

NATIONAL PREQUALIFICATION SCHEME (NPS)

NON - RESIDENTIAL BUILDINGS MUTUAL RECOGNITION

REGISTRATION FORM

Please return completed application to:

Project Development and Support Prequalification
(PO Box 158 Canberra City, ACT, 2602)
Level 3, Pod A3, Callam Offices, 50 Easty Street, Phillip ACT 2606.
Email: MPCprequalification@act.gov.au
Attention: Prequalification Registrar

NOTE: Electronic Submission of Application.

Electronic Submission of all applications is preferred.

When preparing the application, please separately save each document as a pdf file.

When saving pdf files please save with a suitably descriptive title. Eg "Prof Indem Ins or Pub Liab Ins"

Emails to MPCprequalification@act.gov.au are limited to 10 Mb.

If your application exceeds this size, the ACT Government's file hosting service is "Objective Connect" for which you must obtain prior approval. Please Phone 6207 7154 or email MPCPrequalification@act.gov.au

The National Prequalification System for Non-residential Building (NPS) aims to create certainty and consistency, and streamline the process of prequalification for contractors working in multiple jurisdictions. It applies to non-residential government building contracts where the construction cost estimate is \$50 million and above in Participating Jurisdictions. This seamless process for mutual recognition of prequalification status for contractors, across all jurisdictions commenced on 1 January 2011.

Participating Jurisdictions and Participating Agencies

New South Wales	NSW Procurement, Department of Services, Technology and Administration
Western Australia	Building Management and Works, Department of Treasury and Finance
South Australia	Building Management, Department for Transport, Energy and Infrastructure
Victoria	Construction Supplier Register, Department of Transport
Queensland	Works Division, Department of Public Works
Tasmania	Procurement and Property Branch, Department of Treasury and Finance
Northern Territory	Procurement Policy, Department of Business and Employment
Australian Capital Territory	Infrastructure Delivery Partners, Major Projects Canberra
Commonwealth	Various agencies that may undertake non-residential building construction

NOTE: Commonwealth agencies are unlikely to process prequalification applications. Where a Commonwealth agency decides to seek tenders from prequalified contractors, it will recognise relevant prequalification status awarded by States and Territories under the APCC National Prequalification System.

Applicants should access the full set of NPS documents before undertaking their applications.

1. NPS Guidelines (explaining the NPS system)
2. NPS Application Form and Referee Report (application for prequalification)
3. NPS Registration for Mutual Recognition Form (this document)
4. NPS Contractor Performance Report (review of performance and compliance)

All documents can be download from www.procurement.act.gov.au

ENQUIRIES - PARTICIPATING AGENCY CONTACT DETAILS

Registration for Mutual Recognition Form Lodgment

- 1) Email Address: (this is the preferred mode of communication)

MPCPrequalification@act.gov.au

- 2) Postal Address: (alternative mode of communication) Major Projects Canberra -
PO Box 158, CANBERRA ACT 2601

General NPS enquiries are to be directed through the email address above.

- 3) **Urgent enquiries** may be made to the following Contact Officers:

Prequalification Registrar - 02 6207 7154

INSTRUCTIONS TO APPLICANTS:

1. The Registration for Mutual Recognition Form is to be completed and preferably lodged electronically with the Assessing Agency where NPS has been awarded.
2. Lodged Registration for Mutual Recognition Forms will be submitted for processing to the participating Agency/ies where mutual recognition of the NPS is being sought.
3. Subject to jurisdictional due diligence assessment notification of NPS mutual recognition will be provided by the Assessing Agent

Schedule 1

PRELIMINARIES

Applicants must provide the following general information:

- a) Name of company or entity under which this Mutual Recognition Registration is being made.
- b) Trading Name: (if different to above)
- c) Australian Business Number (ABN):
- d) Australian Company Number (ACN):
- e) Builder's registration/license number (two Builders Licenses mandatory in the ACT)

Note – Licenses must be in individual's names

Licence No. 1

Licence No. 2

Licence No.

Licence No.

Name

Name

Expiry Date

Expiry Date

f) Address of Registered Office:

g) Postal Address: (If different to above)

h) Telephone Number:

i) Name and contact details of Assessing Agency where NPS has been awarded.

