

Working on Department of Education (DoE) Facilities

Please note: important update:

The Department introduced changes to asbestos management from the commencement of Term 4 2023 (3 October 2023). These changes affect the responsibilities of service providers carrying out work on departmental facilities.

March 2023 version is no longer available.

A summary of changes to the Working on DoE Facilities document can be found [here](#).

1. Definitions

- 1.1 If a term used in these Conditions has a specific meaning in a Contract, then the term will have that same meaning for the purpose of applying these Conditions to the Contract, unless the context otherwise requires.
- 1.2 In these Conditions:

Term	Definition
Asbestos	The same meaning as in Part 1 of Schedule 1 of the WHS Act.
Asbestos Codes of Practice	The How to Manage and Control Asbestos in the Workplace Code of Practice 2021 and the How to Safely Remove Asbestos Code of Practice 2021 made under the Work Health and Safety Act 2011 .
ACM	Asbestos containing material.
Asbestos incident	An incident that directly affects, or has the potential to directly affect the health of a facility community member or member of the public during the facility's business operations, for example, potential exposure to asbestos created as a result of a service provider accidentally damaging an asbestos containing school hallway during school operations.
Asbestos in soils discovery event	An event in which suspected ACM is discovered in soil during works.
Asbestos Management Plan for DoE Facilities	The document with that title, available at https://education.qld.gov.au/about-us/reporting-data-research/reporting/asbestos-management/policy-and-procedures .
Asbestos Register	The register contained in BEMIR that identifies the assumed or confirmed presence of asbestos within buildings and grounds as well as components of the buildings and grounds that have been removed. The Asbestos Register details the location, physical state and BEMIR score for assumed or confirmed ACM.
HEPA	Refers to a High Efficiency Particulate Air filter as defined in AS4260 High efficiency particulate air (HEPA) filters - Classification, construction and performance and should be fitted to a H or M class industrial vacuum cleaner that complies with the requirements in AS/NZS60335.2.69 <i>Household and similar electrical appliances</i> .
BEMIR	The acronym for the Built Environment Materials Information Register, which is an electronic environmental management system maintained by Department of Energy and Public Works to assist Queensland government agencies with the management of environmentally significant matters within government-controlled buildings.

Term	Definition
Conditions	This document entitled <i>Working on DoE Facilities</i> .
Contract	A contract or arrangement under which a Contractor performs, or is authorised to perform, Work on a DoE Facility and that incorporates these Conditions by reference.
Contractor	The person or entity carrying out the Work in accordance with a Contract.
Construction work	Any work carried out in connection with the construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a structure.
Date of Practical Completion	The date the certificate of practical completion is issued for the Works under the Contract (if applicable) or the date the Contractor notifies DoE that the Works have been completed.
Departmental asbestos in soils discovery event	An Asbestos in soils discovery event for which a safe work method statement for the discovery of asbestos while using powered mobile plant or hand-held powered plant was not in place and the event has impacted or potentially impacted the safety of the facility community during the facility's business operations.
DoE	The State of Queensland through the Department of Education.
DoE Facility	Any building or premises owned, leased, operated or maintained by DoE, including State Schools, Outdoor Education Centres, Environmental Education Centres and regional/central offices.
Facility community	Persons who frequent and use a facility for its usual operations. The community includes staff, students and visiting parents and carers.
High risk construction work	Any work cited in section 291 of the Work Health and Safety Regulation 2011 (WHS Regulation).
Low density asbestos fibre board (LDB)	Is a lightly compressed board which looks similar to asbestos cement sheeting or plasterboard. It is different because it can be easily bent by hand or dented by soft pressure. It is also sometimes referred to as asbestos insulating board. LDB contains up to 70 percent by volume of asbestos fibres and is generally composed of amosite (brown asbestos) and chrysotile (white asbestos) in a calcium silicate plaster.
Officer in Charge	The person accountable for facility management at a DoE Facility, for example, the Principal of a school (formerly known as Building Manager).
Officer in Charge Delegate	A person formally delegated to assist an Officer in Charge exercise certain asbestos management responsibilities at a DoE Facility.

Term	Definition
Personnel	The Contractor's employees, officers, agents and sub-contractors (including any sub- contractors of those sub-contractors).
Project works	Works aimed at achieving a specific build improvement to departmental facilities through a planned approach. Projects may be of a 'minor' or 'capital' nature.
Superintendent	The person nominated by DoE to exercise the functions of the superintendent, or otherwise act as its representative, under the Contract. The Superintendent may appoint a representative to exercise any of their powers, duties, discretions and authorities.
Work	The building work to be undertaken by the Contractor on the DoE Facility in accordance with the Contract.
WAAP	Work area access permit, which is a written authorisation signed by the Contractor and the Officer in Charge or Officer in Charge Delegate granting conditional access to a specific work area in a DoE Facility for the purpose of carrying out building-related work that may or may not potentially disturb ACM.
WHS Act	<u>Work Health Safety Act 2011.</u>
WHS Regulation	<u>Work Health and Safety Regulation 2011.</u>
WWC Act	<u>Working with Children (Risk Management and Screening) Act 2000.</u>

Table 1: Terms and Definitions in relation to DoE facilities.

