



**ACT**  
Government

Infrastructure Canberra

# National Prequalification System for Civil (Road and Bridge) Construction

## APPLICATION

Please return completed application to:

Project Management Office, Prequalification  
(PO Box 158 Canberra City, ACT, 2602)  
2 Constitution Avenue, Canberra ACT 2601  
Email: [iCBRprequalification@act.gov.au](mailto:iCBRprequalification@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 [iCBRprequalification@act.gov.au](mailto:iCBRprequalification@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 [iCBRprequalification@act.gov.au](mailto:iCBRprequalification@act.gov.au)

# National Prequalification System Application Form

This template provides the information that Applicants must submit to the Assessing Agency.

A covering letter template is at Section 5 of this document and must be submitted with the application.

Clause	National Prequalification System Application Form	
a	<b>Application type</b>	<p>New Application</p> <p>Renewal / Upgrade</p>
b	<b>Name of the company or entity</b>  Company or entity under which this Application is being made and ('Applicant')	<p><i>Company or entity under which this Application is being made and under which tenders will be submitted</i></p> <p><i>If different to company or entity</i></p>
c	<b>Trading name</b>	
d	<b>Type of entity</b>	<p>Public Company</p> <p>Private Company</p> <p>Incorporated Joint Venture</p> <p>Unincorporated Joint Venture</p>
e	<b>State of company registration</b>	
f	<b>ABN</b>	
g	<b>ACN or ARBN</b>	
h	<b>Address of registered office</b>	



### ACT Specific Categories

	<p><b>ACT Government specialist categories, see 2.2 Specialist Categories of the ' National Prequalification System Requirements' document for descriptors</b></p>	TS -Traffic Signals	LS-Land Subdivision
		TSG-Trunk Services Gas	TSH-Trunk Services Hydraulics
		MS-Major Stormwater	TSS-Trunk Services Steam
		MSH-Mains Services Hydraulics	TMI-Traffic Management Intersections
		CIRR-Cable Installations & Road Reinstatement	PLRR-Pipe Laying and Road Reinstatement
		PI-Pole Installation	SRM-Signage & Road Marking
		D-Demolition	RWCS-Road Works Crack Sealing
		RWSS- Road Works, Spray Sealing	RWAS-Road Works, Asphalt Surfacing
		BM- Bridge Maintenance	
<b>s</b>	Number of years that the Applicant has been under the current structure.		
<b>t</b>	Number of years that the Applicant has been under the current ownership		
<b>u</b>	If applicable, provide details of any former business names and give details.		
<b>v</b>	In the last five years, has the Applicant, or any former business identified in clause (b), been liquidated or entered into receivership, administration, scheme of arrangement, or creditors' composition pursuant to the Bankruptcy Act or Corporations Law?		
<b>w</b>	Have any of the proprietors, principals, directors, managers or secretaries of the Applicant, or any former business identified in sub-clause (b) (or their spouses) ever been bankrupt? If yes, give details.		
		No	Yes
		If Yes, Provide Details	
		No	Yes
		If Yes, Provide Details	

x	<p><b>Has the Applicant, over the last six years, had any convictions recorded against it or are there any current or pending proceedings, either in a Court of Law or in arbitration?</b></p>	<p>No</p> <p>Yes</p> <p>If Yes, Provide Details</p>
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## 1. Company Experience

### 1.1. Years of experience

Provide the number of years that the company has been operating in the roadworks / bridgeworks industry, either as a head contractor, or as a major sub-contractor.

Years as a Head Contractor	Years as a Major sub-contractor
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### 1.2. Current and Completed Projects

Provide details of relevant current projects (max 10) and completed projects (max 10) applicable to each category of prequalification sought. In addition to the details of each project, it is preferable to also submit a summary of the projects in tabular format.

**Table Summary attached** Yes

For projects involving combined roadworks and associated structures, details of the scope, value and timing of both the road component and the structures component must be separately identified.

The following details are to be provided for each nominated project:

- a) photographs clearly demonstrating the Applicant's role in the work;
- b) client contact details;
- c) location;
- d) contract administrator contact names and details;
- e) description of project;
- f) special features of project (if any), such as complex project management, traffic control, service relocations, construction method for various elements of work etc.;
- g) conditions of contract (AS 2124, AS 4300, GC21 etc.);
- h) type of contract (lump sum, schedule of rates, etc.);

- i) contract value at award;
- j) start date;
- k) date for practical completion;
- l) original contract period (weeks);
- m) whether liquidated damages were applied;
- n) names of contractor's key operational personnel employed on contract;
- o) names of principal subcontractors contact name and details;
- p) value of subcontracted work;
- q) a detailed description outlining why this project is relevant to the prequalification category(s) applied for;
- r) sample of plans; and
- s) referee details.