SCHEDULE 2: CONTACT DETAILS OF MUTUAL RECOGNITION APPLICANT

(a) Name

(b) Position

(c) Contact number

(d) Email address

SCHEDULE 3: JURISDICTION(S) WHERE MUTUAL RECOGNITION IS SOUGHT

QLD

NSW

ACT

VIC

TAS

SA

NT

WA

Please refer to Attachment A for specific jurisdictional requirements.

SCHEDULE 4: GEOGRAPHIC AREAS IN WHICH WORK IS SOUGHT

New South Wales

Sydney Basin
Hunter New England-Upper
Hunter New England-Lower
North Coast
South Coast
Riverina Western-East
Riverina Western Central
Riverina Western-West
All of the above

Victoria

Melbourne and within 100km
North Western Metropolitan
South Eastern Metropolitan
South West Victoria
Western Victoria
Northern Victoria
North East Victoria
Eastern Victoria
All of the above

South Australia

Adelaide City and Metropolitan Area
All of SA excluding the Far North
Fleurieu Peninsula/Kangaroo Island
Riverland
Murraylands
Mid North including Yorke Peninsula
Port Pirie/Port Augusta/Whyalla
South East Area
Eyre Peninsula Area/West Coast Area
Far North
All of the above

Queensland

Far North
North West
Northern
Mackay
Central West
Fitzroy
South West
Darling Downs
Wide Bay Burnett
Brisbane
Moreton North/Sunshine Coast
Moreton South/Gold Coast
All of the above

Mainland

Island

Western Australia (park metropolitan region)

Kimberley
Pilbara
Central West Goldfields Great Southern South West

SCHEDULE 5: CONTRACT TYPES

The Applicant should indicate contract types of interest for work. (Refer to the NPS Guidelines for more information.)

Contract Type

Construct/Construct Only

Design and Construct

Managing Contractor

Design, Construct and Maintain

Relationship-based Strategies (including early Contractor, Early Contractor Involvement)

Jurisdictional Specific Requirements

1. Compliance with the Code - The Applicant's Declaration to be submitted by you contains a statement regarding compliance with the Code.

2. Secure Local Jobs Code - Applicants will be required to hold a Secure Local Jobs Code (SLJC) Certificate issued in accordance with the SLJC Strategy prior to being granted Prequalification.
Information on how Applicants can apply for a SLJC certificate:

<https://www.procurement.act.gov.au/supplying-to-act-government/securelocaljobs>

Applicants are required to retain a Secure Local Jobs Code certificate issued in accordance with the SLJC Strategy, while they are prequalified.

Certificate Provided

Expiry Date

3. Work Health and Safety - In assessing your Application the Territory will consider the information you supply in your Applicant's Declaration referable to your work health and safety record, your performance and points status (if any) under the WHS Active Certification Policy and your ACT Worksafe records.

4. Long Service Leave Authority (LSLA) - In assessing your Application the Territory will liaise with the LSLA to determine if your organisation is required to be registered with the LSLA and if you hold that registration. If your organisation is required to be registered with the LSLA and you are not registered at the time of Application your Application will not proceed until confirmation of such registration is received.

Evidence of Registration with Long Service Leave provided

Yes

SCHEDULE 6: APPLICANT STATEMENT

Registration of Mutual Recognition Form

[Insert name of Contractor] hereby seeks registration for
Mutual Recognition with

[Insert name of Participating Agency]
accepts local tender requirements and declares that the particulars submitted are true and correct and
that all the required information has been supplied.

If required, agree to provide a Deed of Guarantee acceptable to the Participating Jurisdiction.

The Contractor undertakes to comply with the respective participating jurisdictional requirements
(identified in Attachment A) when tendering in that participating jurisdiction.

COMPANY NAME:

NAME OF AUTHORISED
SIGNATURE ON BEHALF
OF APPLICANT:

POSITION OF AUTHORISED
SIGNATORY

SIGNATURE

DATE

ATTACHMENT A:

Parameters of mutual recognition

Mutual recognition under the NPS means a contractor's prequalification status will be recognised when the contractor seeks to register with any other Participating Agency. Key features of the NPS include:

- contractors prequalified by the Assessing Agency may apply for recognition by any Participating Agency
- recognition by another Participating Agency will only require minimal details to be submitted (i.e. details of the company and a contact person – local contact person to be provided where applicable) and evidence of prequalification with the Assessing Agency; acknowledgement of jurisdiction specific policies and legislation will be required
- prequalified contractors eligibility to tender will only be considered if they can demonstrate compliance with any relevant jurisdictional specific requirements.