2. Application of Conditions

2.1 These Conditions

- (a) form part of each Contract and the Contractor must comply with them at all times; and
- (b) will prevail to the extent of any inconsistency between the documents that form part of the Contract.

3. Conduct of Personnel

3.1 The Contractor is responsible for the conduct of Personnel and must ensure that Personnel:

- (a) are aware of these Conditions and comply with them; and
- (b) do not access DoE facilities without prior arrangement with the Officer in Charge or Officer in Charge Delegate.

3.2 The Contractor must immediately remove Personnel from a DoE Facility upon receiving a written direction from the Officer in Charge, Officer in Charge Delegate or the Superintendent. The Officer in Charge, Officer in Charge Delegate or the Superintendent may issue such a direction if, in their reasonable opinion, the person is not acting in accordance with these Conditions or the person's work performance or conduct may cause a workplace health and safety concern, including where they have demonstrated incompetence or negligence.

4. General Requirements

- 4.1** The Contractor must ensure that, while Personnel are on DoE facilities, they:
- (a) are easily identifiable as contractors, employees or officers of the Contractor by wearing a standard uniform with a company logo and identification badges that are clearly visible;
 - (b) conduct themselves in a professional manner at all times;
 - (c) comply with the DoE Facility's workplace, health and safety requirements and any other reasonable instructions issued from time to time by the Officer in Charge or Officer in Charge Delegates;
 - (d) have ongoing access to the section of the asbestos register relevant to the work being conducted;
 - (e) be suitably attired with bodies (other than head and limbs) fully covered (clothing with inappropriate slogans is not permitted within a DoE Facility);
 - (f) keep noise and dust to a minimum at all times, complying with all government and local authority requirements concerning noise levels;
 - (g) regularly remove all rubbish;
 - (h) do not use any DoE equipment or facilities (i.e. telephones, fax machines, photocopiers, electrical supply or rubbish removal facilities) without the prior written approval of the Officer in Charge or Officer in Charge Delegates;
 - (i) do not enter or use any student toilets at a DoE Facility (unless the Work is being conducted in the student toilets);
 - (j) do not use non-student toilets without the written permission of the Officer in Charge or Officer in Charge Delegates (unless the Work is being conducted in the toilets);
 - (k) do not enter into any interactions with students, even if the student is known by or is related to the Contractor or the Personnel, except for the purposes of giving a direction to ensure the safety of students;
 - (l) do not use foul or obscene language within audible range of a DoE Facility;
 - (m) do not use cigarettes, vapes or consume alcohol or illegal drugs at a DoE Facility and are not affected by alcohol or drugs while at a DoE Facility;
 - (n) do not bring dogs, other pets, radios or unnecessary vehicles onto a DoE Facility;
 - (o) maintain good housekeeping practices, including:
 - (i) keep work areas clean and tidy at all times and prevent construction litter from entering DoE Facilities - Contractors are responsible for their own cleaning;
 - (ii) not running exposed leads along walkways where they can cause a trip hazard;
 - (iii) have designated storage/laydown areas and waste collection receptacles;
 - (iv) ensure waste is regularly taken off site and daily site cleans are conducted (no sweeping of dust, vacuum only to be used);
 - (v) not leaving tools unattended;
 - (vi) leave the site/work area in a safe condition at the end of each day, so as not to pose a hazard to other workers, students, staff or visitors;
 - (p) do not disrupt the normal day-to-day running of the DoE Facility, without the approval of

the Officer in Charge or Officer in Charge Delegate.

- 4.2** The Contractor is responsible, at its own cost, for ensuring Personnel performing the Work are appropriately trained, inducted and informed of the requirements of the Contract and these Conditions.

5. Site Security

- 5.1** The term 'construction work' is defined in Section 289 of the WHS Regulation. All construction work undertaken on DoE facilities must be either:

- (a) fenced with a minimum of 1.8m high rigid safety fencing with mesh screening affixed (to prevent unauthorised access), all fencing must be secured to existing structures by sufficient means (i.e. high tensile galvanized tie wire), the existing structure must be structurally able to withstand any loads from the temporary fencing (or environmental factors such as increased wind resistance), and where fences come together with other structures no gaps can be present at the ends (to prevent persons from accessing between the joins), or
- (b) where fencing is not practical (e.g. individual floors in teaching blocks) the work area will be isolated to prevent unauthorized access (isolation controls could include, but are not limited to, standby person(s), locked gates, barriers and signage or a combination of isolation controls).

- 5.2** For all other work that does not meet the definition of 'construction work,' contractors must assess the risks associated with unauthorised access to the work area to identify the appropriate level of site security required. Consideration must be given to the likelihood of this occurring and to ensure appropriate control measures are put in place to mitigate any risk to students, staff and visitors.

6. Blue card requirements

- 6.1** The Contractor is responsible for ensuring that relevant Personnel hold current blue cards issued by the Public Safety Business Agency in accordance with the *Working with Children (Risk Management and Screening) Act 2000* (Qld) (WWC Act). Information on blue card requirements can be found at <http://www.bluecard.qld.gov.au>.