**Project Details Table**

**Name**

**Description**

Has the Applicant, including any partner, principal or director ever been associated with a contract that has failed to be completed or substantially reduced in scope. If yes, provide details of the contract and the reason for failure or reduction in scope.

No

Yes – See Details Below

## 2. Company Resources and Technical Capacity

### 2.1. Organisational Charts

- a) Provide an organisational chart showing the relationship between the Applicant and parent and subsidiary companies (where relevant), including names of principals, directors, and partners.

Organisational Chart attached

Yes

- b) Provide a detailed and current version of a **managerial organisational chart** that clearly relates to the Applicant's **local roadworks and/or associated structures and operations**, and also identifies senior positions and project personnel. The senior positions and project personnel should include those personnel with responsibility for quality management, WH&S management, environmental management and worksite traffic management.

Managerial Organisational Chart attached

Yes

### 2.2. Personnel

- a) List the average number of all full-time equivalent employees located in the local state/territory and also separately list those located in the rest of Australia over the past 12 months under each of these general categories:

	No. of Full-Time equivalent Local employees	No. of Full-Time equivalent Employees in rest of Australia
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- Management
- Administration
- Project Managers
- Site Engineers
- Surveyors
- Supervisors
- Site staff  
(by trade classification)

**Trade Classification**

### 2.3. Qualification & Experience of Key Personnel

a) Provide the names, qualifications, roles and responsibilities and relative Resumes of all key operational personnel who are proposed for the following roles in relation to contract works to be undertaken with the ACT Government.

Resumes must also demonstrate that each person has experience relevant to the duties and responsibilities of their nominated position. Resumes **must** include the following information:

- a. current position and title;
- b. current role/responsibilities;
- c. evidence of qualifications (where qualifications are essential);
- d. evidence of licences held in the state or territory;
- e. time with organisation;
- f. time in current role/position;
- g. other relevant training, including continuous professional development;
- h. all dates for and details of previous experience; and
- i. names of previous employers.

**Operational Management**

Name	Qualifications	Roles	Responsibilities	Resume attached Yes / No
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**Quality Management**

Name	Qualifications	Roles	Responsibilities	Resume attached Yes / No
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**WHS Management**

Name	Qualifications	Roles	Responsibilities	Resume attached Yes / No
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**EMS Management**

Name	Qualifications	Roles	Responsibilities	Resume attached Yes / No
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**Work Site Traffic Management**

Name	Qualifications	Roles	Responsibilities	Resume attached Yes / No
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**Project Managers**

Name	Qualifications	Roles	Responsibilities	Resume attached Yes / No
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**Site Engineers**

Name	Qualifications	Roles	Responsibilities	Resume attached Yes / No
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**Senior Supervisors and Contractor's Representatives**

Name	Qualifications	Roles	Responsibilities	Resume attached Yes / No
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## 2.4. Plant and Equipment

a) Provide details of the major plant / equipment owned by the Applicant or an associated company. *If required detail Plant and Equipment on an Attachment*

<b>Description including Make and Model</b>	<b>Estimated value</b>	<b>Estimated remaining Usable Life</b>
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b) Provide a copy of the Applicant’s policy / procedures for sourcing / managing subcontract for plant and equipment.

Policy attached Yes

Procedure Document attached Yes

**3. Management Systems**  
**3.1. Quality Management**

a) Provide a copy of the third party certification by an accredited International Accreditation Forum Member (not mandatory for R1 / B1). R1, B1 applicants who are not third party certified, must have a minimum of an ACT Second Party certification – an independently audited system that meets the requirements of a checklist to be provided by the assessing authority.

Third Party certification held

QA (Quality Assurance) AS/NZS ISO 9001:2015 See Details below Yes No

Details – Certification Company Expiry Date

b) Provide a copy of the corporate quality policy – attached Yes No

c) Provide a copy of a sample / example quality plan – attached Yes No

d) Provide a copy of a sample / example Inspection and Test Plan. Yes No

**For Prequalification categories R2/B2 and above, provide the following:**

e) Provide evidence of utilisation of the QMS on relevant projects, including copies of the reports of the last two compliance audits undertaken by the Applicant’s certifying body. Complete reports must be provided and must include all comments.

