code of Practice allows a generic WHS management plan, but it "must be reviewed by the principal contractor to take into account the hazards and risks for the specific project and workplace, and revised as necessary." [6] Victoria calls its version a health and safety co-ordination plan (page 9). [5]

## Two habits that keep the role clear.

Our recommendations, built on the duties above, for clients and head contractors that run many jobs at once.

### Name the role per project.

For each head contract or work package, record which construction project it belongs to, who the principal contractor is, for which area and dates, and when the site is handed back to the client.

### Keep what you control.

Where the client keeps control of part of the site, such as a lift, a loading dock, or an occupied floor, it keeps the duty that goes with that control, whatever the contract says (s 20(2), s 16(3)). [1]





06 SAFE WORK METHOD STATEMENTS

# High risk construction work needs a SWMS, and must follow it.

A safe work method statement, a SWMS, sets out the high risk construction work, its hazards, and the controls. The business doing the work prepares it before the work starts, and the work then follows it.[2] This is not the licensed high risk work on page 3, which needs a licence for the person doing it.

> **"A SWMS is classed as an administrative control and is used to support higher order controls to eliminate or minimise risks to health and safety, for example engineering controls."**
>
> Safe Work Australia, SWMS for high risk construction work, information sheet[7]

06 SAFE WORK METHOD STATEMENTS

## The 18 kinds of high risk construction work.

Construction work is high risk construction work if it is any of these (model r 291), in the Regulations' own terms; the examples in italics are ours. One job often involves several, and one SWMS can cover more than one.[2, 7] Victoria lists 19 (page 9).

**(a)** Involves a risk of a person falling more than 2 metres
*a mobile scaffold, a roof edge, a stairwell void*

**(b)** Is carried out on a telecommunication tower

**(c)** Involves demolition of an element of a structure that is load-bearing or otherwise related to its physical integrity
*a load-bearing wall, a column, or a slab*

**(d)** Involves, or is likely to involve, the disturbance of asbestos
*a ceiling strip-out in an older building*

**(e)** Involves structural alterations or repairs that require temporary support to prevent collapse
*propping while a new opening is cut*

**(f)** Is carried out in or near a confined space

**(g)** Is carried out in or near a shaft or trench with an excavated depth greater than 1.5 metres, or a tunnel

**(h)** Involves the use of explosives

**(i)** Is carried out on or near pressurised gas distribution mains or piping

**(j)** Is carried out on or near chemical, fuel, or refrigerant lines

**(k)** Is carried out on or near energised electrical installations or services
*beside a live switchboard*

**(l)** Is carried out in an area that may have a contaminated or flammable atmosphere

**(m)** Involves tilt-up or precast concrete

**(n)** Is carried out on, in, or adjacent to a road, railway, shipping lane, or other traffic corridor in use by traffic other than pedestrians

**(o)** Is carried out in an area at a workplace in which there is any movement of powered mobile plant
*a scissor lift or forklift on the floor*

**(p)** Is carried out in an area in which there are artificial extremes of temperature

**(q)** Is carried out in or near water or other liquid that involves a risk of drowning

**(r)** Involves diving work

## What a SWMS must do.

Four contents and two qualities (r 299(2) and (3)).[2] A SWMS with all six can still fail on the day (page 15).

### Name the work and its hazards.

Identify the work that is high risk construction work, and specify its hazards and the risks to health and safety they create (r 299(2)(a), (b)).[2]

### Say how it is controlled.

Describe the control measures, and how they will be implemented, monitored, and reviewed (r 299(2)(c), (d)).[2]

### Fit this site, and be read.

Take account of the circumstances at the workplace and, on a construction project, the WHS management plan; and be set out so the people using it can readily follow it (r 299(3)).[2]

06 SAFE WORK METHOD STATEMENTS

## Who does what with it.

The business doing the work owns all five steps; the principal contractor also takes all reasonable steps to get the copy (step 2), and its plan sets how SWMS are monitored (r 309(2)(e)).[2]

**1 Prepared.**
Before the work starts, by the business doing it, or already prepared by another.
r 299(1)

**2 Given and got.**
A copy given to the principal contractor before the work starts, which takes all reasonable steps to get it.
r 301, r 312

**3 Followed.**
Arrangements so the work is done as the SWMS says; if not, stopped immediately or as soon as it is safe to do so, and resumed only in line with it.
r 300

**4 Reviewed.**
Reviewed, and revised as necessary, when the controls are revised.
r 302

**5 Kept.**
Until the work is completed (at least 2 years after a connected notifiable incident), where the workers can reach it.
r 303

## Read the SWMS against the work, not the template.

Safe Work Australia says a generic SWMS must be reviewed for the hazards and risks of the specific workplace and revised as necessary, and that a principal contractor can monitor how a SWMS is implemented "on the ground".[6, 7] Our recommendation: four questions before the work starts, and again on a walk past it.

**Is it this job?**
The level, the area, the plant, and the crew named, not "various".

**Are the controls real?**
Edge protection, shoring, isolation, or exclusion zones first; training and PPE support them.

**Does the crew understand it?**
Explained to the workers doing the work in a form and language they understand, with a check that they did, such as talking it through at the task. Training and instruction must be readily understandable, so far as is reasonably practicable (r 39(3)).[2] A signature records the briefing; it does not prove it was understood.

**Does the work match it?**
Look at the job. If it has drifted from the SWMS, it stops immediately or as soon as it is safe to do so, and resumes only in line with it (r 300(2)).[2]

Our recommendation: hear the crew's views, and any health and safety representative's, before the SWMS is final, not only at the sign-off. Consultation runs both ways (page 6).