Note: To be eligible for prequalification in most jurisdictions, a contractor must hold an appropriate building licence.

LOCAL TENDER ELIGIBILITY REQUIREMENTS BY JURISDICTION

The Contractor (identified above) undertakes to comply with the following jurisdictional government requirements (which will be amended from time to time) when tendering for government work within that jurisdiction:

Victoria

- Victorian Code of Practice for the building and construction industry;
- Victorian Industrial Relations Principles
- Victorian 'Industry Participation Policy
- *The Building and Construction Industry Security of Payment Act 2002* (VIC)
- Victorian Building Practitioner Registration
- lodge a completed and signed Industrial Relations form

Queensland

To be eligible for prequalification in Queensland, a contractor must hold an appropriate building license, issued by the Queensland Building Services Authority (BSA) in accordance with the Queensland Building Services Authority Act 1991.

A contractor must satisfy the BSA's Financial Requirements for Licensing to obtain a building license. A contractor must comply with all statutory requirements, as well as the following Queensland Government-approved contracting policies, guidelines and arrangements when tendering or contracting with the Queensland Government:

- Contractor PQC Financial Requirements Guideline
- Contractor PQC Conditions of Prequalification
- Queensland Code of Practice for the Building and Construction Industry

- Local Industry Policy
- Indigenous Employment Policy for Queensland Government Building and Civil Construction Projects (where applicable)
- Building and Construction Contracts Structured Training Policy
- Contractor PQC Managing Occupational Health and Safety on Government Building Projects Guideline
- Contractor PQC Improving Workforce Management on Government Building Projects Guideline
- Recycling Policy for Buildings and Civil Infrastructure (where applicable)

Please refer to www.works.qld.gov.au to source these documents.

New South Wales

- NSW Government Code of Practice for Procurement and Implementation Guidelines
- NSW Government Procurement System for Construction
- The Building and Construction Industry Security of Payment Act 1999 (NSW)
- OHS management system accredited under the Australian Government Building and Construction OHS Accreditation Scheme managed by the Office of the Federal Safety Commissioner or the NSW Government Occupational Health and Safety Management System Guidelines, 4th edition (with evidence of recent satisfactory implementation)
- Environmental Management System certified to AS/NZS ISO 140000: 2007 or accredited under the NSW Government Environmental Management System Guidelines, 2nd Edition, September 2009 (with evidence of recent satisfactory implementation)
- NSW Government Industrial Relations Management Guidelines, December 1999
- NSW Government Aboriginal Participation in Construction Guidelines
- NSW Government Training Management Guidelines, February 2009

Tasmania

- Australian Standard Code of Tendering AS 4120-1994
- Building Act 2000 (Tas)
- Building and Construction Industry Security of Payment Act 2009 (Tas)
- National Code of Practice for the Construction Industry and the Tasmanian Annexure to the Code
- Tasmanian Government's Building and Construction Training Policy
- Tasmanian Government's Policy on Confidentiality of Information in Government Contracts
- Tasmanian Government's Principal Nominated Insurance requirements
- Compliance with all other statutory obligations including the Workplace, Health and Safety Act 1995 (Tas); registration with TasBuild Limited; and the Construction Industry (Long Service) Act 1997 (Tas).

South Australia

- Code of Practice for the South Australian Construction Industry
- Building Work Contractors Act 1995 (SA)
- Construction Industry Long Service Leave Act 1987 (SA)
- SA Government Policy on Workforce Participation in Government Construction (Procurement)

Western Australia

- Buy Local Policy, July 2002, as amended (State Supply Commission)
- Code of Practice for the Building and Construction Industry in Western Australia (Department of Commerce)
- The Contractor is deemed to be the project owner under the Building and Construction Industry Training Fund and Levy Collection Act 1990 (WA) and shall pay all levies required to be paid under this Act
- Priority Start – Building policy (Department of Training and Workforce Development)
- Aboriginal Enterprise and Employment Tendering Preference Policy (Department of Housing) applies to all tenders and quotations called by the Department of Treasury and Finance for construction and trade-based contracts
- Australian Standard Code of Tendering AS4120-1994
- Construction Contracts Act 2004 (WA)
- Builders' Registration Act 1939 (WA)

