



Australian Government

Department of Education, Employment and Workplace Relations
Office of the Federal Safety Commissioner

Guidance for Australian Government Agencies and Funding Recipients

Applying the Australian Government Building and Construction OHS Accreditation Scheme



Current at 11 March 2010

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Section 1: Introduction

The Australian Government, through its support of the Office of the Federal Safety Commissioner (OFSC), has emphasised the importance of working with industry and government stakeholders to achieve the highest possible occupational health and safety (OHS) standards on Australian building and construction projects.

The OFSC aims to promote and improve OHS within the building and construction industry. Through the administration of the Australian Government Building and Construction Occupational Health and Safety (OHS) Accreditation Scheme (the Scheme), the Government fosters a culture where work must be performed safely, as well as on budget and on time.

1.1 Purpose of the Scheme

The Australian Government uses its influence as a client and provider of capital to encourage cultural and behavioural changes in the industry, which will, in turn, improve OHS. The purpose of this guide is to assist Australian Government agencies and recipients of Australian Government funding to understand their roles and responsibilities in relation to the application of the Scheme.

1.2 Legal authority for the Scheme

The *Building and Construction Industry Improvement Act 2005* (the BCII Act) provides the legislative basis for the establishment of the Federal Safety Commissioner (FSC), the Scheme and the appointment of Federal Safety Officers (FSOs).

Australian Government agencies must contract only with accredited builders for projects which meet the threshold values. Section 35(4) of the BCII Act states:

'The Commonwealth or a Commonwealth authority must not fund building work unless:

(a) contracts for the building work entered into with builders will be entered into with builders who are accredited persons and

(b) at the time of the funding, the Commonwealth or Commonwealth authority, as the case may be, takes appropriate steps to ensure that builders will be accredited persons when they carry out the building work'.

The BCII Act is further supported by the *Building and Construction Industry Improvement (Accreditation Scheme) Regulations 2005* (the Regulations). The Regulations detail the requirements of accreditation under the Scheme. While the term 'builder' is used in the BCII Act, this definition extends to persons undertaking civil construction work.

1.3 What this means for agencies and funding recipients

The Scheme requires that, subject to certain thresholds, **only builders or civil contractors who are accredited under the Scheme can enter into contracts for building work that is funded directly or indirectly by the Australian Government**. This guidance details what is required of agencies and funding recipients to meet their responsibilities under the BCII Act.

Information for Australian Government agencies; directly funded building work	Section 2
Information for Australian Government agencies; indirectly funded building work	Section 3
Information for recipients of Australian Government funding	Section 4

1.4 Who should read this guide?

This document is intended for use by:

- Australian Government employees who are responsible for the procurement of building work on behalf of the Australian Government (see **Section 2**)
- Australian Government employees who are responsible for the delivery and management of Australian Government funding agreements, grants and programs (see **Section 3**)
- Persons who are responsible for the procurement of building work using funding provided by the Australian Government (see **Section 4**).

Section 2: Information for Australian Government agencies for directly funded building work.

2.1 What is directly funded building work?

Projects are considered to be directly funded where an Australian Government agency has responsibility for the project funding and development.

Directly funded building work includes projects where the Australian Government enters into contracts with persons who:

- will carry out the building work; or
- may arrange for building work to be carried out.

This includes building work that the Australian Government facilitates directly by agreement, for example, Build Own Operate (BOO), Build Own Operate Transfer (BOOT), and pre-commitment leases. All pre-commitment leases are covered by the Scheme, and where they are funded by the Australian Government, the direct threshold will apply.

A detailed definition of building work is available in our fact sheet 'Definition of Building Work', available at <http://www.fsc.gov.au/ofsc/Otherinformation/Factsheets/>.

Further information regarding directly funded building work is available in the fact sheet 'Applying the Scheme to directly funded building work', available at <http://www.fsc.gov.au/ofsc/Otherinformation/Factsheets/>.

2.2 What thresholds apply to directly funded building work?

The Scheme requires Australian Government agencies and authorities, as defined by section 35(4) of the BCII Act, to **only use accredited builders** when undertaking directly funded building or construction work where the value of the contract is \$3 million or more (including GST).