06 SAFE WORK METHOD STATEMENTS

## Hazards that need more than a SWMS.

Each row is a control the law sets for work a SWMS will often cover. The SWMS records the controls; it does not replace them. The law names the duty; the form you keep for it is yours, unless the law, a contract, or policy sets it.

| Control | What it means on a site | Status and source |
|---|---|---|
| **Underground services** | Before digging, whoever manages or controls the site takes all reasonable steps to get current underground services information and gives it to the crew digging (r 304).[2] Before You Dig Australia says its plans are "indicative only" and do not pinpoint the exact location; never assume a pipe or cable's depth or alignment; private services, such as a cable to a shed, will not be on utility plans; and a reply "is NOT considered to be an approval to proceed with excavation".[18] Our recommendation: a competent locator marks the services, and they are exposed safely, as the asset owner requires, before machines dig near them; a difference from the plans is resolved, the services are protected, and an unknown service stops the dig until someone with authority decides. | LAW r 304[2]<br>GOOD PRACTICE locating, exposing, and the stop rule, with who did each |
| **Trenches and other digs** | A trench at least 1.5 m deep is secured from unauthorised and inadvertent entry, so far as is reasonably practicable, and every side adequately supported by shoring by shielding or a comparable means, benching, or battering, unless a geotechnical engineer advises in writing that the sides are safe; that advice states the period it covers (r 306). A shallower dig can still collapse: its risks are managed too (r 305). | LAW r 305, r 306[2]<br>GOOD PRACTICE a dig permit |
| **Confined spaces: before entry** | An enclosed or partially enclosed space not designed or intended primarily for people, at normal atmospheric pressure while anyone is in it, with a risk from its atmosphere, contaminants, or engulfment (r 5). Classify the space and the task: a pit or tank is not one by default. Before entry: a competent person's written risk assessment (r 66), the risk from connected plant and services eliminated, such as by isolation, so far as is reasonably practicable, and otherwise minimised (r 70), a standby person and continuous communication (r 69), and rescue procedures set and practised (r 74). The written entry permit records it all (r 67); it does not replace it. | LAW r 5, rr 66, 67, 69, 70, 74[2]<br>GOOD PRACTICE the permit's layout |
| **Confined spaces: the atmosphere** | The space is purged or ventilated so far as is reasonably practicable, never with pure or enriched oxygen, and kept at a safe oxygen level while anyone works in it (r 71). Flammable gas, vapour, or mist is kept below 5% of its lower explosive limit so far as is reasonably practicable; at 10% or more, or 5% or more without a suitably calibrated, continuous-monitoring detector, workers are removed at once, by the limits published in the model WHS Regulations as at 5 December 2025 (r 72). The risk assessment considers the atmosphere and how it may change (r 66), and air monitoring is required wherever you cannot be sure on reasonable grounds that an exposure standard is met (r 50). Our view: test before entry and, where the assessment calls for it, monitor while anyone is inside. | LAW rr 50, 66, 71, 72[2]<br>GOOD PRACTICE a competent person testing with a calibrated detector, the results and times on the permit |



07 DOWN THE CHAIN

# Check the tier you did not engage.

The concreter brings a pump operator, the electrician brings an apprentice, the cleaner brings an agency crew. Each arrives with a card, a ticket, and an employer's insurance, and your WHS duty can reach each of them at your gate.[1]

> **"A person conducting a business or undertaking must not direct or allow a worker to carry out construction work unless … the worker has successfully completed general construction induction training".**
>
> Model Work Health and Safety Regulations, regulation 317(1)[2]

07 DOWN THE CHAIN

## The white card: the floor, checked every time.

The business that engages a worker for construction work provides the training (r 316), and every business that directs or allows the work checks it (r 317), not only the principal contractor. These apply to workers doing construction work; a rule that everyone on site holds a card is your own policy. Three rules, and what they mean at the gate.

### Trained, and recent.

A worker needs general construction induction training, and training again if it was more than 2 years ago and they have not done construction work in the past 2 years (r 316, r 317(1)). [2] In NSW, SafeWork NSW says a white card becomes void after two consecutive years without construction work. [11]

### A card, or a recent certificate.

The business ensures the worker holds the card or, while it is being issued, a certification issued in the past 60 days (r 317(2)). A card issued under another jurisdiction's corresponding WHS law counts unless it has been cancelled there (r 318). [2]

### Checked, not just carried.

The worker must keep the card available for inspection (r 326). [2] In NSW, white cards can be looked up on Verify.licence, says SafeWork NSW. [11] Our recommendation: check status, not a photo of the card.

## Insurance and workers compensation.

Insurance pays for harm; it does not move a WHS duty, which cannot be transferred (section 14), and, under the model Act, a policy cannot cover a WHS fine: such a term is void, and taking out or relying on that cover without a reasonable excuse is an offence (section 272A). [1] This guide does not cover workers compensation law: check your own state's or territory's scheme for what it asks of a head contractor, and do not read a subcontractor's certificate as settling your own position under it. Our recommendation for every subcontract: hold each tier's evidence, dated.

**Workers compensation.**
For every employer in the chain: the employing entity, its scheme, the work covered, and its policy or self-insurance, or the reason its scheme needs neither.

**Public liability.**
The cover and limit the subcontract asks for, the certificate of currency, and its expiry date.

**A sole trader.**
Where the subcontract asks for it, the sole trader's own personal accident or income protection cover.

## Commonwealth money can need an accredited builder.

The Federal Safety Commissioner's WHS Accreditation Scheme is set by law, for building work funded by the Commonwealth or a corporate Commonwealth entity (Federal Safety Commissioner Act 2022, s 43). The Rules exempt work below these thresholds, and work by a subcontractor; the Federal Safety Commissioner states each figure GST inclusive. [13, 14, 15]

### Directly funded.

A head contract for building work of at least AU$4 million needs an accredited builder (r 26(b)). [14, 15]

### Indirectly funded.

As the Federal Safety Commissioner published it in January 2025, a project is captured where the Commonwealth's contribution is at least AU$6 million and at least 50% of the total, or at least AU$10 million; an accredited builder is then needed for a head contract of at least AU$4 million (r 26(c), (d)). [14, 15]

On an accredited builder's site, the Federal Safety Commissioner says a subcontractor may be asked to work to the builder's safety system, have its SWMS reviewed, show its workers are qualified, onboard its plant, and complete a particular induction; "These requirements can vary between sites and builders." [16]

08 ON THE DAY

# The controls a card will not show.

A current card and a signed SWMS say nothing about tonight's lone cleaner, the dust from a core drill, or the ceiling about to come down. This chapter covers the controls checked on the floor.