- 6.2** Blue card requirements for a Contractor entering a school site differ depending upon the regulated employment category, as prescribed by the WWC Act. Within the WWC Act, the school site falls under three categories. Schools – employees other than teachers and parents; Schools – boarding facilities; Education and care services (ECS) and similar employment (Outside School Hours Care (OSHC) services and Kindergartens)

(i) Schools - employees other than teachers and parents – whether a Contractor requires a blue card at a school site in this category depends upon the type of work being performed by the contractor and whether the Contractor meets the frequency test (likely to work more than 7 days in a calendar year). A Contractor who undertakes maintenance, construction or trade related work at a school site does not need a blue card and the frequency test does not apply. A contractor who undertakes work with the usual function of:

- (a) Providing services at a school that are directed mainly towards children; or
- (b) Conducting activities at a school that mainly involve children, does need a blue card, subject to the Contractor meeting the frequency test.

- (i) Schools – boarding facilities – If work by the Contractor is being undertaken at a residential boarding facility, in excess of the frequency test, a blue card is required. If work is being undertaken away from the boarding facility, but still within the school grounds, the requirements of the school category 6.2 (i) apply.
- (ii) Education and care services (ECS) and similar – whether a Contractor requires a blue card at a school site in this category depends upon whether the work to be performed is within the boundaries of the ECS while the ECS is operating. The blue card requirements under this category are based upon the environment the work is being performed in and the frequency test. The type of work being undertaken by the Contractor is irrelevant. If the work is to be undertaken within the boundaries of an ECS while the ECS is operating, a blue card is required, subject to the Contractor meeting the frequency test, regardless of the type of work. If the work is being undertaken within the boundaries of the ECS and it is not operating, 6.2 (i) applies. If the work is being undertaken outside the boundaries of the ECS, whether the ECS is operating or otherwise, 6.2(i) applies.

[The contractor flow chart](#) can be used to help make scenario-based decisions in relation to blue cards.

7. DoE Standing Offer Arrangements and Preferred Supplier Arrangements

- 7.1 The Contractor may discuss options with the Officer in Charge or Officer in Charge Delegates with regard to utilising DoE standing offer arrangements and preferred supplier arrangements when the Contractor procures goods and services for the purpose of carrying out the Work.

8. Compliance with laws and policies

- 8.1 The Contractor must comply with, and meet any obligations imposed by all applicable laws, regulations, standards, policies and codes of practice when undertaking the Work, including those in relation to:
 - (a) the Code of Practice for the Building and Construction Industry (Queensland Code);
 - (b) licensing and certification, including:
 - (i) for building work as defined by the *Queensland Building and Construction Commission Act 1991* – have and maintain a current licence for the building work issued by the Queensland Building and Construction Commission;
 - (ii) for electrical work – have and maintain a current Electrical Contractor’s Licence to undertake all electrical work as required by the *Electrical Safety Act 2002* (Qld) and *Electrical Safety Regulation 2013* (Qld);
 - (iii) for friable or loose asbestos removal work in any quantity or removal of asbestos containing dust or debris associated with such removal – only carried out by the holder of a current A class asbestos removal licence, as issued by Workplace Health and Safety Queensland;
 - (iv) for removing non-friable asbestos (such as asbestos cement sheeting) of more than 10 square metres or removal of asbestos containing dust or debris associated with such removal – only carried out by the holder of a current B class asbestos removal licence issued by Workplace Health and Safety Queensland; and

- (v) for construction work as defined under the WHS Act – Personnel carrying out the Work must possess a General Construction Induction Training Card;
- (c) workplace health and safety, including:
 - (i) WHS Act 2011 (Qld) and the *WHS Regulation 2011 (Qld)*;
 - (ii) *Electricity Act 1994 (Qld)*, *Electrical Safety Act 2002 (Qld)* and the *Electrical Safety Regulation 2013 (Qld)*; and
 - (iii) *Worker's Compensation and Rehabilitation Act 2003 (Qld)*;
- (d) environmental management, including the *Environmental Protection Act 1994 (Qld)* and any regulations or policies made under it;
- (e) asbestos management, including:
 - (i) [*How to safely remove asbestos Code of Practice 2021*](#);
 - (ii) [*How to manage and control asbestos in the workplace Code of Practice 2021*](#);
 - (iii) all applicable Queensland Government codes, policy and guidelines relating to asbestos; and
 - (iv) all applicable Australian or international standards relevant to Asbestos and the Works.
- (f) mobile plant management:
 - (i) [*Managing the risks of plant in the workplace Code of Practice 2021*](#).

9. Work health and safety

- 9.1** The Contractor must allow DoE to inspect, audit and review the Contractor's work health and safety system and documentation upon written request and take copies of such documentation as DoE requires.
- 9.2** The Contractor must ensure that Personnel who carry out Work at a DoE facility:
- a) are adequately trained, hold all necessary licences, certificates and permits and have the necessary competency to undertake the Work;
 - b) comply with the Contractor's lawful workplace health and safety procedures; and
 - c) take immediate action to remedy any breach of site safety at a DoE Facility.
- 9.3** In addition to the requirements of 9.2 above, the Contractor must ensure that Personnel who carry out Asbestos related work (as defined in Schedule 19 of the WHS Regulation) at a DoE Facility satisfy the requirements set out in Attachment A.
- 9.4** The Contractor must consult and coordinate with other work health and safety duty holders on safety aspects, including asbestos removal or asbestos related work, that may impact on the other duty holders.
- 9.5** The remedy of site safety breaches that arise from the Contractor's breach of the Contract, these Conditions or any legislative requirement will not give rise to any right for the Contractor to request an extension of time to perform the Work or claim any reimbursement from DoE in respect of the remedial action. DoE will not pay the Contractor for any work undertaken by the Contractor to remedy the breach.