Compliance Report Dated Yes No

Compliance Report Dated Yes No

## Evidence of Utilisation of QMS

f) Has the Applicant received any major non-conformances from its certifying body in relation to its QMS over the last three years? If so, provide details and measures taken for corrective action and the outcome of these actions. All non-conformance reports must be unedited. Where system non-conformances are reported the number, nature, and how the contractor took corrective action will be noted.

Non-Conformances <i>Details</i>	Yes – <i>See Details below</i>	No
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### 3.2. Work Health and Safety Management Systems (WHS)

a) Provide a copy of the third-party certification by an accredited International Accreditation Forum Member, (not mandatory for R1 / B1). R1, B1 applicants who are not third party certified, must have a minimum of an ACT Second Party certification – an independently audited system that meets the requirements of a checklist to be provided by the assessing authority.

Third Party certification held	Yes	No
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OHS (Occupational Health Safety) -AS/NZS 45001:2018 -	Yes	See Details below	No
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Details – Certification Company	Expiry Date
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b) Advise if the Applicant is accredited with the Office of Federal Safety Commissioner. If accredited, the Applicant is not required to provide the additional information listed below in regard to its WHS system.

Accredited with FSC	Yes	No
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If Yes, proceed to 3.3 Environmental Management Systems (EMS)

Certificate Attached	Yes	No
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Expiry Date

- c) Provide a copy of the corporate WHS Policy – Yes No
- d) Provide a copy of an example WHS Plan – Yes No

**For Prequalification categories R2/B2 and above, provide the following:**

- e) Provide evidence of utilisation of the WHS Management System on relevant projects, including copies of the last two compliance audits undertaken by the Applicant’s certifying body. Complete reports must be provided and must include all comments.

Compliance Report	Dated	Yes	No
Compliance Report	Dated	Yes	No

Evidence of Utilisation of WHS

- f) Has the Applicant received any major non-conformances from its certifying body in relation to its WHS Management System over the last three years? If so, provide details and measures taken for corrective action and the outcome of these actions. All non-conformances must be reported (unedited).

Non-Conformances <i>Details</i>	Yes – <i>See Details below</i>	No
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g) Has the Applicant ever been issued with any Improvement Notices or Infringement Notices from a regulatory body? If so, provide details.

Improvement Notices Received <i>Details</i>	Yes – <i>See Details Below</i>	No
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h) Provide details of Lost Time Injury Frequency Rate over the last three years.

LTI Rate	Current Year	Last Year	Previous Year
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### 3.3. Environmental Management Systems (EMS)

a) Provide a copy of the third party certification by an accredited International Accreditation Forum Member  
(not mandatory for R1 / B1). R1, B1 applicants who are not third party certified, must have a minimum of an ACT Second Party certification – an independently audited system that meets the requirements of a checklist to be provided by the assessing authority.

Third Party certification held

EMS (Environmental Management System) -AS/NZS ISO 14001:2015 <i>See Details below</i>	Yes	No
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Details – Certification Company	Expiry Date
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b) Provide a copy of the corporate environmental management policy-

Attached	Yes	No
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c) Provide a copy of a sample / example environmental management plan

Attached	Yes	No
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**For Prequalification categories R2/B2 and above, provide the following:**

d) Provide evidence of utilisation of the EMS on relevant projects, including copies of the reports of the

last two compliance audits undertaken by the Applicant’s certifying body. Complete reports must be provided and must include all comments.

Compliance Report	Dated	Yes	No
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Compliance Report	Dated	Yes	No
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Evidence of Utilisation of EMS

e) Has the Applicant received any major non-conformances from its certifying body in relation to its EMS Management System over the last three years? if so, provide details and measures taken for corrective action and the outcome of these actions

Non-Conformances	Yes – See Details below	No
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Details

f) Has the Applicant ever been issued with any Improvement Notices or Infringement Notices from an environmental regulatory body? If so, provide full details must be provided of any breaches (i.e. notices of incidents breaching environmental standards or requirements). This information must be complete and unedited

Improvement Notices Received	Yes – See Details below	No
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Details

### 3.4. Traffic Management

- a) Provide details of how the Applicant manages traffic at worksites (eg self-performed or by the use of subcontractors). If the Applicant self performs traffic management, provide policy / procedures describing how traffic is managed and how personnel receive the correct level of training.

Traffic Management self performed	Yes – <i>See Personnel Training details Below</i>	Nominated prequalified subcontractor
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Traffic Management Policy attached	Yes	No
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Traffic Management Procedures attached	Yes	No
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Personnel Training Details

- b) Provide an example worksite traffic management plan attached Yes

### 3.5. Subcontractor Management

- a) ) Provide details of the Applicant’s approach to selecting and managing subcontractors, including example subcontract agreements and how it ensures that subcontractors are dealt with fairly.