| Control | What it means on a site | Status and source |
|---|---|---|
| **Alone or after hours** | A security guard on night patrol, a cleaner finishing a floor, or a plumber testing after the crews leave needs a system of work with effective communication, so help can be called (r 48). Decide who watches the check-ins, and what a missed one triggers. | LAW r 48[2] GOOD PRACTICE the check-in plan |
| **Aggression and other psychosocial risks** | Traffic controllers, gate security, and crews working beside the public can face aggression, and long hours and pressure on a late program are hazards too. These are psychosocial hazards: each business eliminates the risks, or if that is not reasonably practicable minimises them, so far as is reasonably practicable, with regard to how the work is designed, managed, and supported (r 55A, r 55C, r 55D). Our recommendation: ask the crews what they face, agree a way to call for help, and do not rely on training alone. | LAW r 55A, r 55C, r 55D[2] GOOD PRACTICE the controls named |
| **Asbestos in a refurbishment** | These rules apply to demolishing or refurbishing a structure or plant built before 31 December 2003, other than minor or routine work (r 447). Before it starts, whoever manages or controls the workplace reviews the asbestos register, revises it if it is inadequate for the work (r 448), and gives the business doing the work a copy, which that business must obtain (r 449, r 450). For a refurbishment of a workplace other than residential premises, asbestos likely to be disturbed is identified and, so far as is reasonably practicable, removed before the work starts (r 456). With no register, the business doing the work does not start until a competent person has inspected for asbestos, and assumes it is present if they are uncertain (r 451). A register is not permission to cut: stop work and isolate the area if suspect material appears. | LAW r 447 to r 451, r 456[2] GOOD PRACTICE stop and isolate |



08 ON THE DAY

## Silica dust: a set order of decisions.

Material with at least 1% crystalline silica, such as concrete or brick, is a crystalline silica substance; cutting, grinding, or drilling it with a power tool or plant is processing it (r 529A), as published in the model Regulations as at 5 December 2025.[2] The Regulations then set the order below, for the driller and the crew beside them.

**1**

### Eliminate first.

The controls must eliminate the risk, or if that is not reasonably practicable minimise it, so far as is reasonably practicable. Our example: design the cut or core out where you can.

r 529B(1)(a)

**2**

### Control the processing.

At least one listed measure, such as wet cutting or on-tool extraction, and respiratory protection for anyone still at risk. Uncontrolled processing is not allowed.

r 529B, r 529C

**3**

### Assess, in writing.

Is it high risk? Weigh matters such as the task, the silica, how often and how long people are exposed, and past monitoring, not the controls or PPE. If you cannot tell, it is taken to be high risk.

r 529CA

**4**

### If high risk: a plan.

A silica risk control plan before it starts; for high risk construction work, a SWMS that meets the plan's requirements serves. Work that departs from it stops immediately or as soon as it is safe to do so, and resumes only in line with it.

r 529CB, r 529CC

**5**

### If high risk: train.

Accredited or regulator-approved silica training for each worker who may process it, or be exposed because of others' processing; the record kept.

r 529CD

**6**

### If high risk: monitor.

Air monitoring, with results over the exposure standard sent to the regulator as soon as reasonably practicable, and within 14 days of the business receiving them, and health monitoring for the workers processing.

r 529CE

## Engineered stone: banned, with narrow exceptions.

Manufacturing, supplying, processing, or installing engineered stone benchtops, panels, or slabs is prohibited, with listed exceptions (r 529D to r 529F). Removing, repairing, making minor modifications to, or disposing of installed engineered stone is allowed only if the processing is controlled, and the regulator is notified.[2]

| The notice | When |
|---|---|
| **First notice** | In writing, in the regulator's form, before the work, describing the work, its type, frequency, and duration. If the business did not know, and could not reasonably have known, that the work involved engineered stone, it notifies as soon as practicable after it finds out (r 529G).[2] |
| **Changes and renewal** | One notice can cover continuing work. A change to what was notified is notified within 30 days (r 529H); work still going 12 months after the last notice is notified again within 30 days after that 12 months ends (r 529I). Each notice is kept for 5 years (r 529J).[2] |

## In NSW and Victoria.

**NSW.** SafeWork NSW says employers must register each worker doing high risk crystalline silica processing within 28 days of the worker starting it, for work on or after 1 October 2025. A subcontractor registers its own workers, and SafeWork NSW recommends the principal contractor confirm with its subcontractors that they have.[19]

**Victoria.** Part 4.5 of its OHS Regulations sets its own rules. High risk crystalline silica work needs a crystalline silica hazard control statement before it starts, which a SWMS can serve (r 319C, r 319L), and engineered stone benchtops, panels, and slabs are banned, with listed exceptions (r 319Y).[5]

08 ON THE DAY

## Falls, live electrical work, and plant beside people.

Three controls the law orders for itself, whatever the SWMS says. Each row says what the law asks, then what we recommend on top.

| Control | What it means on a site | Status and source |
|---|---|---|
| **Falls** | Where a fall from one level to another is reasonably likely to injure, work on the ground or a solid construction so far as is reasonably practicable (r 78). If the risk cannot be eliminated: a fall prevention device, such as edge protection or a working platform; if that is not reasonably practicable, a work positioning system; then fall arrest (r 79). Where fall arrest is used, emergency and rescue procedures for it are set and tested so they work, and the workers who use it, or may start or carry out a rescue, are trained in them (r 80). Our recommendation: confirm the rescue equipment, the access, and the people to carry it out are on site before work starts; a call to 000 is not the whole plan. | LAW r 78, r 79, r 80 [2]<br>GOOD PRACTICE the rescue confirmed before work |
| **Live electrical work** | Electrical work is not carried out on energised equipment except as the Regulations allow (r 154). Before any electrical work, a competent person tests whether the equipment is energised, and each exposed part is treated as energised until isolated and shown not to be; equipment de-energised for the work is not inadvertently re-energised (r 155, r 156). Live work is allowed only on four grounds, such as testing or no reasonable alternative (r 157), after a recorded risk assessment by a competent person and authorisation after consulting whoever controls the workplace (r 158). It is done by a competent person with suitable, tested tools and PPE, under a SWMS, and with a safety observer unless it is only testing assessed as no serious risk (r 161). In Queensland, WorkSafe Queensland points to Queensland's Electrical Safety Regulation 2026 for live work: read it there. [20] Victoria's OHS Regulations have no equivalent of these live-work rules: read Victoria's electrical safety law. [5] Our recommendation: isolation by whoever controls that supply, proved safe, under a permit; and check both the electrician's licence and any contractor licence your state requires of the business. | LAW r 154 to r 158, r 161 [2]<br>GOOD PRACTICE the permit form and the licence checks |
| **Plant, traffic, and the public** | Whoever manages or controls powered mobile plant ensures it does not collide with pedestrians or other powered mobile plant, with a warning device where a collision is possible (r 214, r 215). Objects are kept from falling freely, or their fall is arrested, as by a barrier, a safe way to raise and lower, or an exclusion zone, so far as is reasonably practicable (r 54, r 55). On a construction project, the principal contractor manages the risks of materials, waste, idle plant, and traffic near the site (r 315). A scaffold from which a person or thing could fall more than 4 metres, or a suspended, cantilevered, spur, or hung scaffold, is not used until a competent person has inspected it and confirmed in writing that it is complete; it is inspected again after repairs or an incident, and at least every 30 days (r 225). Our recommendation: plan pedestrian routes, deliveries and reversing, exclusion zones, and route changes as the site changes; for cranes and temporary works, keep the competent person's inspection and handover, not only the operators' tickets. | LAW r 54, r 55, r 214, r 215, r 225, r 315 [2]<br>GOOD PRACTICE the traffic plan and handovers |