It is **important to note** that the Regulations do not distinguish the proportion of funding used for building work. If building work is being carried out under a contract with a value of at least \$3 million, you must engage an accredited builder.

2.3 Applying the Scheme to directly funded building work

There are three basic stages in the direct funding process: pre-construction, construction, and post-construction.

2.3.1 Pre-Construction

At the earliest possible opportunity, agencies should begin factoring the Scheme into their procurement processes. If there is any doubt as to whether a project meets either the Scheme thresholds or the definition of building work, agencies are encouraged to contact the OFSC on 1800 652 500 to seek clarification.

When it has been determined that the Scheme will apply to an upcoming directly funded project, your tender documentation must make accreditation under the Scheme a condition of engagement. A series of Model Clauses are available for use in tender documents, and are available on our website at www.fsc.gov.au/modelclauses.

When selecting a builder, agencies must only enter into a contract with an accredited builder or civil contractor. A non-accredited builder is able to tender for the project, but must be accredited before entering into a contract.

A list of accredited builders or civil contractor is available at www.fsc.gov.au/accreditationregister.

A series of Model Clauses are available for use in contracts under which building work will be carried out, and are available at www.fsc.gov.au/modelclauses.

When signing a contract with an accredited builder, agencies must submit a Contract Notification Form, found on our website, and at **Attachment A**.

If an agency engages a project manager, developer or other party that will not be carrying out the building work themselves, the agency must require that person to engage an accredited builder to carry out the building work. Please refer to the Model Clauses for appropriate clauses for tenders and contracts.

2.3.2 Construction

Though not a requirement of the Scheme, agencies may wish to consider enquiring about OHS performance in all discussions with the builder, and seek participation in site OHS meetings. Through these activities it will be clear to the builder that OHS is important to your agency, putting you in a better position to influence the cultural change needed in the industry.

Throughout the construction stage, the OFSC will perform Project Safety Audits (PSAs) on construction projects to which the Scheme applies. These assess accredited builders against a range of criteria, and measure the effectiveness of the builder's OHS Management System. The OFSC will send you summary reports of any PSAs that take place on your project to keep you informed of the builder's OHS performance. You may wish to discuss the contents of the PSA summary reports with the builder.

2.3.3 Post-Construction

When the project is completed, agencies must complete and submit an end of project OHS report, summarising contractor performance across the period of the project. A template for this report is available at **Attachment B**.

In addition to this one page report, agencies are also required to submit two assessment forms; one assessing the OHS performance of the builder, and another assessing the agency's own performance. These forms are available at **Attachment C** and **D** respectively.

2.4 Checklist

- Include the Scheme in tender documentation
- Include the Scheme in contracts
- Engage an accredited builder or ensure an accredited builder is engaged
- Provide the OFSC with a Contract Notification Form
- Take note of PSA summary reports, and discuss OHS performance with builder if necessary
- Submit an end of project report.

The OFSC also encourages Australian Government agencies to adopt a best practice approach to OHS on their projects. Our publication *The Model Client Framework: Promoting Safe Construction* provides a practical and systematic approach to integrate OHS activities into the management of construction projects. You can download the resource from www.fsc.gov.au/ModelClient.

Section 3: Information for Australian Government agencies for indirectly funded building work

3.1 What is indirectly funded building work?

Projects are considered to be indirectly funded where an Australian Government agency contributes funding to a third party recipient, such as a state government, through an Australian Government funding agreement, grant or other program.

Indirectly funded building work includes projects where the Australian Government provides funding to a third party, who may then contract with a person who:

- will carry out the building work; or
- may arrange for building work to be carried out.

A more detailed definition of building work is available in our 'Definition of Building Work' fact sheet, available at <http://www.fsc.gov.au/ofsc/Otherinformation/Factsheets/>.

Further information is available in the fact sheet 'Applying the Scheme to indirectly funded building work' available at <http://www.fsc.gov.au/ofsc/Otherinformation/Factsheets/>.