Australian Capital Territory and Northern Territory

- National Code of Practice for the Construction Industry 1997
- Construction Industry Long Service Leave and Benefits Act 2005 (NT); or Long Service Leave (Portable Schemes) Act 2009 (ACT)
- Applicant's Declaration
- Compliance with all local statutory obligations
- Builder's Registration
- Secure Local Jobs Code
- ACT Long Service Leave Authority
- Active Certification Policy

STATUTORY DECLARATION / ETHICAL SUPPLIERS DECLARATION

Statutory Declarations Act 1959 (Cth)

I

(Name) of

Address

(Occupation of person making declaration)

make the following declaration under the Statutory Declarations Act 1959 (Cth),

Name of Applicant Entity in relation to which I make this Declaration:

*[Insert full legal title of Contractor
e.g. XYZ Pty Limited]*

ACN / ABN of the Applicant Entity:

If a company, include ACN, and if a partnership or sole proprietor, include the full names of individual members and ABN.

1. In this declaration a reference to:

- a. **“Adverse Ruling”** means a ruling, order, notice (including without limitation any improvement notice or prohibition notice), conviction or finding made or issued by any Authorised Entity.
- b. **“Authorised Entity”** means any court, tribunal, board, commission, regulatory agency (including without limitation the director-general, commissioner, regulator or any inspector referred to in the Prescribed Legislation) or other entity with jurisdiction to determine employee and industrial relations matters or work health and safety matters to the effect that the Applicant has contravened the Prescribed Legislation.
- c. **“Employee”** means a natural person who is employed under a contract of service (excluding professional or information technology services) to provide the Applicant with his or her labour.
- d. **“Full Details”** means the details of:
 - (i) the nature of the Adverse Ruling, breach or offence;
 - (ii) the name of the relevant Authorised Entity;
 - (iii) the State or Territory in which the proceeding or prosecution was brought;
 - (iv) the date of the Adverse Ruling was made, or the proceeding or prosecution was commenced and the number or description assigned to the proceeding or prosecution;
 - (v) the entity against which the Adverse Ruling, breach or offence was made or issued;

- (vi) any document setting out the Adverse Ruling, breach or offence (including provision of a copy of the same);
 - (vii) any conviction recorded or adverse finding made in respect of the Adverse Ruling, breach or offence;
 - (viii) any penalty, fine or order imposed by an Authorised Entity in respect of the Adverse Ruling, breach or offence and the maximum penalty, fine or order that could have been imposed under the Prescribed Legislation;
 - (ix) any remedial measures or other actions proposed or recommended by the Authorised Entity and details of steps taken by the Applicant to comply with those remedial measures or other actions; and
 - (x) the status of the Adverse Ruling, breach or offence as at the date of the declaration.
- e. **“Industrial Instruments”** means an award or agreement, however designated, that is made under or recognised by the Prescribed Legislation.
- f. **“Prescribed Legislation”** means all applicable Acts and subordinate instruments of the Commonwealth and the Territory, which deal with matters relating to industrial relations, employment and/or workplace safety obligations that apply to an entity including (as amended or replaced from time to time) but not limited to:
- (i) *Fair Work Act 2009 (Cth)*;
 - (ii) *Fair Work (Building Industry) Act 2012 (Cth)*;
 - (iii) *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)*;
 - (iv) *Income Tax Assessment Act 1997 (Cth)*;
 - (v) *Independent Contractors Act 2006 (Cth)*;
 - (vi) *Industry Research and Development Act 1986 (Cth)*;
 - (vii) *Long Service Leave Act 1976 (ACT)*;
 - (viii) *Long Service Leave (Portable Schemes) Act 2009 (ACT)*;
 - (ix) *Migration Act 1958 (Cth)*;
 - (x) *Paid Parental Leave Act 2010 (Cth)*;
 - (xi) *Payroll Tax Act 2011 (ACT)*;
 - (xii) *Safety, Rehabilitation and Compensation Act 1988 (Cth)*;
 - (xiii) *Superannuation Guarantee (Administration) Act 1992 (Cth)*;
 - (xiv) *Superannuation Guarantee Charge Act 1992 (Cth)*;
 - (xv) *Work Health and Safety Act 2011 (ACT)*;
 - (xvi) *Workers’ Compensation Act 1951 (ACT)*;
 - (xvii) *Workplace Gender Equality Act 2012 (Cth)*.
- g. **“Prescribed Works or Services”** means works or services that require the exertion of labour by Employees.
- h. **“Secure Local Jobs Code Certificate”** has the meaning given by the Government Procurement Act 2001.
- i. **“Secure Local Jobs Code”** has the meaning given by the Government Procurement Act 2001.
- j. **“Territory-Funded Work”** has the meaning given by the Government Procurement Act 2001.