08 ON THE DAY

## Three rules for every subcontract.

Put them in the subcontract and the site induction, so nobody has to argue them on the day.

### Anyone can stop the work. Restart takes more.

Our rule: anyone who sees work outside what was planned can stop it. That adds to a worker's right to cease work that would expose them to a serious risk from an immediate or imminent exposure to a hazard (s 84), and a trained health and safety representative's power to direct such work to cease, usually after consulting the business (s 85). For high risk construction work not done to its SWMS, the law requires it stopped immediately or as soon as it is safe to do so (r 300(2)). Our rule for restart: once the hazard is dealt with, the SWMS reviewed, and those affected consulted. [1, 2]

### When the job changes.

Our recommendation: treat a ceiling repair that becomes a strip-out as a new job. Assess it again, review and revise the SWMS (r 302), check for asbestos, and recheck whether it is now a construction project (page 11). [2]

### When the check cannot be done.

Our recommendation: confirm identity and evidence another way, such as a call to the site office; without the evidence, safety-critical work does not start, and a screenshot does not prove today's status. The law adds that a call does not replace the licence check: the business must still see written evidence of the licence, provided by the worker, before high risk work (page 3). [2]



09 WHEN SOMETHING GOES WRONG

# Call first, approve later.

A board falls into the street, or a trench wall slumps. Protect life and call 000 first. Then the regulator hears immediately, by the fastest means, without waiting for anyone's approval.[1]

**A notifiable incident** is a death, a serious injury or illness, or a dangerous incident arising from the conduct of the business or undertaking (section 35). The 2025 model changes add a violent incident (section 37A); Safe Work Australia says these changes "only apply if adopted under local WHS laws".[1, 17]

## The first hour, in order.

Life comes first, and the regulator hears straight after, not when a manager has signed off. Four steps, in the order they happen.

**1 Protect life.**
Call 000, give first aid, and start the rescue the SWMS or permit names.

**2 Make it safe.**
Stop the work and isolate the hazard; then keep the site undisturbed, except to help an injured person or make it safe.

**3 Notify.**
The regulator, immediately after becoming aware, by the fastest possible means, without waiting for internal approval (s 38).

**4 Confirm and keep.**
Check the agreed notifier did notify; keep the reference and the record for at least 5 years.

Section numbers are the model Act's; Victoria's rules are in the chart below.[1, 4]

## Who reports, and when.

| | First | Then | Keep |
|---|---|---|---|
| **Model WHS Act**<br>The business; sections 38 and 39[1] | **Notify the regulator.**<br>Immediately after becoming aware of it, by the fastest possible means. Whoever manages or controls the site preserves it, so far as is reasonably practicable: where the 2025 change is adopted, until an inspector releases it; under the earlier model wording, until an inspector arrives or directs otherwise. | **Written notice.**<br>If the regulator asks for one, within 48 hours of that request, not of the incident (s 38(4)). | **A record.**<br>For at least 5 years from the day the regulator was told. |
| **Victoria**<br>OHS Act 2004 (Vic) ss 38 and 39[4] | **Notify WorkSafe.**<br>The employer or self-employed person with management and control of the workplace where the incident happened, immediately after becoming aware of it; the site is not disturbed until an inspector arrives or directs otherwise, except to protect health or safety or help an injured person (s 39). | **Written record.**<br>Within 48 hours after being required to notify WorkSafe, so without waiting to be asked (s 38(3)). | **A copy.**<br>For at least 5 years. |

Where the 2025 changes are adopted, a work-related suicide or attempted suicide is notified immediately, and a worker's absence of 15 or more consecutive days from a work-related injury or illness within 14 days of becoming aware of it (ss 35A, 35B, 38(1)), and notice is needed only once for the same event (s 38(1A)), so one agreed notice is fine; each business with the duty stays responsible for making sure it is given (s 14). The site may still be disturbed to help an injured person or make it safe (s 39(3)).[1, 17]

09 WHEN SOMETHING GOES WRONG

## Put the route on one card for each site.

Put it in the site office and the induction. Fill in the right-hand column for each site. Our recommendation: test the card once a year, at night, with a subcontractor.

| On the card | What it says | This site |
|---|---|---|
| **Emergency and rescue** | 000, first aiders, the evacuation point, and for a confined space, a trench, or work at height, the rescue the SWMS or permit names, and who runs it | |
| **For responders** | The site's address, the gate to use, who meets them, and any key or code | |
| **Who notifies** | Who decides, their backup, and each subcontractor's notifier; where the 2025 change is adopted, the notifier and the site's controller tell each other at once, so far as is reasonably practicable (s 39A); the incident number, when the regulator was told, and its reference | |
| **Routes and clocks** | The regulator's phone line and online route; what starts each written-notice clock, and its length (page 23); who keeps the site undisturbed | |
| **Confirmed** | Who checks that the agreed notifier did notify, and records the reference; telling a manager is not notifying the regulator | |