3.2 What thresholds apply to indirectly funded building work?

The Scheme applies to projects that are indirectly funded by the Australian Government where:

- the value of the Australian Government contribution to the project is **at least \$5 million** (inc. GST) and represents **at least 50 per cent** of the total construction project value; or
- the Australian Government contribution to a project is **\$10 million** (inc. GST) or more, **irrespective of the proportion** of Australian Government funding.

It is also important to note, that a **second tier threshold** exists for indirectly funded projects, which requires that the contract under which building work is to be carried out has a value of at least **\$3 million** (inc. GST).

3.3 Applying the Scheme to indirectly funded building work

There are two basic stages in the indirect funding process; Funding and construction.

3.3.1 Funding

At the earliest possible opportunity, agencies should begin factoring the Scheme into their funding processes. If there is any doubt as to whether a construction project meets either the Scheme thresholds or the definition of building work, agencies are encouraged to contact the OFSC on 1800 652 500 to seek clarification.

Where the Scheme applies to an indirectly funded project, your funding agreement must make the engagement of an accredited builder a condition of the funding. A series of Model Clauses are available for use in funding agreements, and are available on our website at www.fsc.gov.au/modelclauses.

Australian Government agencies are encouraged to discuss with their funding recipients the Scheme requirements outlined in their funding agreement. Ensuring that funding recipients are aware of their responsibilities under the Scheme is vital to improvements in OHS in the building and construction industry.

Australian Government agencies are also asked to provide the OFSC with the name of a contact person from the funding recipient organisation. This enables the OFSC to provide any further advice and assistance to the funding recipient, and also enables the OFSC to request a Contract Notification Form from the funding recipient.

3.3.2 Construction

Throughout the construction stage, the OFSC will perform Project Safety Audits (PSAs) on construction projects to which the Scheme applies. These assess accredited companies against a range of criteria, and measure the effectiveness of the builder's OHS Management System. The OFSC will send you summary reports of any PSAs that take place on projects that your agency has funded to keep you informed of the builder's OHS performance.

3.4 Checklist

- Include the Scheme in funding agreement
- Alert OFSC to Scheme project
- Provide details of a contact person from the funding recipient organisation
- Take note of PSA summary reports, and discuss with the funding recipient if necessary

The OFSC also encourages Australian Government agencies and funding recipients to adopt a best practice approach to OHS on their projects. Our publication *The Model Client Framework: Promoting Safe Construction* provides a practical and systematic approach to integrate OHS activities into the management of construction projects. You can download the resource from www.fsc.gov.au/Modelclient.

Section 4: Information for recipients of Australian Government funding

When receiving funding for building work from the Australian Government, **you must only engage a builder or civil contractor accredited under the Scheme**, subject to certain conditions and thresholds.

4.1 How to tell which projects are covered by the Scheme?

As a recipient of Australian Government funding, you will need to apply the Scheme to any project indirectly funded by the Australian Government, where your funding agreement requires the engagement of an accredited builder. If there are any doubts as to whether you will need to apply the Scheme to a project, please contact the OFSC Assist line on 1800 652 500.

4.2 What thresholds apply to indirectly funded building work?

The Scheme applies to projects that are indirectly funded by the Australian Government where:

- the value of the Australian Government contribution to the project is **at least \$5 million** (inc. GST) and represents **at least 50 per cent** of the total construction project value; or
- the Australian Government contribution to a project is **\$10 million** (inc. GST) or more, **irrespective of the proportion** of Australian Government funding.

It is also important to note, that a **second tier threshold** exists for indirectly funded projects, which requires that the contract under which building work is to be carried out has a value of at least **\$3 million** (inc. GST).

4.3 Applying the Scheme to indirectly funded building work

There are three basic stages in the funding recipient procurement process: pre-construction, construction, and post-construction.

4.3.1 Pre-Construction

At the earliest possible opportunity, funding recipients should begin factoring the Scheme into their procurement processes. Check your funding agreement for mention of the Scheme, and discuss the implications of this with the Australian Government agency that is funding the building work. Where the Scheme applies to an upcoming indirectly funded project, your tender documentation must make accreditation under the Scheme a condition of engagement. A series of Model Clauses are available for use in tender documents, and are available on our website at www.fsc.gov.au/modelclauses.