2. I am authorised on behalf of the Applicant to make this declaration.
3. The information supplied by the Applicant is true and correct. Any further information to be supplied by the Applicant to enable assessment of its application will be true and correct.
4. The Applicant is aware that Applicants must hold a Secure Local Jobs Code Certificate and that once certified Applicants must comply with the Secure Local Jobs Code.
5. The Applicant agrees to comply with all applicable Territory policies and legislation referable to Territory-Funded Work and, if the Applicant is prequalified under a prequalification scheme in the Territory, the WHS Active Certification Policy.
6. By submitting an application the Applicant authorises the Territory to:
 - a. obtain from any Territory, State or Commonwealth government agency (including for the avoidance of doubt, any regulatory or law enforcement body) and take into account in its evaluation, information, including information about the Applicant's performance under contracts (whether or not those contracts were with the Territory, State or Commonwealth or another entity and whether or not those contracts were identified by the Applicant in its application);
 - b. obtain and take into account in its evaluation, information from referees or other reputable sources on the performance of the Applicant on projects (whether or not they are identified by the Applicant in their application);
 - c. use any information obtained from any Territory, State or Commonwealth government agency (including for the avoidance of doubt, any regulatory or law enforcement body), referee or other reputable source for any government purposes including, without limitation, assessment of suitability for award of contract;
 - d. provide information about the Applicant to any Territory, State or Commonwealth government agency, including information provided by the Applicant and information related to the Applicant's performance at any time and for any reason;
 - e. provide the name of the Applicant and this declaration to Unions ACT; and
 - f. provide this declaration to any Territory, State or Commonwealth government

agency (including any regulatory or law enforcement body, which includes, without limitation WorkSafe ACT) as evidence of the Applicant's consent to allow that agency to release information as requested by the Territory to the Territory.

7. The following Industrial Instruments made pursuant to any Prescribed Legislation specifically applies to the Employees of the Applicant and are binding on it or them.

[Insert details of Industrial Instruments (this is the award you pay your employees under). If no Employees write "N/A"]

8. The Applicant has in the preceding 36 months of the date of this declaration complied with all applicable Industrial Instruments.

True (delete 8A and initial)

Not true (answer 8A)

N/A No Employees (delete 8A)

8A. The Applicant has not complied with the following Industrial Instruments in the following respects.

[Insert full details]

9. The Applicant has in the preceding 36 months of the date of this declaration complied with all Prescribed Legislation

True (delete 9A and initial)

Not true (answer 9A)

N/A No Employees (delete 9A)

9A. The Applicant has not complied with the following Prescribed Legislation.

[Insert Full Details of the failure to comply with Prescribed Legislation]

10. The Applicant has in the preceding 36 months of the date of this declaration recognised the rights of its Employees to union membership and representation.

True (delete 10A and initial)

Not true (answer 10A)

N/A No Employees (delete 10A)

10A. The Applicant has not recognised the rights of Employees to union membership and representation in the following respects.

[Insert Full Details of how the Applicant has not recognised the rights of Employees to union membership and representation]

11. The Applicant has in the preceding 36 months of the date of this declaration complied with all amendments to wages and conditions of employment for their Employees as decided by any authorised industrial or wage-setting agency.

True (delete 11A and initial)

Not true (answer 11A)

N/A No Employees (delete 11A)

11A. The Applicant has not complied with all amendments to wages and conditions of employment for their Employees as decided by any authorised industrial or wage-setting agency in the following respects:

[Insert Full Details of how the Applicant has failed to comply with all amendments to wages and conditions of employment]

12. In the preceding 36 months of the date of this declaration there have been no findings against the Applicant by an Authorised Entity, including a finding of a breach in a non- confidential consent order.

