

SMS General Safety Specifications for Contractors

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1 General

1.1 Application

This Safety Specification applies to all contractors who carry out work at Sydney Trains' premises. It does not apply to a Contractor appointed as a Principal Contractor as defined by Clause 293 in the *Work Health and Safety Regulation 2017*.

1.2 Definitions

The following are definitions of terms referenced in this Safety Specification:

Competent person has the meaning given in Chapter 1 – Part 1.1 Clause 5 Definitions of the WHS Regulation.

Contractor means a person, corporation or other entity that carries out work for to Sydney Trains.

Contractor's Personnel means a person engaged by the Contractor as an employee or contractor.

Plant includes any machinery, equipment, or appliance.

PCBU or person conducting a business or undertaking has its meaning as defined in *Section 5* in the *WHS Act 2011*.

Rail Safety National Law means the *Rail Safety National Law (NSW) No. 82a* and the *Rail Safety National Law National Regulations 2012 (NSW)*.

Safe Work Australia means Safe Work Australia as established under section 5 of the *Safe Work Australia Act 2008* of the Commonwealth.

Sydney Trains means Sydney Trains a New South Wales Government Agency constituted under *Transport Administration Act 1988* (ABN 38 284 779 682).

Work means work for Sydney Trains or at Sydney Trains' premises.

Worker has its meaning as defined in *Section 7* in the *WHS Act 2011*.

WHS Act means the Work Health and Safety Act 2011.

WHS Laws means all relevant and applicable laws that includes the WHS Act, WHS Regulations and Codes of Practice (where referenced in the WHS Act or WHS Regulations). In addition, while Standards are not Laws, conforming to a specific Standard will be a mandatory requirement if called up in the WHS Act and Regulations.

WHS Regulation means the *Work Health and Safety Regulation 2017* and any other regulation made under the WHS Act from time to time.

1.3 Comply with laws

The Contractor must comply with and ensure that its workers, sub-contractors and visitors comply with the relevant and applicable WHS Laws.

In the event of any inconsistency between the provisions or requirements of any relevant codes, standards, guidelines, rules, policies and procedures relating to health and safety in the workplace the Contractor must comply with the provision or requirement that produces the higher level of health and safety.

2 Working at Sydney Trains' premises

2.1 Hazard identification and risk assessment

Before carrying out any work the Contractor must carry out a risk assessment, and as a minimum:

- a) identify any foreseeable hazard associated with the premises where work will be carried out by the Contractor and the Contractor's personnel;
- b) identify and assess any risk arising from any hazard identified;
- c) eliminate the risk, or, if it is not reasonably practicable to eliminate the risk, develop measures or procedures to effectively control and minimise the risk; and
- d) prepare a written risk assessment and provide a copy to Sydney Trains.

2.2 Review of risk assessments and control measures

The Contractor must review the risk assessment, and any measures adopted to control the risk, whenever:

- a) there is evidence to suggest that the risk assessment is no longer valid; or
- b) injury or illness results from exposure to a hazard to which the risk assessment relates;
- c) a significant change is proposed in the place of work, the scope of work or in work practices or procedures to which the risk assessment relates; or
- d) Periodically as per *Clause 38* of the *WHS Regulation 2017*.

2.3 Hazard identification and reporting

- a) The Contractor must review the relevant Sydney Trains Workplace Risk Register (if applicable) before commencing work to identify known hazards, risks and controls that are pertinent to the works being undertaken.
- b) The Contractor must have a process for the Contractor's Personnel to identify, report, eliminate hazards or control hazards that cannot be eliminated.
- c) The Contractor must consult with Sydney Trains regarding any hazards or risks identified that cannot be immediately eliminated or controlled by the contractor.

2.4 Consultation

If the Contractor and another person (or persons) (including but not limited to Sydney Trains) have a duty in relation to the same matter under the WHS Act, the Contractor must, in accordance with the WHS Laws, consult, co-operate and co-ordinate activities with the other person (or persons) (including but not limited to Sydney Trains).

2.5 Competence of workers

The Contractor must ensure that the Contractor's Personnel:

- a) has the necessary skills, knowledge, qualifications, training, competence, and experience, and
- b) has appropriate verbal and written language skills and the necessary literacy to carry out the work, including qualifications, certification and competencies required under the WHS Laws and Rail Safety National Law.

2.6 Induction training

Sydney Trains will provide the Contractor's Personnel with specific local workplace induction training.