When selecting a builder or civil contractor, agencies must only sign a contract with an accredited builder. A non-accredited builder is able to tender for the project, but must be accredited before entering into a contract.

A list of accredited companies is available at www.fsc.gov.au/accreditationregister.

A series of Model Clauses are available for use in contracts under which building work will be carried out, and are available at www.fsc.gov.au/modelclauses.

When signing a contract with an accredited builder, funding recipients are asked to submit a contract declaration form, found on our website, and at **Attachment A**.

If a funding recipient engages a project manager, developer or other party that will not be carrying out the building work themselves, the funding recipient must require that person to engage an accredited builder to carry out the building work. Please refer to the Model Clauses for appropriate clauses for tenders and contracts.

4.3.2 Construction

Though not a requirement of the Scheme, funding recipients may wish to consider enquiring about OHS performance in all discussions with the builder or civil contractor, and seek participation in site OHS meetings. Through these activities it will be clear to the builder that OHS is an important aspect of the project, putting you in a better position to influence the cultural change needed in the industry.

Throughout the construction stage, the OFSC will perform Project Safety Audits (PSAs) on construction projects to which the Scheme applies. These assess accredited companies against a range of criteria, and measure the effectiveness of the builder's OHS Management System. The OFSC will send you summary reports of any PSAs that take place on your project to keep you informed of the builder's OHS performance. You may wish to discuss the contents of the PSA summary reports with the builder.

4.3.3 Post-Construction

When the building project is completed, funding recipients are asked to complete and submit an end of project OHS report, summarising contractor performance across the period of the project. A template for this report is available at **Attachment B**.

In addition to this one page report, funding recipients are also asked to submit two assessment forms; one assessing the OHS performance of the builder, and another assessing the agency's own performance. These forms are available at **Attachment C** and **D** respectively.

4.4 Checklist

- Include the Scheme in tender documentation
- Include the Scheme in contracts
- Engage an accredited builder, or ensure an accredited builder is engaged
- Provide the OFSC with a Contract Notification Form
- Take note of PSA summary reports, and discuss OHS performance with the builder if necessary
- Submit an end of project report.

The OFSC also encourages funding recipients to adopt a best practice approach to OHS on their projects. Our publication *The Model Client Framework: Promoting Safe Construction* provides a practical and systematic approach to integrate OHS activities into the management of construction projects. You can download the resource from www.fsc.gov.au/Modelclient.

Section 5: Additional Information

For further information you can:

- visit the FSC website at fsc.gov.au
- contact the FSC Assist Line on 1800 652 500
- contact the OFSC via email at ofsc@deewr.gov.au

The Model Client Framework

To assist Australian Government agencies (as clients) in driving strong and positive safety cultures through their procurement processes, the OFSC has developed a series of booklets designed to guide agencies into becoming model clients of the building and construction industry.

The Model client framework provides support for integrating safety initiatives into the management of construction projects, and consists of the following five booklets:

1. The Model Client Framework
2. The planning stage
3. The design and procurement stage
4. The construction stage
5. The completion stage.

The Model Client Framework is available on our website at: www.fsc.gov.au/Modelclient

Roles and responsibilities for Australian Government agencies and FAQs

A full explanation of the roles and responsibilities for Australian Government agencies can be found at:

<http://www.fsc.gov.au/ofsc/Forgovernment/Responsibilitiesunderthescheme/>

This site also contains a list of Frequently Asked Questions, which can be found at:

<http://www.fsc.gov.au/ofsc/Frequentlyaskedquestions/Clientrolesandresponsibilites.htm>

The Scheme

For detailed information relating to the Australian Government Building and Construction OHS Accreditation Scheme (the Scheme), please visit the OFSC website:

<http://www.fsc.gov.au/ofsc/Theaccreditationscheme/>

Relevant legislative references

Building and Construction Industry Improvement Act 2005

Building and Construction Industry Improvement Regulations 2005

Building and Construction Industry Improvement (Accreditation Scheme) Regulations 2005

These documents can be accessed from the FSC website at www.fsc.gov.au

The information provided in this publication is intended as general guidance. Australian Government agencies and their funding recipients may wish to seek their own legal advice regarding the application of the Scheme. .