- 9.6** The Contractor must verbally notify the Officer in Charge or Officer in Charge Delegate and Superintendent of all injuries, near miss, dangerous events and Asbestos incidents, which occur at a DoE Facility, as soon as possible, but not later than the end of the day/shift.
- 9.7** The Contractor will inform the Regulator of notifiable incidents in accordance with their legislative responsibilities and advise the Officer in Charge or Officer in Charge Delegate and Superintendent (including reference number immediately after notification).
- 9.8** The Contractor must provide a written investigation report within five business days of the event occurring.
- 9.9** The Contractor will develop and implement corrective and preventative actions to prevent recurrence and periodically report on action status to the Officer in Charge, Officer in Charge Delegate or Superintendent.
- 9.10** The Contractor will provide to the person responsible for the service provider copies of any Notice (issued by an Inspector or Regulator) under the WHS Act (Qld) or Electrical Safety Act (Qld) including, but not limited to, improvement notices, prohibition notices, electrical safety protection notices and any other correspondence issued by any Inspector or Regulator received in relation to Works undertaken on DoE facilities within 24 hours. The Contractor must consult and coordinate with the Officer in Charge or Officer in Charge Delegate and Superintendent, so far as is reasonably practicable, on the response to any notices received that relate to:
- i. matters that impact or have the potential to impact the ongoing operations of a DoE Facility;
 - ii. work health and safety risks to persons other than the Contractor's personnel (for example, DoE Facility staff or the personnel of other Contractors).

10. Environmental management

- 10.1** The Contractor must comply with all applicable environmental legislation, regulations, standards, policies, codes of practice and licences when undertaking works at DoE Facilities. These may include, but are not limited to the following:
- a) [Environmental Protection Act 1994 \(Qld\)](#);
 - b) Any regulations or policies made under or pursuant to the *Environmental Protection Act 1994 (Qld)*

10.2 Before commencing the work, the Contractor must assess the potential for environmental impacts to determine the development of a project or site specific environmental risk assessment and document this in their project or site specific management plan (this may be a mandatory requirement according to local/state regulations). Developed environmental risk assessments must be provided to the Officer in Charge, Officer in Charge Delegate or Superintendent.

11. Biosecurity

- 11.1** If the Contractor performs any part of the Work within, or operates from, imported fire ant infested areas, then the Contractor must comply with all requirements of Biosecurity Queensland within the Department of Agriculture and Fisheries.

12. Asbestos Management

- 12.1** The Contractor is responsible for making itself aware of the location and form of confirmed or assumed asbestos containing material (ACM) at a DoE Facility.
- 12.2** The Contractor, if appointed Principal Contractor for the Work, must ensure the Asbestos Management Plan, required under section 429 of the WHS Regulation, has been prepared and has regard for the departmental asbestos management plan relevant to the DoE Facility.
- 12.3** The Contractor must ensure that NATA accredited laboratories are:
- (a) used for the analysis of asbestos samples; and
 - (b) instructed to include the relevant ACM Identification Number on certificates produced for asbestos samples.
- 12.4** All Work involving the removal, transport, disposal or potential disturbance of ACM must be performed in accordance with applicable Commonwealth, State and local government legislation, codes of practice and accepted industry standards in relation to asbestos.
- 12.5** In carrying out the work under the Contract, the Contractor must comply with all applicable Queensland Government codes, policy, guidelines and Australian Standards relevant to the Works, which may include, without limitation, compliance with the standards set out in [the *How to Manage and Control Asbestos in the Workplace Code of Practice 2021*](#) or such similar applicable codes of practice for management and control of asbestos.
- 12.6** The Contractor must:
- not allow works, other than asbestos removal work in accordance with the requirements of this document, to be carried out on Low Density Asbestos Fibreboard (regardless of the method of work for maintenance and service work approved under section 419(4) of the WHS Regulation Qld);
 - ensure for the supply of garden mulch at a Departmental facility:
 - general:
 - the mulch is sourced from a reputable supplier of landscape materials;
 - the supplier has provided an assurance that mulch is only transported in vehicles that have been inspected and cleaned of any other materials prior to loading for delivery;
 - documentation that will facilitate the identification of upstream suppliers, should such identification be required by the Department, is provided to the Departmental person responsible for the contract;
 - recycled mulch – the mulch is obtained only from a supplier who has provided assurances that the mulch processing was controlled to ensure only products made solely of non-treated timber have been used in the mulch, i.e. the manufacture and storage processes do not provide any opportunity for treated timber or non-timber product to be added to the mulch;
 - where available, the above assurances are obtained in writing through certificates or declarations and provided to the Departmental person responsible for the contract;
 - before commencing Project works:
 - prepare a line drawing (or schematic) for the work area that identifies the:

- surfaces intended to be disturbed during the works;
- presence of assumed/confirmed ACM (based on the contents of the asbestos register);
- ACM Identification Number (ACMID) for the assumed/confirmed ACM identified as present (see example line drawing / schematic at Attachment B);
- review the line drawing / schematic to identify opportunities, where reasonably practicable, to avoid disturbance of ACM and amend to reflect any change in surfaces to be disturbed during the works;
- affix removable asbestos label(s) to the assumed/confirmed ACM work surfaces intended to be disturbed during the works – refer Attachment B for label template and details on label placement – affixing must be conducted by a person who is familiar with the line drawing / schematic and the relevant content of the asbestos register;
- record the relevant ACMID on the affixed removable label;
- ensure the labels remain for the duration of the project works;
- at the conclusion of project works – remove the labels and provide, to the person responsible for the service provider, with a line drawing that illustrates any changes that have been made that affect the original floor plan of an area.

12.7 The Contractor must ensure that all necessary approvals for the Work have been obtained and legislative notifications have been made before commencing Works, including notification to Workplace Health and Safety Queensland for ‘Asbestos Removal Work’ (Form 65) where a licence is required to carry out the asbestos removal.

12.8 In addition to meeting any relevant legislative requirements, the Contractor may only conduct asbestos removal works, or arrange for asbestos removal works to be conducted, on a DoE facility if the DoE Asbestos removal service provider eligibility criteria will be satisfied in the conducting of the work (refer Attachment C). For licensed asbestos removal works commissioned by DoE, a copy of the asbestos removal control plan must be provided to the Officer in Charge or Officer in Charge Delegate and Superintendent.

12.9 The Contractor must prepare a Safe Work Method Statement, regardless of whether such is required or not under WHS Regulation, if:

- i. excavation works will be conducted by powered mobile plant or hand-held powered plant; and
- ii. the asbestos register identifies:
 - structures at the DoE Facility contain assumed or confirmed ACM;
 - asbestos has been removed from structures at the site, i.e. ‘removed’ status in the register; or
 - asbestos is present in soils at the DoE Facility.

The Contractor must ensure the Safe Work Method Statement includes the health and safety controls to be applied if asbestos is discovered during the works.

12.10 The Contractor must immediately notify the Officer in Charge or Officer in Charge Delegate of

any unexpected disturbance of ACM that occurs during works undertaken by the Contractor and where the incident affects or potentially affects the safety of the Facility Community:

- i. during the facility's business operations, for example, accidental damage to an assumed/confirmed ACM school hallway during school operations; or
- ii. when facility business operations recommence, for example, unsealed penetrations being left after weekend works.

12.11 The Contractor must consult and coordinate with the Officer in Charge or Officer in Charge Delegate on the actions to be taken in response to the incident, which may include QBuild being engaged to respond to the incident.

12.12 The Contractor must, for a contamination that arises from unexpected disturbance of ACM that did not and could not potentially affect the safety of the Facility Community:

- (a) apply the *How to manage and control asbestos in the workplace – Code of Practice – 2021* and if relevant the 'Minor contamination' of asbestos-containing dust or debris Fact Sheet – Safe Work Australia; and
- (b) inform the Facility, through the completion of the Facilities change document, of the actions taken to make the area safe for reoccupation after the disturbance.

12.13 The Contractor must ensure that a temporary make-safe is implemented for any unexpected damage caused to assumed/confirmed ACM in the course of the Work. The temporary make-safe must be reported to the Officer in Charge or Officer in Charge Delegate and Superintendent and must meet the following performance standard:

- (a) exposed parts of the damaged ACM are sealed to prevent the release of asbestos fibres; and
- (b) the area of the damaged ACM is enclosed so that it cannot be accessed.

12.14 The Contractor must not enclose encapsulate or seal assumed confirmed ACMs, other than for structure make-safe and asbestos in soil management purposes.

12.15 If the Contractor or its Personnel has potentially exposed staff, students or visitors to uncontrolled assumed or confirmed ACM, the matter will be investigated.

12.16 If the Contractor or its Personnel causes or contributes to an asbestos incident, the Contractor will be responsible for the payment of all costs associated with any rectification works deemed necessary by DoE, including:

- (a) disposal and replacement of any affected items; and
- (b) all costs associated with any work undertaken by other contractors; and
- (c) all costs associated with travel, accommodation and testing.