True (delete 12 and initial)

Not true (answer 12A)

N/A No Employees (delete 12A)

12A. There have been the following findings (Full Details of which are provided) against the Applicant by an Authorised Entity:

[Set out Full Details of findings]

13. In the preceding 36 months of the date of this declaration there have been no Adverse Rulings under the Prescribed Legislation against the Applicant.

True (delete 13 and initial)

Not true (answer 13A)

N/A No Employees (delete 13A)

13A. There have been the following Adverse Rulings under the Prescribed Legislation against the Applicant:

[Set out Full Details of Adverse Rulings]

14. There are currently no proceedings or prosecutions against the Applicant in respect of a breach of any Prescribed Legislation.

True (delete 14 and initial)

Not true (answer 14A)

N/A No Employees (delete 14A)

14A. There are currently the following proceedings or prosecutions against the Applicant in respect of a breach of Prescribed Legislation.

[Set out Full Details of proceedings or prosecutions]

15. The Applicant has not been required to implement any remedial measures to ensure future compliance with the Prescribed Legislation.

True (delete 15 and initial) Not

true (answer 15A)

N/A No Employees (delete 15A)

15A. The Applicant has been required to implement the following remedial measures to ensure future compliance with the Prescribed Legislation:

[Set out Full Details of the remedial measures implemented]

16. Below is a complete list of all projects (both completed and current) in the Australian Capital Territory where the Applicant has had management or control of a project site and on which an audit into any aspect of work health and safety performance or compliance has been conducted in the 36 months prior to the date of this declaration.

[Set out list of projects, or is none "n/a"]

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the Statutory Declarations Act 1959, and I believe that the statements in this declaration are true in every particular.

[Signature of person making the declaration]

[Print name of person making the declaration]

Declared at

on Date

Guide Note – Click in date and use drop down arrow

Before me:

[Signature of person before whom the declaration is made]

[Full name, qualification and address of person before whom the declaration is made (in printed letters)]

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years – see section 11 of the Statutory Declarations Act 1959.

Note 2 Chapter 2 of the Criminal Code applies to all offences against the Statutory Declarations Act 1959 – see section 5A of the Statutory Declarations Act 1959.

A statutory declaration under the Statutory Declarations Act 1959 may be made before–

(1) A person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor Dentist Legal practitioner
Medical practitioner Nurse Optometrist
Patent attorney Pharmacist Physiotherapist
Psychologist Trade marks attorney Veterinary surgeon

(2) A person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) A person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the Consular Fees Act 1955)
Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade Commission who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (d) of the Consular Fees Act 1955; and
- (c) exercising his or her function in that place

Employee of the Commonwealth who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (c) of the Consular Fees Act 1955; and
- (c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the Marriage Act 1961

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

- (a) an officer; or
- (b) a non-commissioned officer within the meaning of the Defence Force Discipline Act 1982 with 5 or more years of continuous service; or
- (c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

- (a) the Parliament of the Commonwealth; or
- (b) the Parliament of a State; or
- (c) a Territory legislature; or
- (d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the Marriage Act 1961

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority; or
- (c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution.

APPLICANT'S DECLARATION / STATUTORY DECLARATION

Statutory Declarations Act 1959 (Cth)

I

(Name) of
Address (Occupation

of person making declaration)

make the following declaration under the *Statutory Declarations Act 1959 (Cth)*,

1. In this declaration a reference to:
 - a. **"Adverse Action"** means any ruling, order, notice (including, without limitation any improvement notice or prohibition notice), conviction or finding made or issued by any Authorised Entity.
 - b. **"Applicant"** is *[insert full legal name of Applicant for prequalification including the ACN/ABN as per that identified on the Application form for prequalification]*.
 - c. **"Application"** means the Applicants' application for mutual recognition under the National Prequalification Scheme, and includes any application for renewal or upgrade of prequalification.
 - d. **"Authorised Entity"** means any court, tribunal, board, commission, regulatory agency (including, without limitation, the director-general, commissioner, regulator or any inspector referred to in WHS Legislation) or other entity with jurisdiction to determine whether an entity (which includes a person)) has complied with, or is complying with WHS Legislation.
 - e. **"Full Details"** means the details of:
 - (a) the nature of the Adverse Action;
 - (b) The name of the relevant Authorised Entity;
 - (c) The date of the Adverse Action;
 - (d) The entity against which the Adverse Action was made or issued;
 - (e) any document setting out the Adverse Action (including provision of a copy of the same);
 - (f) any penalty, fine or order imposed by an Authorised Entity in respect of the Adverse Action and the maximum penalty, fine or order that could have been imposed under the WHS Legislation;