10 A WORKED EXAMPLE

# A fit-out with eight trades.

In Sydney, a tenant commissions the fit-out of two floors of an occupied 1990s office tower, under a AU$3.2 million head contract. Strip-out, electrical, mechanical, plumbing, fire, ceilings, cleaning, and security crews work there over 14 weeks. Numbers below are the model's, which the Work Health and Safety Regulation 2025 (NSW) may number differently; in another state, adapt it to that state's law (page 9).

| What is live | Why | What gets checked and kept |
|---|---|---|
| **The principal contractor** | Fitting-out is construction work, and at AU$3.2 million this is a construction project. The tenant commissions it, so it is the principal contractor unless it engages the head contractor as one and authorises it to manage or control the workplace and to discharge the principal contractor's duties (r 289, r 292, r 293). [2] | The appointment in the head contract, with the floors and dates it covers; the WHS management plan, with each trade told about it before starting |
| **The building** | The building's owner and manager still control the lifts, the loading dock, and the plant rooms the crews use, and keep the duty that comes with that control (s 20(2), s 16). [1] The tenant gives the head contractor what it knows about hazards on the floors (r 296). [2] Our recommendation: agree who runs the loading dock and deliveries, the goods lift, the street barriers, and the tenants' exit routes past the works. | Who controls which areas, the dock, lifts, barriers, and exits, in writing; the hazard information given, and when |
| **The ceiling** | A tower of this age may hold asbestos. Before the strip-out, whoever manages or controls the workplace reviews the asbestos register and gives the strip-out contractor a copy before it starts (r 448 to r 450), and ensures asbestos likely to be disturbed is identified and, so far as is reasonably practicable, removed first (r 456). [2] | The register, its review date, who received it, and the identification and removal record |
| **High risk construction work** | Electrical work near live switchboards, work at more than 2 metres from mobile scaffolds, and scissor lifts moving on the floor are each high risk construction work, so each crew has a SWMS before it starts, and the principal contractor takes all reasonable steps to get a copy (r 291(a), (k), (o); page 14). Core drilling the slab for new risers is processing silica: controlled, assessed in writing for high risk, and taken to be high risk if that cannot be determined (page 20). [2] If it is high risk, the drilling subcontractor registers each worker on SafeWork NSW's silica worker register within 28 days of starting, and, as SafeWork NSW recommends, the head contractor confirms it has. [19] | Each SWMS, reviewed against the floor and the crew; the silica assessment, controls, and register confirmation |
| **The gate** | Each worker who does construction work needs general construction induction training, and any high risk work licence the task needs is sighted before the work (page 3). [2] Whether the cleaners and the guard need a card turns on their tasks; SafeWork NSW says people who need one may include anyone who accesses operational construction zones unaccompanied or not directly supervised by an inducted person. [11] A rule that everyone holds one is the site's own policy. The electricians' own state licences are checked too. | The basis for each role's card; white card status and licence evidence for each worker; high risk work licence evidence kept at least 1 year after the work (page 28) |
| **After hours** | Cleaners and a security guard work the floors alone at night. Remote or isolated work needs a system of work with effective communication (r 48). [2] | The check-in plan, and who answers a missed check-in |

On paper, each of these lives in a different folder. Joined up, the head contractor sees on Monday who worked on each floor, what each held, which SWMS were read against the work, and what is still open.

11 THE RECORD

# What to hold for every subcontractor.

Four levels: the company, the worker, the site, and the visit (page 27). Each row says whether the law, a regulator, a contract, or good practice asks for it; numbers are the model's unless named (page 9).

**LAW** Act, Regulations, or Rules **POLICY** policy or contract terms

**REGULATOR** guidance **GOOD PRACTICE** our recommended way; your contract, policy, or the law may still require it

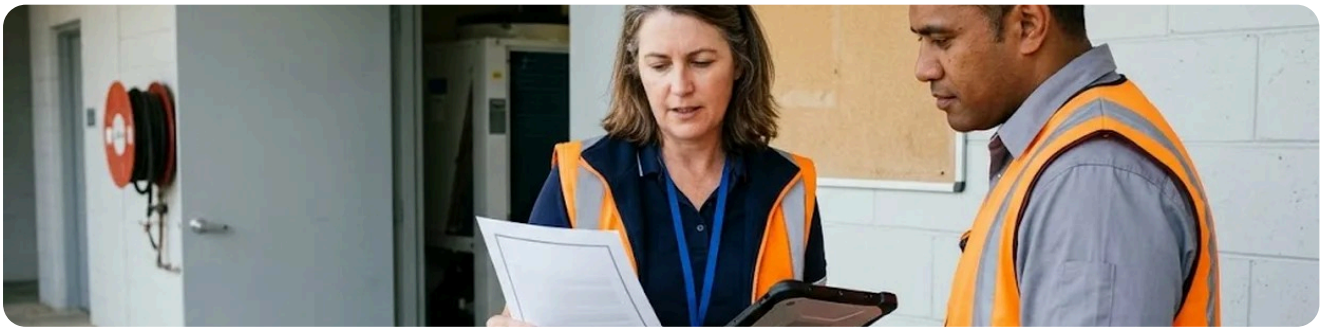
| Level | What to hold | Status and source |
|---|---|---|
| **The company** | The prequalification: its safety record and capability for the trade, its safety system, and how its performance will be monitored | **GOOD PRACTICE** prequalification |
| | Workers compensation: the employing entity, its scheme, the work covered, and its policy or self-insurance, or the reason its scheme needs neither; public liability and any other cover the subcontract asks for, with expiry dates | **POLICY** the subcontract's insurance terms<br>**GOOD PRACTICE** recording the basis and dates; what each scheme requires is not covered in this guide |
| | For Commonwealth-funded building work at or above the thresholds: the head contractor's accreditation | **LAW** FSC Act s 43; Rules r 26; page 18 [13, 14] |
| **The worker** | General construction induction training: the card or, while the card is being issued, a certification issued in the past 60 days; and, if the training was more than 2 years ago, construction work in the past 2 years. In Victoria, a current construction induction card | **LAW** page 18; Vic r 340, r 341 [2, 5] |
| | Written evidence of any high risk work licence, provided by the worker and sighted before the work, and a record kept for at least 1 year after the high risk work; its class and current status checked, and reviewed again on a suspension, an incident, or a change of task | **LAW** r 85(1) and (4) [2]<br>**GOOD PRACTICE** the status check and reviews |
| | Any licence your state requires for the trade, such as an electrical or plumbing licence, and any ticket the task needs | **LAW** your state's licensing law<br>**GOOD PRACTICE** checked by trade and task |
| | The site induction, the site's rules, and the SWMS briefing, in a form and language each worker understands, with a check that they did. An online induction before arrival is the first stage; a site walk and a briefing when conditions change finish it | **LAW** training suited to the work and its risks, r 39; the WHS management plan, r 310 [2]<br>**GOOD PRACTICE** the induction record, the check, and the site walk |