12.17 The Contractor must apply the following actions if an Asbestos in Soils Discovery Event occurs:

- stop Work that could unearth further suspected materials;
- notify the OIC or OIC Delegate;
- allow QBuild to manage the incident if it is a Departmental Asbestos in Soils Discovery Event;

- if it is a non-Departmental Asbestos in Soils Discovery Event:
- have a person with past experience in asbestos in soils contamination matters (competent person) determine, based on information contained in the *How to safely remove asbestos Code of Practice* (Qld) and the *How to manage and control asbestos in the workplace Code of Practice* (Qld), *Managing Asbestos in or on Soil* (NSW) and the *Guidelines for the assessment, remediation and management of asbestos contaminated sites in Western Australia*, whether:
 - the materials must be removed or may be managed in-situ and works continue;
 - any required removal must be undertaken by a licensed removalist;
 - there are reasons to believe that a similar discovery is likely if works continue after dealing with the matter at hand;
- decide a proposed course of action, based on the advice of the competent person (which may include obtaining a more thorough assessment of the soils) before further works proceed;
- only implement the proposed course of action if the course of action has been approved by the person responsible for the service provider contract;
- only undertake asbestos removal as part of the proposed course of action if authorised by the Department to conduct such works (i.e. the DoE Asbestos removal service provider eligibility criteria is satisfied);
- ensure the details of the discovery of asbestos in soils, including the response actions, is included in the Facility Change Document submitted at the conclusion of the project.

12.18 Any delay or disruption to the Work, or any suspension of the Contract as a result of an asbestos incident that is caused or contributed to by the Contractor's act, default, omission or negligence will not be grounds for an extension of time under the Contract and the Contractor is not entitled to payment for any costs incurred by the Contractor in connection with the incident.

13. Requirements before commencing Work

13.1 Before commencing the Work, in addition to any other requirements outlined in this document, the Contractor must:

- (a) liaise with the DoE person responsible for the Contract to ensure participation in a start-work meeting (using DoE's Start work meeting template) – note the DoE person may determine that a start-work meeting is not required because the work is in response to an incident or it is not reasonably practicable (for example, for certain types of emergency unplanned maintenance);
- (b) obtain a WAAP for the Work, unless the Officer in Charge or Officer in Charge Delegate confirms that a WAAP is not required for the work (for example, a determination that the proposed work presents negligible risk of building materials disturbance during the activities (for example, day to day gardening, general cleaning, servicing of office equipment, laundry services and general rubbish removal);
- (c) provide a copy of the signed WAAP to the Officer in Charge or Officer in Charge Delegate;

- (d) ensure Personnel are inducted into the specific requirements for the DoE Facility; and
- (e) explain to Personnel the conditions relating to access to the DoE Facility (as outlined in the WAAP).
- (f) review the WHS Act, regulations and codes of practice to ensure any tools proposed to be used are not prohibited when working with ACM;
- (g) induct its Personnel on safe work procedures and local requirements and conditions, including emergency evacuation arrangements.

13.2 The Contractor must ensure that, before commencing work, it and all Personnel who attend a DoE Facility:

- (a) sight and review the WAAP and the Asbestos Register for the DoE Facility;
- (b) read, understand and agree to comply with the General Conditions of Access and Special Conditions of Access (Asbestos) which are outlined on the WAAP;
- (c) receive site identification badges that must be displayed at all times where they can be read, for example, affixed to the front pocket area of a work uniform;
- (d) acknowledge that the Asbestos Register is not exhaustive and make its own assessment as to whether Work will be on, to, or connected with ACM;
- (e) take necessary precautions whether the Asbestos Register is available or not; and
- (f) ensure that an appropriate risk assessment for the works is undertaken by a competent person and procedures comply with the WHS Act.

13.3 The Contractor must sign the WAAP and list Subcontractor details on the WAAP.

13.4 The Contractor must ensure that, before work commences, the:

- i. Contractor's Personnel complete Part B of the Start work meeting template after the relevant information has been communicated to the Personnel;
- ii. completed Start work meeting template is returned to the DoE Facility to keep with the relevant WAAP for the work.

14. Conduct of Work

14.1 The Contractor in accordance with Part 3.1 of the WHS Regulation has a duty to effectively manage risks to health and safety.

14.2 The Contractor must undertake the Work in accordance with all applicable legislation, safe work method statements and take all reasonable measures required to ensure compliance, including:

All works (general construction, high risk construction and asbestos)

- (a) effectively barricade or isolate the work area;
- (b) ensure all DoE permits are received (i.e. WAAP etc);
- (c) ensure all Personnel are inducted onto the site;
- (d) ensure all Personnel are appropriately trained and hold the required licences (if applicable) to perform the works they are engaged to undertake;

All high-risk construction work (HRCW)

- (a) ensure a safe work method statement has been formulated, reviewed and signed by all involved in the HRCW;
- (b) ensure all Personnel hold the appropriate high-risk work licence for the class of high risk work they are engaged to undertake;

All asbestos works (as described in Chapter 8 of the WHS Regulations)