The Contractor must ensure that the Contractor's workers are provided with local workplace induction training as may be required in addition to any training provided by Sydney Trains before that worker carries out any work.

Any local workplace induction training provided by Sydney Trains does not absolve the Contractor from any of its obligations (including in relation to training and instruction) under this document or the WHS Laws.

2.7 Supervision of workers

The Contractor must ensure that the Contractor's Personnel are adequately supervised by a competent person while carrying out work, there must be effective and adequate supervision of apprentices and trainees

2.8 Safety briefings

The Contractor must ensure that the Contractor's Personnel attend safety briefings ('Toolbox Talk' or pre-work briefing) if required from time to time by Sydney Trains. As a minimum, safety briefings shall be undertaken in work environments that are high risk or where changes that cannot or may not be fully taken into account during pre-work planning may occur.

Any safety briefing provided by Sydney Trains does not absolve the Contractor from any of its obligations (including in relation to training and instruction or risk assessment) under this document or the WHS Laws.

2.9 Personal Protective Equipment (PPE)

The Contractor must ensure that the Contractor's Personnel and visitors of the Contractor:

- a) are provided with, and wear at all times, all necessary and appropriate PPE;
- b) are informed of any limitations of the equipment; and
- c) are provided with the instruction and training necessary to ensure that the equipment controls the risk for which it is provided.

2.10 Authorisation of workers

The Contractor must ensure that each of the Contractor's Personnel who will be carrying out work is authorised (as defined and as may be required by the WHS Act) pursuant to *Part 4* of the *WHS Act 2011* in relation to work of that kind.

2.11 Information, Training, and Information for employees

The Contractor must ensure that the Contractor's Personnel are provided with instruction, training, and information in accordance with the WHS Laws.

2.12 Contractor's licence

a) **Contractor's licence**

Before the Contractor or the Contractor's Personnel carries out any work for which a licence or a high-risk work licence (as referred to in the WHS Regulation) is required, the Contractor must:

- i) ensure that the Contractor (or the Contractor's worker as the case may be) has the requisite licence;
- ii) ensure that the Contractor (or the Contractor's worker as the case may be) has successfully completed general construction induction training and holds a *general construction induction training card*; and
- iii) provide to Sydney Trains satisfactory written (hard copy) evidence of the licences, qualification or permit pursuant to *Clause 85* in the *WHS Regulation 2017*, and if otherwise required.

b) **Contractor's Work Method**

The Contractor must ensure that any work for which a license or a high-risk work licence is required is conducted in accordance with any requirements in the WHS Laws.

2.13 Contractor's conformance to Sydney Trains' permits

a) Definitions

In this clause:

Confined Spaces, electrical work, demolition, asbestos removal, hot works, and permit have the meanings given in Sydney Trains' *Safety Management System, RailSafe Network Rules* and Sydney Trains *Electrical Network Safety Rules*.

b) This clause applies in addition to clause 2.12.

c) Permits

Before carrying out any work in confined spaces, electrical work, demolition, asbestos removal, or hot work the Contractor must provide to Sydney Trains satisfactory evidence of the Contractor's ability to satisfy Sydney Trains requirements to carry out that work.

Where required by the WHS Laws, the Contractor must make the notifications required to the regulator and provide Sydney Trains with evidence of this notification prior to commencing work.

2.14 Contractor's Plant

The Contractor must:

- a) ensure that all Plant complies with the requirements of the WHS Laws, including the requirements of the WHS Regulation, and manufacturer's procedures, specifications, or instructions;
- b) ensure Plant design conforms to relevant standards, including Australian Standards, Sydney Trains Standards and any International, European, or other standards required by Sydney Trains;
- c) ensure that risk assessments and controls are conducted, implemented, and documented in relation to all Plant used by the Contractor and the Contractor's Personnel;
- d) ensure that all Plant (including attachments and accessories) used is properly inspected, maintained, repaired, and cleaned by a competent person;
- e) ensure that any modification to the Plant (including attachments or accessories) are certified by the Original Equipment Manufacturer (OEM) or certified engineer to the required standard prior to use for work;
- f) ensure that all suppliers of Plant comply with their obligations under the WHS Laws and Rail Safety National Law;
- g) ensure that each of the Contractor's Personnel who will be operating Plant:
 - i) hold any licence or certificate necessary to operate the Plant in compliance with the WHS Laws,

- ii) have been provided with adequate information and training in the inspection, use, operation, maintenance, and care of the plant, and
- iii) operate and maintain the plant in accordance with the manufacturer's standards and procedures, and in accordance with any emergency procedures, including plant roll over; and
- iv) are adequately supervised.