11 THE RECORD, CONTINUED

## The site and the visit.

What the project holds, and what each day adds to the record.

| Level | What to hold | Status and source |
|---|---|---|
| **The site** | On a construction project: the principal contractor named in writing, its signs, and the WHS management plan with every revision | LAW page 11[2]<br>GOOD PRACTICE the appointment in writing |
| | A SWMS for each kind of high risk construction work, received before the work starts; underground services information before digging; the asbestos register reviewed and given before a refurbishment, and asbestos likely to be disturbed identified and, so far as is reasonably practicable, removed first; the written silica assessment and controls, and where processing is high risk the SWMS or plan, training, and monitoring; any engineered stone notice | LAW pages 14, 15, 16, 19, and 20[2]<br>GOOD PRACTICE reading it against the work<br>REGULATOR reviewing a generic SWMS[6] |
| **The visit** | Sign in and out, by site and floor, so you know who is on site and when | GOOD PRACTICE sign-in at the gate |
| | Consultation with the other businesses on site, and with affected workers and any health and safety representative: what was shared, the views raised, and the outcome they were told | LAW s 46, s 47, s 48[1] |
| | Work stopped for not following its SWMS, why, and who agreed the restart | LAW r 300(2)[2]<br>GOOD PRACTICE the record of the restart |
| | Confined space assessments and permits, with the air test results, trench support or geotechnical advice, and the check-ins for anyone alone or after hours, with who answered a missed one | LAW pages 16 and 19[2]<br>GOOD PRACTICE the permit numbers and the log |
| | Scaffold completion and inspection records, the fall-arrest rescue procedure and its test, and the risk assessment for any live electrical work | LAW page 21[2]<br>GOOD PRACTICE the permit and handover forms |
| | Psychosocial risks the crews raised and the controls agreed; notifiable incidents, when the regulator was told, and its reference | LAW page 19; s 38(7)[1, 2]<br>GOOD PRACTICE the controls named |



11 THE RECORD, CONTINUED

## How long to keep each record.

The legal minimums differ by record, and an incident extends several. These are floors, not destruction dates: keep each for the longest of the minimum, your contract, and any hold for an incident or claim.

| Record | Minimum (model WHS laws, unless another law is named) | Kept by |
|---|---|---|
| **High risk work licence evidence** | At least 1 year after the high risk work (r 85(4)) [2] | The business that directed or allowed the work |
| **Safe work method statement** | Until the high risk construction work is completed; at least 2 years after a connected notifiable incident (r 303). In Victoria, for the duration of the work (r 329) [2, 5] | The business doing the work |
| **WHS management plan** | Until the project is completed; at least 2 years after a connected notifiable incident (r 313) [2] | The principal contractor |
| **Confined space assessment and permit** | Assessment: at least 28 days after the work; permit: until the work is completed; each at least 2 years after a connected notifiable incident (r 77) [2] | The business that prepared or issued it |
| **Underground services information** | Available until the excavation work is completed, or at least 2 years after a connected notifiable incident (r 304) [2] | Whoever manages or controls the site |
| **Silica training record** | While the worker does high risk silica processing, and 5 years after they stop working for the business (r 529CD) [2] | Each business training them |
| **Live electrical work: risk assessment and SWMS** | Assessment: at least 28 days after the work; SWMS: until the work is completed; each at least 2 years after a connected notifiable incident (r 162) [2] | The business that prepared it |
| **Air monitoring results** | At least 30 years after the record is made, for silica and any other monitoring under r 50 (r 50(2)) [2] | The business that monitored |
| **Health monitoring reports** | At least 30 years after the report is made, kept confidential (r 378) [2] | The business the worker works for |
| **Engineered stone notice** | 5 years from the day it was given (r 529J) [2] | The business that gave it |
| **Notifiable incident record** | At least 5 years from the day the regulator was told (s 38(7)) [1] | Each business with the duty to notify |

**Linked, not one open file.** Licences and incident records hold personal information about other businesses' workers. Our recommendation: link the records rather than pool them; the gate sees a status, not the document; each team sees what its role needs; access is logged; and do not assume a privacy exemption for your own employees' records covers your subcontractors' workers.



11 CHECKLIST

# Before a subcontractor starts.

Settle the project first: the law that applies, and whether it is a construction project, decide which lines apply. Mark a line that does not apply "N/A" with the reason, name the duty holder and owner, and tick only when you can point to the evidence. Numbers are the model's unless another law is named; in Victoria, read its own OHS Act and Regulations (page 9).

| Check | Applies, or N/A and why | Duty holder and owner | Date and evidence ref. |
|---|---|---|---|
| **Settle the project, once** | | | |
| ☐ We know which WHS law and regulator apply to the site, and whether the work is a construction project, with its total cost under that law. **Law, pages 9 and 11 (whether it is a construction project)** **Good practice (our reading of total cost, page 11)** | | | |
| ☐ If it is a construction project: the principal contractor is named in writing, authorised to manage or control the site and to discharge the principal contractor's duties, with the area and dates. **Law, page 11 (who it is)** **Good practice (in writing)** | | | |
| ☐ If it is a construction project: the WHS management plan is written before work starts, reviewed for this site if it began as a generic plan, and the signs are up. **Law, page 11** **Regulator, the generic plan** pages 11 and 12 | | | |
| ☐ The client, where the rule applies to it, has consulted the designer, taken all reasonable steps to obtain the designer's safety report, and given the principal contractor the hazard information it holds. **Law, rr 294 to 296, page 12** what was given, and when | | | |
| ☐ Affected workers, and any health and safety representative, were given the information, a chance to raise views before decisions, and the outcome; in Victoria, by its own route. **Law, s 47, s 48; Vic s 35, page 6** what was shared, and the outcome | | | |
| **Each subcontractor, at prequalification and subcontract** | | | |
| ☐ The subcontract names the safety requirements, the licences and tickets the trade needs, the SWMS it must supply, and who notifies the regulator, with a backup. **Good practice** the subcontract terms | | | |
| ☐ Its workers compensation basis (the employing entity, the scheme, and the policy, self-insurance, or the reason none is needed), and the public liability and other cover the subcontract asks for, are on file with dates; and so are those of any tier below it. **Policy** the subcontract's insurance terms **Good practice** check your state's scheme, page 18 | | | |
| ☐ If it is Commonwealth-funded building work at or above the thresholds: the head contractor is accredited. **Law, FSC Act s 43** page 18 | | | |