- (a) for removal works, ensure an asbestos removal control plan (in accordance with Appendix B Asbestos removal control plan contents of the How to safely remove asbestos code of practice) has been developed, reviewed and signed;
- (b) for removal works, ensure a Form 65 (notification of asbestos removal work, demolition work or emergency demolition) has been completed by the asbestos removal company at least five days prior to the works and submitted to Workplace Health and Safety Queensland (WHSQ). The only exception to this involves emergent asbestos removal works where notification may occur immediately before commencement of works via phone to WHSQ;
- (c) ensure all Personnel involved in the removal works hold a certification in relation to the specified VET course for asbestos removal relevant to the class of licensed asbestos removal work to be carried out by the worker;
- (d) erect warning signs when working on or near ACM or building products which may create dust hazards
- (e) switch off air-conditioning units in adjacent areas and seal all air vents;
- (f) collect all dust or debris generated with a HEPA vacuum cleaner that complies with the M or H class requirements of AS/NZS 60335.2.69:2017 (under no circumstances may the cleaning equipment already at a DoE Facility or domestic grade equipment be used);
- (g) all Personnel must wear respiratory protective equipment and any other necessary personal protective equipment (PPE) that meets the specified classifications for PPE when performing work with ACM;
- (h) all asbestos removal works must be conducted in accordance with the [How to safely remove asbestos code of practice 2021](#) and/or [How to manage and control asbestos in the workplace code of practice 2021](#).
- (i) at the completion of the asbestos removal work, clearance inspections must be carried out and clearance certificates issued by:
 - an independent licensed asbestos assessor, for work that must be carried out by a Class A licensed asbestos removalist (for example if the removal work involved friable asbestos); or
 - an independent competent person, for licensed asbestos removal work that is not required to be carried out by a Class A licensed asbestos removalist (for example if removal work involved more than 10m² of non-friable asbestos).

14.3 The Contractor must ensure its Personnel:

- (a) do not import material such as fill without an appropriate validation certificate from the supplier, ensuring that the fill is suitable for use and does not contain any building waste such as ACM;

- (b) establish and maintain exclusion zones and other reasonable conditions imposed by the WAAP, including the erection of appropriate signage;
- (c) do not conduct any works in the presence or vicinity of staff or students, whether within classrooms/buildings or externally, and whether the presence of ACM is confirmed or assumed;
- (d) wear appropriate personal protective equipment; and
- (e) ensure all work areas are left clean and tidy and fit for re-use prior to sign off of the WAAP.

If the Contractor is involved in an activity where prior damage of assumed or confirmed ACM is discovered, the Contractor must:

- (a) report the matter to the Officer in Charge or Officer in Charge Delegate immediately;
- (b) follow any reasonable instruction given by the Officer in Charge or Officer in Charge Delegate;
- (c) adhere to the requirements of any applicable code of practice for the management and control of Asbestos, which at the time of publication of these Conditions is the [How to Manage and Control Asbestos in the Workplace Code of Practice 2021](#); and
- (d) support DoE staff by securing the DoE Facility and ensuring restricted access until a clearance is provided by QBuild within the Department of Energy and Public Works for reuse;.

14.5 No person, other than Personnel of the Contractor and other construction or maintenance related service providers can be on site during removal of ACM from a DoE facility. Asbestos removal work can only be undertaken outside of DoE Facility operational hours.

15. Completion of Work

15.1 Within two business days of the Date of Practical Completion, or such other period notified in writing by the Officer in Charge or Superintendent, the Contractor must:

- (a) submit a completed Facilities Change Document (refer Attachment D) and records nominated on the form if the Work has involved any of the following:
 - asbestos removal;
 - asbestos sampling;
 - unexpected disturbance of assumed or confirmed ACM that was not required to be referred to QBuild for incident response, i.e. that did not affect or potentially affect the safety of the Facility community;
 - changes that affect the original floor plan of an area, for example, removal of a wall between rooms;
 - discovery of asbestos in soils.
- (b) advise the Officer in Charge or Officer in Charge Delegate, through completion of the WAAP, of any newly identified or removed Asbestos materials to support updating of the Asbestos Register;
- (c) sign the “after work is completed” section of the WAAP and return all DoE Facility

Identification Badges to the Officer in Charge or Officer in Charge Delegate; and

- (d) provide copies of records documenting regulated waste disposed at approved landfill facilities to the Officer in Charge or Officer in Charge Delegate when signing off the WAAP. This includes regulated waste such as ACM and must include a waste transport certificate.

15.2 In addition to any other requirements under the Contract, for the purposes of Practical Completion, the Contractor must:

- (a) ensure all work areas are left clean and tidy and fit for use prior to signoff of the WAAP;
- (b) accompany the Officer in Charge or an Officer in Charge Delegate on an inspection of the work area/s; and
- (c) ensure ACM is disposed of in an appropriate manner at a landfill facility that holds an environmental authority to receive ACM waste.

The WAAP will not be closed, by the Officer in Charge or Officer in Charge Delegate, if there are concerns regarding the cleanliness of an identified area.

16. Breaches

16.1 The Contractor commits a substantial breach of a Contract, and DoE may terminate the Contract, if the Contractor:

- (a) commits three recurring minor breaches across all Works performed by the Contractor whether under the same Contract or separate Contracts;
- (b) breaches any legislative requirement;
- (c) breaches any requirement of the Contract or is negligent and that breach or negligence causes or contributes to inappropriate disturbance or incident involving ACM resulting in exposure of asbestos to staff, students or visitors of DoE Facilities;
- (d) through the Contractor's default, omission or negligence contributes to the cause of an asbestos-related incident.

17. Insurance

17.1 Contractors are required to have appropriate insurance policies in place for their business. All Contractors on site must hold Public Liability Insurance:

- a) in accordance with contractual conditions; or
- b) relevant to cover works undertaken.