Example of Subcontract agreement attached  
Details

Yes

### 3.6. Partnering/Relationship Management

- a) Provide a signed copy of the Applicant’s corporate policy on partnering/relationship management – attached
- b) Provide documentary evidence demonstrating the Applicant’s approach to partnering/relationship management, such as reports / minutes from partnering meetings / workshops.

Details

### 3.7. Community/Stakeholder Engagement

#### Prequalification categories R2/B2 and above only

- a) Provide a signed copy of the Applicant's corporate policy on community/stakeholder engagement – attached Yes
- b) Provide documentary evidence indicating the Applicant's participation and performance in community/stakeholder engagement, such as project community/stakeholder engagement plans.

Details

### 3.8 Professional Engineering Scheme

The ACT's Professional Engineers Registration Scheme was announced 13 March 2024 and commenced on 6 March 2025.

For Prequalification purposes, the Scheme covers the following Areas of Practice:

- Civil (includes Environmental); and
- Structural

*The Professional Engineers Act 2023 (ACT)* is the relative legislation.

Under the Scheme, individuals providing professional engineering services (developing or overseeing the development of engineering designs) in the prescribed areas of engineering must be registered.

It follows then that a mandatory criterion for any Engineering Prequalification category is for all Engineers who will be engaged by the ACT Government, are to be registered under the Professional Engineers Registration Scheme.

Refer also the "Appendix B of the "Assessment Criteria" and specifically the minimum required number of Professional Civil Engineers under " 2.3 Key Personnel who are active in the entity's road/bridge works operations".

**Based on the R and B categories being applied for, you will be required to have "the minimum number of**

**the senior personnel, who are Professional Civil Engineers with at least 5 years relevant experience in road / bridge works, registered under the Scheme.**

Further information, including the application process, can be found at [www.planning.act.gov.au/professionals/regulation-and-responsibilities/professional-engineers-registration-scheme](http://www.planning.act.gov.au/professionals/regulation-and-responsibilities/professional-engineers-registration-scheme) .

### **Applicant’s Registered Engineers**

Mandatory criteria in terms of “Appendix B of the “Assessment Criteria” and specifically the minimum required number of Professional Civil Engineers under “ 2.3 Key Personnel who are active in the entity's road/bridge works operations”.

Registration Number	Name	Expiry Date
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## 4. Financial Capacity

### 4.1. Requirements for Different Types of Applicants

The Applicant must fully describe the form of legal entity under which it operates. The nature of the entity will influence the financial information that the Applicant is required to submit. For entities not described below, refer to the Prequalification Requirements for more information.

<b>Single companies</b>	<b>No additional Requirements</b>
<b>Company within a consolidated group</b>	<p>The Application must clearly identify which company within the group is applying for prequalification or, alternatively, if it is the group itself which is applying for prequalification. The company will be assessed in its own right, based on its individual financial statements and any additional information that may be requested. A subsidiary company may submit audited financial statements for the parent company (or guaranteeing entity) for assessment, along with suitable undertakings from the parent entity, such as a Letter of Undertaking or Parent Company Guarantee. Where the parent company (or guaranteeing entity) is unable to provide the required undertakings, the subsidiary must be assessed in its own right.</p> <p>In considering Applications from subsidiary companies or entities, Infrastructure Canberra reserves the right to examine the resources of the parent company or entity if considered warranted.</p>
<b>Joint Ventures</b>	<p>The ACT Government will consider Applications for prequalification from joint ventures. Joint ventures may be either incorporated or unincorporated. An incorporated joint venture will be assessed as a legal entity in its own right. Unincorporated joint will be assessed on a case-by-case basis, which will include a separate assessment of each joint venture party. A copy of</p>

**the proposed joint venture agreement is to be included with all Applications for joint venture prequalification.**

The following information will be required to be submitted to the ACT Government's external financial assessor once we have received your Application. The external financial assessor will contact you directly for this information, **DO NOT** submit to our office.