- (g) any remedial measures or other actions proposed or recommended in the Adverse Action and details of steps taken by the Applicant to comply with those remedial measures or other actions; and
 - (h) the status of the Adverse Action as at the date of the declaration.
- f. **“Prequalification Scheme”** means the “National Prequalification System for Civil (Road and Bridge) Construction Contracts”.
 - i. **“Territory”** means: when used in a geographical sense, the Australian Capital Territory; and
 - ii. when used in any other sense means the Australian Capital Territory being the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988* (Cth) and any Territory entity under the *Auditor-General Act 1996* (ACT) excluding: the University of Canberra; a Territory-owned corporation or another entity established under the *Corporations Act 2001* (Cth).
- g. **“WHS Legislation”** means each of the following:
 - i. *Work Safety Act 2008* (ACT);
 - ii. *Work Health and Safety Act 2011* (ACT);
 - iii. any Regulations and instruments made or issued under the above Acts;
 - iv. any laws which vary or replace the above laws, or any part of them;
 - v. all other laws applicable in the Australian Capital Territory which deal with matters relating to work health and safety; and
 - vi. all other laws applicable in any other Australian state or territory (other than the Territory), which deal with matters relating to work health and safety.
2. I am authorised on behalf of the Applicant to make this declaration.
 3. The information supplied by the Applicant with and in its Application is true and correct. Any further information to be supplied by the Applicant to enable assessment of its Application will be true and correct.
 4. The Applicant accepts the terms and conditions applying to prequalification set out in the Prequalification Scheme and acknowledges those terms and conditions will apply to it if it becomes prequalified in the Territory.
 5. The Applicant acknowledges the terms and conditions set out in the Prequalification Scheme may be varied from time to time by the Territory.
 6. The Applicant is compliant with the National Code of Practice for the Construction Industry.

- Applicants will be required to hold a Secure Local Jobs Code (SLJC) Certificate issued in accordance with the SLJC Strategy prior to being granted Prequalification. Information on how Applicants can apply for a SLJC certificate is available at : <https://www.procurement.act.gov.au/securelocaljobs/apply>

Applicants are required to retain a Secure Local Jobs Code certificate issued in accordance with the SLJC Strategy while they are prequalified.

7. While prequalified, the Applicant agrees to comply with all Territory policies referable to work on Territory construction projects including, without limitation, the WHS Active Certification Policy.
8. By submitting an Application (and while prequalified, if prequalification is granted to the Applicant) the Applicant authorises the Territory to:
 - i. obtain from any Territory, State or Commonwealth government agency (including for the avoidance of doubt, any regulatory or law enforcement body) and take into account in its evaluation (and any review of prequalification status under the Prequalification Scheme), information, including information about the Applicant's performance under contracts (whether or not those contracts were with the Territory, State or Commonwealth or another entity and whether or not those contracts were identified by the Applicant in its Application);
 - ii. obtain and take into account in its evaluation of the Application (and any review of prequalification status under the Prequalification Scheme), information from referees or other reputable sources on the performance of the Applicant on projects (whether or not they are identified by the Applicant in their Application);
 - iii. use any information obtained from any Territory, State or Commonwealth government agency (including for the avoidance of doubt, any regulatory or law enforcement body), referee or other reputable source for any government purposes including, without limitation, assessment of suitability for award of contract, registration or selective tender lists; the granting of prequalification; the review of prequalification status and the review and appeal process set out in this Prequalification Scheme;
 - iv. .provide information about the Applicant to any Territory, State or Commonwealth government agency, including information provided by the Applicant and information related to the Applicant's performance at any time and for any reason;
 - v. Provide the name of the Applicant to Unions ACT; and
 - vi. Provide this declaration to any Territory, State or Commonwealth government agency (including any regulatory or law enforcement body, which includes, without limitation WorkSafe ACT) as evidence of the Applicant's consent to allow that agency to release information as requested by the Territory to the Territory.