18. Reporting

18.1 The DoE person responsible for the Contract will prepare and submit performance reports to the Department of Energy and Public Works Prequalification Registrar in respect of the Contractor's compliance with the Contract, these Conditions and the requirements of its prequalification. The reports may contain evidence of substantial breaches by the Contractor. An adverse performance report identifying substantial breaches or non-compliance with any requirement may result in a review of the Contractor's pre-qualified status.

18.2 The provisions of this clause are independent of, and in no way limit, the rights of DoE to take any action provided under the Contract or at law.

ATTACHMENT A

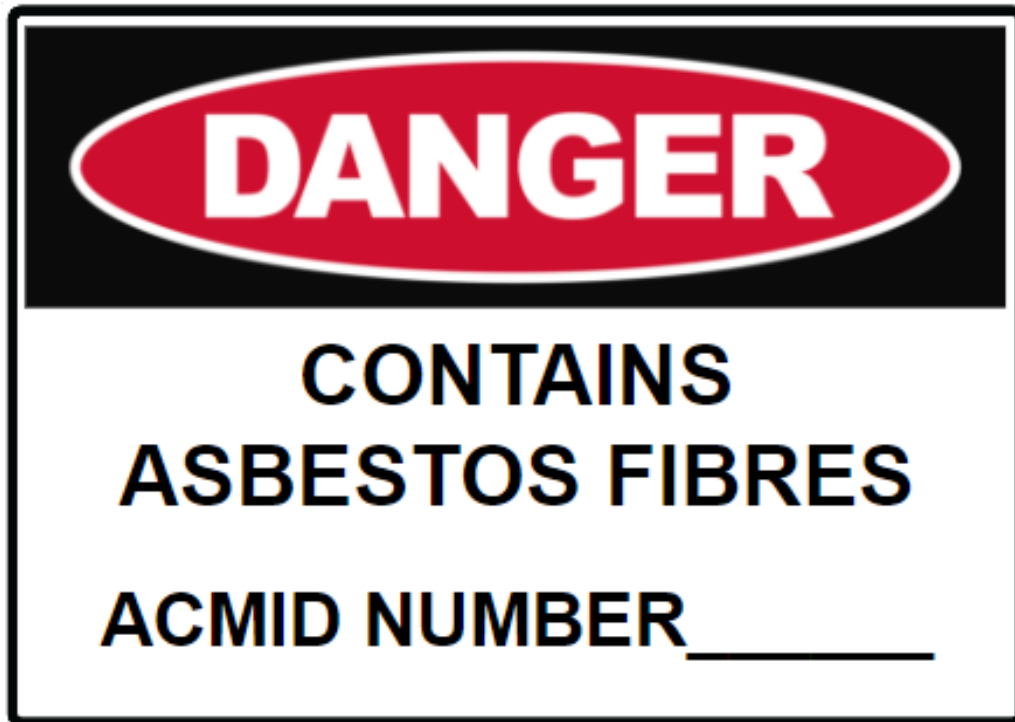
Asbestos related work training requirements

(Clause 9.3)

Personnel who carry out Asbestos related work must have completed a nationally recognised accredited course, delivered by a Registered Training Organisation, which:

- allows them to complete asbestos removal work, for example, completion of:
 - CPCCE3015 Remove friable asbestos; or
 - CPCCE3014 Remove non-friable asbestos;
- allows them to supervise or remove bonded asbestos under a licence or registration in an Australian jurisdiction, such as CPCCE4008;
- allows them to work safely with asbestos containing materials such as:
 - 10852NAT – Course in working safely with asbestos containing materials; or
 - CPCCPD3036 – Work safely to encapsulate non-friable asbestos in the painting industry;
- is an asbestos awareness course such as:
 - 10675NAT - Course in asbestos awareness; or
 - 11004NAT – Course in identification and awareness of ACM; or
 - a course that may include the topics identified in Section 6.3 of *How to manage and control asbestos in the workplace (2021)*, such as:
 - purpose of the training
 - health risks of asbestos
 - types, uses and likely presence of asbestos in the workplace
 - the PCBU's and workers roles and responsibilities under the asbestos management plan
 - where the asbestos register is located, how it can be accessed and how to understand the information contained in it
 - processes and safe work procedures to be followed and prevent exposure, including exposure from any accident release of airborne asbestos
 - where applicable, the correct use of PPE including respiratory protective equipment (RPE)
 - the implementation of control measures and safe work methods to eliminate or minimise the risks associated with asbestos to limit the exposure to workers and other persons, for example the use of safe work practices for minor work that workers may carry out
 - exposure standard and control levels for asbestos, and
 - purpose of any exposure monitoring or health monitoring that may occur.
- supersedes any of the courses listed above.

The artwork for the following label is available at <https://education.qld.gov.au/about/Documents/asbestos-label-template.pdf>.



ATTACHMENT C

Asbestos removal service provider eligibility criteria

(Clause 12.7)

The Asbestos removal service provider eligibility criteria is available at

ppr.qed.qld.gov.au/attachment/asbestos-removal-service-provider-eligibility-criteria.pdf.

ATTACHMENT D

Facilities change document

(Clause 15)

The Facilities change document template is available at
<https://education.qld.gov.au/about/Documents/facilities-change-document.pdf>.