### **Basic information**

- a) Group structure
- b) Audited annual report/financial statements for the last three years (\*)
- c) Management accounts that are no more than three months old (\*)
- d) Details of any debt facilities (type, amount, term, repayment arrangements, security details), including any undrawn credit lines.
- e) Details of any encumbrances over business assets.
- f) Details of any contingent liabilities, including guarantees provided.
- g) Details of any financial covenants by which the business must adhere for any loan facilities.
- h) Details of any current or pending legal action against the directors or company.
- i) Availability of guarantees (financial or performance). This includes any cross guarantees that may apply between group entities.
- j) Details of key management positions (name, position held, qualifications, experience).
- k) Governance practices, including details of accounting policies and controls, budget preparation processes, internal financial skills and qualifications, internal financial management reporting and review processes.
- l) If the Applicant is an entity of a type that is not required to be audited, statutory financial statements, including a Director's Report and Director's Declaration, must be provided, as well as a Compilation Report from the qualified accountant who prepared the financial statements

\* The financial statements/management accounts should include the following:

- balance sheet
- profit and loss statement
- cash flow statement
- notes to and forming part of the financial statements
- signed Director's Report (when Applicant is a company)
- signed Accountant's Compilation Report or Auditor's Report
- signed Director's Declaration.

### 4.3. Additional information

Additional information may be requested to support the assessment, and the financial assessor may also source relevant information from publicly available sources e.g. Dun and Bradstreet and/or IBIS World reports and ratings, ASIC and the Australian Business Register.

- a) Provide details of historical cash flow performance for the current financial year and the previous three financial years
- b) Provide a cash flow budget for the next 12 months, clearly defining the expected source and timing of:
  - inflows (receipts from billing)
  - outflows (including labour costs, material costs, equipment costs, etc.).

Details of all assumptions used must be included

- c) Capacity to borrow – current bank facilities. Attach details of all current bank balances in the format shown in the table below

#### Proforma for bank facilities utilised

	Available	Utilised	Remaining
Overdraft			
Revolving Lease			
Other Leases			
Business Credit Card			
Guarantees by Bank Revolving Facility			
Other Credit Facilities (Please specify)			

- d) Provide name of bank and contact details of bank manager
- e) Provide a letter from the bank/financiers which details the facilities available to the Applicant. Also, give details of the facilities that have been utilised by the Applicant. Typically, this will include information on overdrafts, credit facilities, and other sources of finance.

## 5.SUBMITTING THE APPLICATION

Applications should include a covering letter on company letterhead including the following paragraph:

*In submitting this Application for prequalification, we certify that the information in this Application is true and correct and fully complies with the NPS Requirements and this Application Form. We also acknowledge and agree to and hereby incorporate the 'Terms and Conditions' referred to in Section 8 of the Requirements document and provide the undertakings detailed in Section 8.7 of the Guidelines.*

*By submitting this application we also authorise the ACT Government to provide to any Territory, State or Commonwealth government agency (including any regulatory or law enforcement body, which includes, without limitation, work safety regulatory agencies, such as WorkSafe ACT as evidence of the Applicant's consent to allow that agency to release information as requested by the Participating Authority to any Territory, State or Commonwealth government agency.*

The letter must be signed by the Applicant's authorised representative as follows:

Signed:

Name:

Company Secretary / Director

Date:

Applications should consist of all documentation outlined in these procedures, together with any other supporting technical or financial information. Applicants can only submit the Application via email to [iCBRPrequalification@act.gov.au](mailto:iCBRPrequalification@act.gov.au) (maximum limit of 10 mg),

The technical information should be separate from the financial information.

Applications cannot be submitted via facsimile.

Applications should be forwarded to the address on the front page of this Application.

## 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:

### **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)*.
- (xviii) *Professional Engineers Act 2023 (ACT)*

- 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)

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:
- (a) *Work Safety Act 2008* (ACT);
  - (b) *Work Health and Safety Act 2011* (ACT);
  - (c) any Regulations and instruments made or issued under the above Acts;
  - (d) any laws which vary or replace the above laws, or any part of them;
  - (e) all other laws applicable in the Australian Capital Territory which deal with matters relating to work health and safety; and
  - (f) 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 it 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.
7. Applicants will be required to hold a Secure Local Jobs Code (SLJC) Certificate issued in accordance with the SLJC Legislation prior to being granted Prequalification. Information on how Applicants can apply for an:

- SLJC certificate is available at <https://www.procurement.act.gov.au/supplying-to-act-government/securelocaljobs>

SLJC Certificate held Yes Expiry Date

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

8. Technical capacity – 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.

Long Service Leave Authority Registration held Yes Evidence Provided Yes

9. 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.

10. By submitting an Application (and while prequalified, if Prequalification is granted to the Applicant) the Applicant authorises the Territory to:

- (1) 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);
- (2) 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);
- (3) 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;
- (4) 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;
- (5) provide the name of the Applicant to Unions ACT; and

(6) 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.

11. 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.

11. 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.”]*

12. 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

*[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 witnesses 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 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