2.15 Contractor's Hazardous Chemicals and Dangerous Goods

The Contractor must:

- a) comply with, and ensure that the Contractor's Personnel comply with, the requirements of the:
 - i) Australian Dangerous Goods Code;
 - ii) WHS Laws;
 - iii) Dangerous Goods (Road and Rail Transport) Act 2008 and Regulation 2022;
 - iv) Relevant Australian Standards.

2.16 Management of work fatigue

The Contractor must:

- a) familiarise itself with Sydney Trains' Safety Management System Managing Fatigue and related documents;
- b) ensure that the Contractor's workers are made aware of and understands Sydney Trains', Safety Management System Managing Fatigue and related documents referred to in this system; and
- c) Ensure that the Contractor's workers are made aware of, and understand his or her responsibility, to manage fatigue and present themselves in a fit state for work.

3 Construction Work

3.1 Definitions

In this clause:

construction work, general induction training, general induction training cards, general induction training certification and safe work method statement have the meanings given in the WHS Regulation.

The Guidelines means the [New South Wales Government Work Health and Safety \(WHS\) management Guidelines \(for construction procurement\)](#).

3.2 WHS Management Plan (WHSMP) and WHS Management System (WHSMS)

Before carrying out any work that is construction work the Contractor must, if directed to do so by Sydney Trains, provide to Sydney Trains a WHS Management Plan (WHSMP) for the work (for the contracts valued over \$250k, prepared in accordance with the WHS Laws and the Guidelines. In addition to WHSMP, all Principal Contractors must have certified WHSMS aligned with AS/NZS ISO 45001 or AS4801 for contracts over \$1 Million.

3.3 Safe work method statements

The Contractor must ensure that:

- a) safe work method statements (whether prepared by the Contractor or its sub-contractors) are prepared in accordance with the WHS Laws and the Guidelines and signed by the Contractor,
- b) the work for which a safe work method statement was prepared does not commence until:
 - i) the Contractor has submitted a safe work method statement to Sydney Trains for review
 - ii) the Contractor has obtained Sydney Trains' authorisation for the work to be carried out in accordance with the safe work method statement;
 - iii) each relevant worker reviews the safe work method statement; and
 - iv) each relevant worker signs an acknowledgement that he or she understands and will implement the risk control measures or procedures specified in the safe work method statement.

3.4 General construction induction training

a) General construction induction training

The Contractor must ensure that each worker who will be carrying out work that is construction work has been:

- i) provided with general construction induction training that complies with the WHS Laws including *Part 6.5* of the WHS Regulation;
- ii) issued with a statement of general construction induction training by the person who provided the training; and
- iii) issued with a general construction induction training card [previously known as 'White Card']], carries the card at all times while carrying out the work and produces the card for inspection immediately upon request by an inspector or by Sydney Trains.

b) Work activity based health and safety induction training

The Contractor must ensure that each worker who will be carrying out work that is construction work has been provided with information, training and instruction that complies with the WHS Regulation, including *Division 1 of Part 3.2*, and relates to the construction work to be carried out.

c) Site-specific health and safety induction training

Sydney Trains will provide each of the Contractor's workers who will be carrying out work that is construction work at Sydney Trains' premises with site- specific health and safety induction training.

4 Rail Safety Work

4.1 Definitions

In this clause:

rail safety officer, **rail safety worker** and **rail safety work** have the meanings given in the Rail Safety National Law.

drug, **prescribed concentration of alcohol** and **testing officer** have the meanings given in the RS Regulations.

Authorised Health Professional and **Risk Category** have the meanings given in the National Transport Commission of Australia's *National Standard for Health Assessment of Rail Safety Workers*.

Danger Zone, Protection Officer, Qualified Worker, Rail Corridor, and safe place have the meanings given in the Sydney Trains *RailSafe Network Rules*.

Registered Training Organisation means a registered training organisation that can provide training and assessment of nationally recognised training and must meet the current Australian Qualification Framework (AQF) standards.