Attachment A – Contract Notification Form

Australian Government Building and Construction OHS Accreditation Scheme Contract Notification Form

Department/Builder/Funding Recipient Name:			
Contact			
Name:			
Phone:		Fax:	
Email:			
Project Manager or Joint Venture consortium [if applicable]	Name of Legal entity		
Accredited Builder			
Legal entity (inc. ACN)			
Builder representative			
Name:			
Position:			
Phone:		Fax:	
Email:			
Contract details			
Contract value			
Funding Federal Agency		Direct or Indirect	
Award Date			
Project details			
Title			
Description			
Location			
Estimated start date			
Estimated end date			

Complete this form and forward to OFSC@deewr.gov.au

Attachment B – End of Project OHS Report Form

Project Information			
Australian Government Agency / Funding Recipient:			
Australian Government / Funding recipient representative:			
Name:			
Phone:		Fax:	
Email:			
Contractor:			
Legal entity: (inc. ACN)			
Date report prepared:			
Project details:			

Complete this form and forward to OFSCReporting@deewr.gov.au

Attachment C – Contractor Assessment Form

The Australian Government agency or funding recipient is requested to rate the contractor on a scale of 0 – 10, where 0 represents zero achievement; 1-3 is poor, 4-6 is satisfactory, 7-9 is good and 10 represents complete achievement.

FSC Principles for improving OHS	
<p>1. Safety culture</p> <p>Have the senior managers of the contractor demonstrated a tangible commitment to OHS throughout the project?</p> <p>Some elements to consider include:</p> <ul style="list-style-type: none"> • did senior management take responsibility for OHS? • were senior managers involved in OHS consultative forums? • were OHS considerations factored into all decisions and at all stages of the project? 	/10
<p>2. OHS commitment</p> <p>During the project, did the contractor strive to develop a cooperative business relationship to ensure that time, cost, quality and other project objectives were balanced appropriately to OHS project objectives?</p> <p>Some elements to consider include:</p> <ul style="list-style-type: none"> • were appropriate time and resources provided to promoting and improving OHS performance? • was recognition given to the likelihood of possible time delays and variations during the project, and to the need to ensure that work was able to be completed safely? • was OHS incorporated into the construction planning, risk assessment and decision making processes? • was there evidence that OHS obligations were understood, planned for and met? 	/10
<p>3. Consultation and communication</p> <p>Did the contractor ensure that effective consultation and communication arrangements were in place so that all stakeholders were aware of OHS considerations and of their responsibilities?</p> <p>Some elements to consider include:</p> <ul style="list-style-type: none"> • was consultation an integral part of the project management process to ensure that OHS issues were identified early and managed effectively? • were all stakeholders and affected groups involved in the relevant decision making processes for OHS issues? • were appropriate expertise, resources, information and time made available to ensure consultation and communication was meaningful? • was hazard information accessible and easily understood by everyone who may have been exposed to the hazards? 	/10
<p>4. OHS Risk Management</p> <p>Did the contractor ensure that a systematic approach was taken to the management of OHS risk and hazards?</p> <p>Some elements to consider include:</p> <ul style="list-style-type: none"> • were you provided with an OHS Project Plan which clearly outlined how OHS was to be managed on the specific project site? • did the contractor have a systematic approach to ensuring that its OHS Project Plan was translated into safe and healthy work procedures and practices? • was a risk managed approach taken to identifying all the likely hazards and ensuring appropriate risk elimination / prevention measures were implemented? • did the contractor ensure that any incidents or system breakdowns were investigated and corrected in an appropriate timeframe? 	/10
<p>5. OHS reporting</p> <p>Did the contractor monitor, report and benchmark OHS at the site and project level to improve and compare OHS performance?</p> <p>Some elements to consider include:</p> <ul style="list-style-type: none"> • were project benchmarks established and regularly reported against? • were the monitoring processes of inspections, audits, testing of work activities, equipment and materials and any health surveillance regularly reported to you, the Australian Government agency? • did the reports include information regarding incidents and systems failure, the identification of contributing factors and actions implemented to prevent recurrence? • was it apparent that the contractor worked constructively with you, the Australian Government agency, to identify OHS improvement opportunities? 	/10

Complete this form and forward to OFSCReporting@deewr.gov.au

Attachment D – Self Assessment Form

The Australian Government agency or funding recipient is requested to rate its self on a scale of 0 – 10, where 0 represents zero achievement; 1-3 is poor, 4-6 is satisfactory, 7-9 is good and 10 represents complete achievement.