11 CHECKLIST, CONTINUED

# Before the work starts.

Task checks before each piece of work starts. Lines that start "If" apply only to that work; mark the rest "N/A" with the reason.

| | Check | Applies, or N/A and why | Duty holder and owner | Date and evidence ref. |
|---|---|---|---|---|
| | **Before the work starts, each task** | | | |
| ☐ | A SWMS for each kind of high risk construction work is received before the work starts, and read against the site and the crew.<br>**Law, pages 14 and 15** **Regulator, reviewing a generic SWMS** page 15 | | | |
| ☐ | If digging: underground services information is obtained and given to the crew digging, and the services are located and exposed before machines dig near them.<br>**Law, page 16** **Good practice (locating)** | | | |
| ☐ | If refurbishing: the asbestos register is reviewed and given to the business refurbishing, and asbestos likely to be disturbed is identified and, so far as is reasonably practicable, removed first.<br>**Law, page 19** | | | |
| ☐ | If silica will be processed: the high risk assessment is written, and treated as high risk until shown otherwise; if high risk, the plan or SWMS, the training, and the monitoring are in place.<br>**Law, rr 529B to 529CE, page 20**<br>**Regulator, in NSW the worker register** | | | |
| ☐ | If installed engineered stone will be removed, repaired, given minor modifications, or disposed of: the processing is controlled and the regulator notified first (or, where the business did not know and could not reasonably have known it was engineered stone, as soon as practicable after finding out). No benchtops, panels, or slabs are supplied, processed, or installed.<br>**Law, rr 529D to 529G, page 20** the notice | | | |
| ☐ | If fall arrest will be used: the rescue procedure is set and tested, the workers trained in it, and the equipment and people to carry it out are on site.<br>**Law, r 80, page 21** **Good practice (on site)** | | | |
| ☐ | If electrical work: the equipment is tested and isolated before work; any live work meets one of the four grounds, with a recorded risk assessment, a SWMS, and a safety observer where required; licences checked.<br>**Law, page 21; your state's licensing law (licences)**<br>**Good practice (the permit)** | | | |
| ☐ | Plant and the public: plant kept apart from people, falling objects controlled, and any scaffold confirmed complete in writing and inspected.<br>**Law, page 21** **Good practice (the traffic plan)** | | | |
| ☐ | Each worker, of every tier, is inducted to the site in a form and language they understand, with a check that they did, and told about the WHS management plan.<br>**Law, r 39, r 310 (so far as is reasonably practicable)**<br>**Good practice (the induction and the check)** | | | |

11 CHECKLIST, CONTINUED

# At the gate, and on the floor.

The checks at the gate each day, then the controls checked where the work is done.

| | Check | Applies, or N/A and why | Duty holder and owner | Date and evidence ref. |
|---|---|---|---|---|
| | **At the gate, each day** | | | |
| ☐ | Each worker who does construction work holds a white card or, while the card is being issued, a certification under 60 days old, and trained in the past 2 years or has done construction work in that time. Anyone else holds what the site's policy asks, the basis recorded. **Law, page 18** **Policy (the site's card rule)** | | | |
| ☐ | Any high risk work licence, of the right class, current and not suspended, is sighted before the work; everyone is signed in and out. **Law, r 85, page 3** **Good practice (sign-in)** | | | |
| ☐ | Where a check could not be done, the fallback was used, safety-critical work did not start without the evidence, and the decision recorded. **Good practice, page 22** who decided, and why | | | |
| ☐ | A change of scope is reassessed: the SWMS reviewed and revised, asbestos checked, and whether it is now a construction project rechecked. **Law, r 302** **Good practice, page 22** | | | |
| | **On the floor** | | | |
| ☐ | High risk construction work matches its SWMS; work that does not is stopped immediately or as soon as it is safe to do so, and resumes only in line with it. **Law, r 300** the walk, dated | | | |
| ☐ | If trenching: trenches 1.5 m or more deep are secured from unauthorised entry, so far as is reasonably practicable, and every side is supported unless a geotechnical engineer advises in writing, for a stated period, that the sides are safe; shallower digs are assessed too. **Law, r 305, r 306, page 16** | | | |
| ☐ | If a space may be confined: it is checked against the r 5 definition; a confined space is entered only by written permit, after the written assessment, with the risk from connected plant and services eliminated, such as by isolation, so far as is reasonably practicable, and otherwise minimised, a standby person and continuous communication, and rescue set and practised. **Law, page 16** permit numbers | | | |
| ☐ | If a confined space is entered: its atmosphere is tested before entry, monitored where the assessment calls for it, and kept within the limits. **Law, rr 50, 66, 71, 72, page 16** **Good practice (testing with a calibrated detector, results on the permit)** | | | |

11 CHECKLIST, CONTINUED

# On the floor, and after an incident.

The rest of the floor checks, what to confirm after an incident, and the standing checks for the officers.