4.2 Requirements

a) Health and fitness of workers

The Contractor must ensure that each worker who will be carrying out work that is rail safety work receives the appropriate level of health assessment specified in the National Transport Commission of Australia's *National Standard for Health Assessment of Rail Safety Workers (the Standard)*.

b) Certification of workers

The Contractor must ensure that each worker who will be carrying out work that is rail safety work:

- i) has the competence to carry out that work;
- ii) carries a form of identification which identifies the worker and the type of competence and training the worker has received for that work; and
- iii) produce that identification if requested by Sydney Trains or a rail safety officer to do so.

Sydney Trains may require that the competencies of the Contractor's workers be assessed (at the Contractor's cost) at a Sydney Trains training facility. If so, Sydney Trains will issue a Sydney Trains *Rail Safety Worker Card* to those of the Contractor's workers assessed by Sydney Trains as having the requisite competency.

c) Alcohol and other drugs

The Contractor must ensure that each worker:

- i) understands and complies with the relevant and applicable requirements of the Rail Safety Regulations relating to alcohol and other drugs;
- ii) must not have any detectable amount of drugs and/or alcohol in their system while at work. Sydney Trains uses the Australian/New Zealand Standards 3547, 4308 and 4760 (AS/NZS 3547, AS/NZS 4308, AS/NZS 4760) for the detection and quantitation of alcohol and/or drugs in urine and/or oral fluid samples to define and establish presence;
- iii) does not, while carrying out or attempting to carry out work, consume or use alcohol or any other drug unless the drug was prescribed by a medical practitioner and will not affect his or her ability to carry out railway safety work; and
- iv) agrees to undergo a breath test or breath analysis, submit to a sobriety assessment, or provide a urine or oral fluid sample, if required to do so by Sydney Trains or an authorized person such as a Testing Officer or Police Officer.

d) Fatigue

The Contractor must ensure that each worker:

- i) understands and complies with the relevant and applicable requirements of the Rail Safety Regulations relating to fatigue; and
- ii) is not impaired by fatigue, when about to carry out, when carrying out or when on duty for the purpose of carrying out (whether carrying out) work including rail safety work.

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4.3 Working in the Rail Corridor

a) RailSafe Network Rules and Procedures

When carrying out work in the Rail Corridor the Contractor must comply with, and must ensure that its workers and visitors comply with:

- i) the RailSafe Network Rules; and
- ii) the RailSafe Network Procedures.

b) Rail Industry Safety Induction training

The Contractor must, before Sydney Trains will provide the Contractor (or its workers) with access to the Rail Corridor, provide to Sydney Trains satisfactory evidence that each worker has been provided with Sydney Trains issued Rail Industry Safety Induction (RISI), Rail Industry Worker (RIW) or Rail Safety Worker (RSW) card.

c) Work-site protection

When carrying out work in the Rail Corridor the Contractor must comply with and must ensure that each of its workers complies with, any direction that may be given by a Protection Officer or work-site supervisor.

5 Notifications and Reports

5.1 Definitions

In this clause:

incident means an event, either accidental or deliberate, that might result in death or injury, or damage to property, which requires a particular response from Sydney Trains and external organisations or agencies in accordance with Sydney Trains' Safety Management System.

notifiable occurrence has the meaning given in the Rail Safety Regulations.

notifiable incident has the meaning given in the *WHS Act*.

5.2 Notification

The Contractor must:

- a) immediately notify Rail Operations Centre (ROC) on telephone (02) 9379 1743 of incidents involving customers, the general public or workers; and
- b) promptly notify Sydney Trains of the occurrence of:
 - i) any incident (whether the occurrence of the incident is required to be notified to SafeWork NSW); or
 - ii) a notifiable occurrence; or
 - iii) a notifiable incident.
- c) no later than 24 hours after an incident or occurrence referred to above, prepare and give to Sydney Trains a written report setting out details of the nature, cause and effect of the incident or occurrence and any other details that Sydney Trains may request, and
- d) if required to give notice of any occurrence to SafeWork NSW or any other authority, give to Sydney Trains a copy of that notice at the same time, and
- e) promptly give to Sydney Trains a copy of any notice received from or any penalty imposed by SafeWork NSW.

5.3 Notifiable occurrences

A notifiable occurrence is defined under *Section 4* of the RSNL as an accident or incident associated with railway operations that:

- a) has, or could have, caused significant property damage, serious injury or death; or
- b) is, or is of a class that is, prescribed in *Clause 57* (and Schedule 1A) of the *Rail Safety National Law National Regulations 2012* (the Regulations), which sets out the class (type) of notifiable occurrences that must be reported as Category A, B or C occurrences.