Model client characteristics	
<p>1. Leadership and commitment How well have you provided leadership in, and commitment to, OHS during this project?</p> <p>Some elements to consider include:</p> <ul style="list-style-type: none"> ▪ were OHS considerations incorporated into the decision making processes throughout the planning, procurement, construction and evaluation stages of the project? ▪ did you actively enforce the conditions of the contract relating to OHS standards? ▪ did you actively monitor compliance with OHS requirements both within Australian Government agency and by contractors engaged by you? 	/10
<p>2. Planning How well did your planning processes ensure that OHS issues would be addressed?</p> <p>Some elements to consider include:</p> <ul style="list-style-type: none"> ▪ did you have, or are you able to access suitable OHS expertise to assess risks associated with planned projects? ▪ did you ensure that potential tenderers have the capability and track record to manage OHS? ▪ did you clearly define and specified the OHS risks associated with your projects that potential tenderers may have to manage? ▪ have you identified and verified the time and resource implications of managing OHS risks to the standard expected of Australian Government agencies? 	/10
<p>3. Design How well did you incorporate safe design principles at the earliest stage of the project to eliminate risks at the source?</p> <p>Some elements to consider include:</p> <ul style="list-style-type: none"> ▪ did you select design consultants who had a demonstrated capacity to consider OHS risks? ▪ did you require designers to include an assessment of OHS risks that may be encountered in the construction phase and provide design solutions to minimise risks? ▪ did you require designers to include an assessment of risks that may be encountered in the end use and life cycle of a building such as in regular maintenance works? ▪ did you require designers to pass on information to you about risks associated with proposed materials, substances or construction methods? ▪ did you facilitate, where appropriate, the establishment of an integrated project team including designers, contractors and Australian Government agency/ies representatives that considers OHS matters as one element of its agenda, at the earliest stage practicable? 	/10
<p>4. Contract management How well did you implement a cohesive approach to managing OHS during the life of the contract?</p> <p>Some elements to consider include:</p> <ul style="list-style-type: none"> ▪ did your contracts provide clear and specific OHS requirements? ▪ did your contracts set out clear procedures for resolving OHS issues that may arise in the construction process? ▪ did you ensure that the contractor is given whole of project accountability for OHS processes and practices to be followed by all contractors on site? ▪ did you ensure that consultation and communication procedures for contractors, subcontractors and workers had a whole of project focus? ▪ did you respond in a timely manner to OHS issues arising from the requirements defined in the contract and assist contractors to resolve them? 	/10
<p>5. OHS performance measurement How well did you use OHS performance measures to monitor the contract and drive OHS improvements?</p> <p>Some elements to consider include:</p> <ul style="list-style-type: none"> ▪ did you establish meaningful and reliable OHS performance benchmarks to assess contractors against? ▪ did you provide contractors with accurate comparative OHS performance information? ▪ did you ensure Contractor OHS performance measures covered the whole project and include feedback from workers and subcontractors? 	/10
<p>6. Project review and evaluation During the review and evaluation stages of the contract, did you identify further opportunities for OHS improvement that would be able to be implemented on subsequent projects?</p> <p>Some elements to consider include:</p> <ul style="list-style-type: none"> ▪ did you complete regular ongoing and project completion reviews? ▪ did you maintain records of project performance and will you use this information in future projects? ▪ did you seek feedback from the contractor on your performance as an Australian Government agency in respect of OHS and act on any identified weaknesses? 	/10

Complete this form and forward to OFSCReporting@deewr.gov.au