| Check | Applies, or N/A and why | Duty holder and owner | Date and evidence ref. |
|---|---|---|---|
| **On the floor, continued** | | | |
| ☐ Silica processing is done with the controls assessed; engineered stone work matches its notice. **Law, page 20** the controls used | | | |
| ☐ A worker alone or after hours has a way to call for help that works there, someone watches the check-ins, and a missed one is escalated. **Law, page 19** **Good practice** the check-in plan | | | |
| ☐ Psychosocial risks raised with the crews, and the controls agreed. **Law, page 19** **Good practice** the controls named | | | |
| **If something goes wrong, and standing** | | | |
| ☐ The site's incident card is current (000 and rescue, the responders' route, who notifies and their backup, the regulator's route and clocks), and each subcontractor knows it. **Law, page 23** **Good practice** the card on page 24, reviewed | | | |
| ☐ After an incident, the agreed notifier's notice is confirmed, with the time and the regulator's reference; telling a manager is not notifying the regulator. **Law, page 23** **Good practice** the reference | | | |
| ☐ Officers receive a regular report that verifies the checks happen: overdue actions, and a sample of SWMS checked against the work done. **Good practice; taking reasonable steps to verify is part of an officer's due diligence, s 27(5)(f)** the report, dated | | | |
| ☐ Every action raised by these checks has an owner and a due date, and is closed only when someone has seen that it was done. **Good practice** the action, its owner, and the evidence it closed | | | |

11 TEMPLATE

# The subcontractor chain register.

One row per subcontractor, at every tier: tier 1 is engaged by the head contractor, tier 2 by a tier 1 subcontractor, and so on. The first row is an example. It shows, before anyone reaches the gate, who engaged whom, what high risk construction work they will do, and what each must hold to start.

| Subcontractor and tier | Engaged by | Trade and high risk construction work | SWMS | Cards and licences, by task | Insurance | Who notifies, after hours |
|---|---|---|---|---|---|---|
| *Example: Riverside Scaffolding, tier 1* | *The head contractor, under subcontract 14, from 02/11/2026* | *Mobile and fixed scaffolds; falls over 2 m* | *Received 28/10/2026, read against levels 7 and 8, reviewed after the 09/11/2026 change* | *6 workers, white cards for all 6; the 4 who erect scaffolds hold scaffolding licences, sighted; the 2 labourers do no licensed work. Checked at the gate daily* | *Workers compensation policy and public liability certificate, expiry 30/06/2027* | *Their supervisor tells the site manager at once; where s 38(1A) is adopted, the head contractor gives the one notice and Riverside confirms it was given; otherwise each notifies. No after hours work* |
| | | | | | | |
| | | | | | | |
| | | | | | | |

## How to keep the register true.

A register nobody keeps current is worse than none, because the gate trusts it. Three habits keep it right.

### Start it at the subcontract.

A row is opened when the subcontract is signed, not when the crew turns up, and each subcontractor tells you before it engages a tier below it.

### Review it on any change.

A new tier, a changed scope, a lapsed certificate, or an incident changes the row. Give each row a review date, and keep the site's incident card (page 24) with it.

### Keep it where the gate can see it.

The register is only useful if the gate, the site manager, and the project director can all see it when a crew arrives. Link each worker's tasks to their evidence, not only a count.

12 ONE STANDARD AT EVERY GATE

# The same standard at every gate.

Every check in this guide has to work on the busiest morning of the pour, and on the quietest night of the fit-out.

## Questions to ask about how you manage it today.

1. If a regulator asked who was on level 4 last Tuesday, and what each worker held, how long would the answer take?
2. Do you know every tier on your sites, or only the subcontractors you signed?
3. When a licence or insurance certificate lapses or is suspended, or a white card is cancelled or due for retraining after 2 years without construction work, who finds out before the next shift?
4. For each construction project (AU$250,000 or more under the model Regulations, AU$350,000 in Victoria, and AU$450,000 in South Australia; check your own state's figure), is the principal contractor named in writing?
5. Does someone read every SWMS against the job before the work starts, or is it only filed?
6. Who walks the floor to check the work matches its SWMS, and how often?
7. Have you agreed with every subcontractor who reports to the regulator, and who confirms that they did?
8. How many hours a week do your site teams spend chasing paperwork?

## What to look for in a system.

Seven capabilities that keep these checks working at every gate. A system holds the evidence; it does not prove the controls worked on the day, which is what the walks in this guide are for.

- **One record for the chain.** Every site, subcontractor, and worker on one record, not a folder per subcontractor, with access set by role: an administrator can be limited to the clients assigned to them.
- **Prequalified once.** A subcontractor registers once and uploads its insurances, licences, and safety documents online.
- **Expiry tracked for you.** Reminders and re-approval requests go out on their own before anything runs out.
- **A gate that checks.** A QR code or tablet at the gate, the record checked before anyone signs in, and a live list of who is on site.
- **Inducted before arrival.** The site induction done on the worker's phone before they arrive, as the first stage; the site walk still happens on the day.
- **SWMS reviewed, then permits.** Each SWMS uploaded against its high risk activity and routed for review before a permit can be approved.
- **A record for the audit.** One searchable record per site, with scheduled reports.

START SMALL

### Start with one project.

Take one project, fill in its chain register on page 33, and run the checklist on pages 29 to 32 against its subcontractors. Close the gaps first: worker ready, SWMS read, controls in place. Then ask anyone offering a system to show each point above on your own site.

SOURCES

# Every source, with the date it was read.

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**This guide is general information, not legal advice.** It summarises the model Work Health and Safety Act and Regulations published by Safe Work Australia (as at 5 December 2025), Victoria's Occupational Health and Safety Act 2004 and Regulations 2017, the Commonwealth's WHS Accreditation Scheme, and regulator guidance, as read on the dates above. Each jurisdiction enacts its own WHS law, so text and numbering can differ; the other states' and territories' own laws were not read line by line for this edition, so check yours. It does not cover workers compensation, security of payment, or building licensing law. For a decision about your own projects, sites, and subcontractors, read the law that applies to you and take legal advice. It is a contractor management guide, not a technical manual.

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COMPLYFLOW

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## Happy to talk it through.

If you have questions about anything in this guide, how it applies to your own projects, sites, and subcontractors, or about ComplyFlow, we are happy to have a conversation and help answer them.

### Get in touch.

Tell us what you are working on, and the right person will come back to you.

**Contact Us**

complyflow.com/contact

Keep reading: our page for construction, and the rest of the Contractor Compliance Guides at complyflow.com/ebooks-reports. For owners of roads, railways, and water networks, an Infrastructure Asset Management guide in the same series is on its way.

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