Refer to [ONRSR Guideline - Notifiable Occurrence Reporting Requirements](#) for more information.

5.4 Contractor's WHS Performance Reports

The Contractor must complete and give to Sydney Trains the Contractor's WHS Performance Report at Appendix 1:

- a) calendar monthly; and
- b) on completion of all work; and
- c) on expiration of any warranty or defects liability period.

The Contractor's WHS Performance Reports must be given to Sydney Trains no later than seven days after the end of the period the subject of the report.

6 Failure to comply

6.1 Definitions

In this clause:

serious non-compliance includes:

- a) refusing or failing to undergo an alcohol or drug test (whether by the Contractor or any of its workers);
- b) failing an alcohol or drug test (whether by the Contractor or any of its workers);
- c) failing to provide satisfactory evidence of an induction training certificate;
- d) failing to provide satisfactory evidence of Sydney Trains issued RISI or RSW training;
- e) failing to provide satisfactory competency identification where required by the WHS and Rail Safety Legislation;
- f) failing to provide satisfactory evidence of a recognised qualification;
- g) failing to provide satisfactory evidence of a required licence or permit; and
- h) carrying out work in a reckless and dangerous manner.

6.2 Sydney Trains' rights

If Sydney Trains is of the opinion that the Contractor or any of the Contractor's Personnel have not complied, or are not complying, with any health and safety obligation in this document or the WHS Laws, then Sydney Trains may:

- a) direct the Contractor to immediately comply, or ensure the worker immediately complies, with the obligation;
- b) if it is of the opinion there is a risk to the health, welfare, and safety of a person because of the non-compliance, direct the Contractor to immediately suspend carrying out all or any part of the work

until such time as the Contractor or the worker has complied, or is complying, with the obligation and Sydney Trains has given the Contractor written permission to resume carrying out the work; and

- c) if it considers the worker's non-compliance to be a serious non-compliance:
- i) direct the Contractor to immediately remove the worker from Sydney Trains' Premises and not permit the worker to return to the Premises without Sydney Trains' written permission; and
 - ii) have regard to the worker's non-compliance in determining whether the worker is competent under the Rail Safety Act.

If Sydney Trains directs the Contractor to suspend carrying out all or any part of the work under this clause, the Contractor shall not be entitled to make any claim for payment, and Sydney Trains shall not be liable to make any payment to the Contractor, until such time as the Contractor or the employee has complied, or is complying, with the obligation and Sydney Trains has given the Contractor written permission to resume carrying out the work.

7 Document Control

Custodian: Senior Manager Safety Management System

Approver: Dir Network Standards, Systems & Quality

8 Version History

| Version No. | Issue Date | Change Notes |
|-------------|------------|---|
| 1.0 | 14/12/2023 | Transfer of Custodianship from Procurement to Network Standards, Systems and Quality (NSSQ). Resulted in a review of the document in consultation with identified key stakeholders. |
| | | |
| | | |

9 Appendices

1.1 Appendix 1-Contractor's WHS Performance report

| | | | |
|----------------------|--|-----------------|---|
| Contractor: | | Report period: | Monthly / Completion / Expiry of defects liability period |
| | | Report dates: | |
| Contract number: | | Prepared by: | |
| Site or workplace: | | Position: | |
| Description of work: | | Telephone: | |
| | | Date of report: | |

Performance Indicators

| Indicator | Current Month | Total | Monthly Average |
|--|---------------|-------|-----------------|
| Number of lost time injuries: | | | |
| Number of hours worked: | | | |
| Number of days lost due to injury: | | | |
| Average number of employees: | | | |
| Number of medical treatments: | | | |
| Number of near misses: | | | |
| Number of positive drug / alcohol tests: | | | |

Incident Summary – Personal injury and property damage (include additional pages if required)

| Incident Date | Name/Property | Injury/Damage | Cause |
|---------------|---------------|---------------|-------|
| | | | |
| | | | |

Comments on WHS audits and inspections (include additional pages if required)

| | | | |
|--|--|---|--|
| Number of WHS audits and inspections conducted on behalf of Sydney Trains: | | Number of WHS audits and inspections conducted by the Contractor: | |
|--|--|---|--|

SafeWork activities and inspections (include additional pages if required)

(Visits to site, notices served, fines imposed etc.)

Comments on WHS performance (include additional pages if required)

Contractor's Representative: _____ Signature: _____ Date: _____

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