9. The Applicant acknowledges that in the event it is granted mutual recognition under the Prequalification Scheme the Territory does not guarantee, warrant or represent that any business or a minimum value of business will be contracted to or earned or received by the Applicant.
10. No Adverse Action has been made or issued against the Applicant in the preceding 36 months of the date of this declaration.

True(delete 11A and initial)

Not true

(answer 11A)

- 11A. Full Details of all Adverse Action made or issued in the preceding 36 months of the date of this declaration against the Applicant are as follows.

[Instructional note - read carefully and delete from final document prepared for signature as required having regard to contents of note.

Insert Full Details of all Adverse Action – refer definition of “Full Details” for information which will be required to be provided.

If there is insufficient space to insert the Full Detail of all Adverse Action in this clause 11A of the declaration you may include the Full Detail in an attachment to this declaration which should be marked “Attachment A to statutory declaration of [insert name of person making declaration]”. The first page of Attachment A should be signed by both the person making the declaration and the witness to the declaration with a note as follows – “This and the following xxx [insert number of pages at Attachment A] pages are Attachment A to the statutory declaration of [insert name of person making declaration]”. The person making the declaration and their witness should also initial each page of Attachment A. If this process is to be adopted the person preparing this declaration should delete this instructional note and insert the following wording (in addition to retaining the existing wording in clause 11A) as part of ensuring a complying declaration is submitted with the Application:

“The Full Detail of all Adverse Action are set out in Attachment A to this statutory declaration and the contents of that Attachment A form part of this declaration and are true and correct in every respect.”]

11. Below is a complete list of all projects (both completed and current) in the Australian Capital Territory where the Applicant has had management or control of the project site and on which an audit into any aspect of work health and safety performance or compliance has been conducted in the 36 months prior to the date of this declaration.

[Insert list of projects]

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

[Signature of person making the declaration]

[Print name of person making the declaration]

Declared at _____ on *Date*

*Guide Note – Click in date
and use drop down
arrow*

Before me:

[Signature of person before whom the declaration is made]

[Full name, qualification and address of person before whom the declaration is made (in printed letters)]

Note – Refer list of qualified witnessed below

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the Statutory Declarations Act 1959.

A statutory declaration under the Statutory Declarations Act 1959 may be made before—

- (1) A person who is currently licensed or registered under a law to practice in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon
- (2) A person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or
- (3) A person who is in the following list:
 - Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
 - Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the Consular Fees Act 1955)
 - Bailiff
 - Bank officer with 5 or more continuous years of service
 - Building society officer with 5 or more years of continuous service
 - Chief executive officer of a Commonwealth court
 - Clerk of a court
 - Commissioner for Affidavits
 - Commissioner for Declarations
 - Credit union officer with 5 or more years of continuous service
 - Employee of the Australian Trade Commission who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (d) of the Consular Fees Act 1955; and
 - (c) exercising his or her function in that place
 - Employee of the Commonwealth who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (c) of the Consular Fees Act 1955; and
 - (c) exercising his or her function in that place
 - Fellow of the National Tax Accountants' Association
 - Finance company officer with 5 or more years of continuous service
 - Holder of a statutory office not specified in another item in this list
 - Judge of a court
 - Justice of the Peace
 - Magistrate
 - Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the Marriage Act 1961
 - Master of a court
 - Member of Chartered Secretaries Australia
 - Member of Engineers Australia, other than at the grade of student
 - Member of the Association of Taxation and Management Accountants
 - Member of the Australasian Institute of Mining and Metallurgy
 - Member of the Australian Defence Force who is:
 - (a) an officer; or
 - (b) a non-commissioned officer within the meaning of the Defence Force Discipline Act 1982 with 5 or more years of continuous service; or
 - (c) a warrant officer within the meaning of that Act
 - Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants
 - Member of:
 - (a) the Parliament of the Commonwealth; or
 - (b) the Parliament of a State; or
 - (c) a Territory legislature; or
 - (d) a local government authority of a State or Territory
 - Minister of religion registered under Subdivision A of Division 1 of Part IV of the Marriage Act 1961
 - Notary public
 - Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public
 - Permanent employee of:
 - (a) the Commonwealth or a Commonwealth authority; or
 - (b) a State or Territory or a State or Territory authority; or
 - (c) a local government authority;
 - with 5 or more years of continuous service who is not specified in another item in this list
 - Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
 - Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution