



ACT
Government
Infrastructure Canberra

ACT GOVERNMENT PREQUALIFICATION SCHEME FOR CONSTRUCTION INDUSTRY CONTRACTORS

APPLICATION

Please return completed application to:

Infrastructure Canberra
Portfolio Performance and Procurement, Prequalification
(PO Box 158 Canberra City, ACT, 2602)
2 Constitution Avenue, CANBERRA ACT 2601
Email: ICBRprequalification@act.gov.au
Attention: Prequalification Registrar

NOTE: Electronic Submission of Application.

Applications can only be lodged by Electronic Submission.

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 Ind Ins or Pub Lia Ins"

Max Email capacity 10 MB.

If your submission exceeds 10 MB, please submit via "Objective Connect" NOTE you will need prior approval, please email your request to ICBRprequalification@act.gov.au

1. Information for Applicants

(a) ACT Government Prequalification Scheme for Construction Industry Contractors

Applicants should, prior to completing this Application Form, read the 'Policy and Guidelines for Applicants' (**Policy and Guidelines**) referable to the 'ACT Government Prequalification Scheme for Construction Industry Contractors' (**Scheme**) available at

<https://www.act.gov.au/infrastructurecanberra/supplying-to-government/prequalification/apply-for-act-prequalification>

Words and phrases defined in the Policy and Guidelines have the same meaning in this Application Form unless a contrary intention is expressed.

(b) Checklist

An Application Checklist for Contractors (checklist) has been included in this Application package. You should submit the completed with your Application to ensure you have provided all necessary information to enable the initial consideration of your Application. An assessment of your financial capacity will occur separately.

(c) Associated Declarations

In addition to providing this completed Application Form, the checklist and all supporting documentation Applicants must provide a completed Applicant's Declaration and the Ethical Suppliers Declaration attached to this Application. Applicants should read and consider the instructions for completion which accompany the Applicant's Declaration, prior to signing the same.

(d) Trusts

The Territory does not prequalify trust arrangements under the Scheme. However, Trustee companies may become prequalified based on assessments of the accounts of the trustee company, not on the accounts of the Trust.

(e) Newly formed companies

Newly-formed companies are unlikely to be in a position to provide details of any significant past experience or financial capacity. As such Applicants with a trading history of less than **three years** will generally not be accepted.

(f) Incorporated joint ventures

An incorporated joint venture (JV) must meet the criteria for Prequalification in its own right and provide a copy of the joint venture agreement. Where a newly-formed JV may have difficulty satisfying some of the criteria referable to financial capacity, the same principles regarding newly-formed companies may apply.

(g) Unincorporated joint ventures

An unincorporated joint venture may comprise separate legal entities coming together and combining strengths for the purpose of undertaking specific projects. Each party to the joint venture must be prequalified in their own right. An unincorporated joint venture is not an entity in its own right and operates under a contractual arrangement between the joint venture parties. The unincorporated joint venture arrangement will need to be assessed in addition to other criteria. Applications will need to include a copy of the joint venture agreement and the structure of the joint venture for consideration.

(h) Condition of Tender information

The holding of Prequalification under the Scheme may be a prerequisite required by the Territory to enable a contractor to participate in a Procurement Process. It may be a condition of tender that a contractor maintains its Prequalification status under the Scheme during the term of award of contract following a Procurement Process.

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2. Nature of Application

GUIDE NOTE:

New/renewing Applicants and Applications for upgrades

In selecting the Category(ies) for which Prequalification is sought, each new Applicant should carefully consider which particular Category(ies) best reflects its current capabilities. This step relies on the Applicant making a realistic self-assessment of its ability to successfully deliver contracts involving the type of work described in each category.

Following this, the Applicant must ensure that its Application clearly addresses the relevant criteria and clearly demonstrates the Applicant's capabilities for the Prequalification Category(ies) selected.

Indicate whether this is a new Application, a renewal or an Application for an upgrade of Prequalification categories and/or Thresholds (please tick):

New Application

Renewal Application

Additional Categories

3. General Information

Applicants must provide the following general information:

- a Name of the company or entity under which this Application is being made and under which tenders will be submitted
- b Trading name (if different)

c	Type of Entity	Public Company Private Company Individual Joint Venture Trust / Trustee
d	State of registration of company (if applicable)	
e	ABN	
f	ACN or ARBN	
g	Address of registered office	
h	Postal address	
i	Business address	
J	Preferred address (please tick)	Registered Office Postal Address Business Address
k	Contact for Prequalification enquiries (full name, position and email address)	
l	Telephone number	
m	Email address	

N Website address

o Membership of industry associations (please list)

Yes

Is the Applicant an Aboriginal and Torrens Straight registered company

If Yes, evidence of Supply Nation Registration attached

4. Categories of Work and Thresholds

GUIDE NOTE:

All information provided should be relevant to the Prequalification Category or Categories sought.

Category

You need to identify the Category(ies) for which you are applying for Prequalification by placing a tick in the box opposite each Category Code for which you are applying.

Category Table

Category applied for	Descriptor	Please tick your selection
CB Unrestricted	Contractor – Building (also includes CR) Unlimited Construction Please note the maximum financial level for this code is F49 - above that level the National Prequalification Scheme for Non Residential Building is applicable.	
CB Restricted	Contractor – Building (also includes CR) – Restricted to construction up to and including three storeys in height.	
CR	Contractor – Building (residential). Domestic residential construction up to two storeys in height. Restricted to National Construction Code, Building Code of Australia Classes 1,2 and 10 a.	
CL	Contractor – Landscaping	
DC	Design, Document and Construct contracting services	
PMC	Project Management Construction services (inclusive of construction management services)	
PM Civil R1	Project Management Civil Construction 1 (inclusive of construction management services)	
PM Civil R2	Project Management Civil Construction 2 (inclusive of construction management services)	

MC	Managing Contractor (applies to specified project delivery of approximately \$30 m and above)
D	Demolition
RM	Signage & Road Marking
PI	Pole Installation
CIRR	Cable Installation & Road Reinstatement
RWAS	Road Works, Asphalt Surfacing
TS	Traffic Signals
LS	Land Subdivision
TSG	Trunk Services, Gas
TSH	Trunk Services, Hydraulics
PLRR	Pipe Laying & Road Re-instatement
RWCS	Road Works, Crack Sealing
RWSS	Road Works, Spray Sealing
BM	Bridge Maintenance
MS	Major Stormwater
TSS	Trunk Services Steam
MSH	Main Services, Hydraulics
TMI	Traffic Management, Intersections

5. Company Profile

GUIDE NOTE:

Demonstration that the Applicant has been successfully operating under its current structure and ownership for three years, especially in the Territory and within Australia, provides confidence that the Applicant is stable.

Organisational Structure

Applicants should attach 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 (please tick to confirm)

Stability of Organisation

(a) Provide in tabular form the following information:

	Local State / Territory	Nationally	Internationally
Years under Current Structure			
Years under Current Ownership			

(b) If applicable, provide details of any former business names and give details for (a) above.

Former Business Name	Local State / Territory	Nationally	Internationally
Years under Current Structure			
Years under Current Ownership			

(c) In the last five years, has the Applicant, or any former business identified in sub-clause (b), been liquidated or entered into receivership, administration, scheme of arrangement, or creditors' composition pursuant to the *Bankruptcy Act 1966* or Corporations Law? If yes, give details.

No
Yes
Details

(d) 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
Details

(e) Has the Applicant, over the last five years, had any convictions recorded against it or are there any current or pending proceedings, either in a Court of Law or in arbitration?

No
Yes
Details

GUIDE NOTE:

Resumes

Resumes must be sufficiently detailed to demonstrate each person’s level of knowledge and experience relevant to the scope of works for the Prequalification Category(ies) sought.

Resumes must include, as a minimum, 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
- i. names of previous employers.

Senior Management

Provide the names of directors and senior managers and a resume for each such person nominated.

NAME	POSITION	Resume Provided - Yes
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NAME	POSITION	Resume Provided - Yes
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Key Personnel

Please provide details of all key personnel and their relevant registrations for each prequalification category applied for. For clarity, you must clearly identify which personnel are being nominated against each category (e.g. James Brown – CB Unrestricted (also includes CR)).

Registration Number (if applicable)	Name	Expiry Date
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6. Technical Capacity – Provision of Insurances

GUIDE NOTE:

Please provide details of the following insurances: (copies of insurance certificates should be attached).

Professional Indemnity (where relevant)

Insurer

Sum Insured

Expiry Date

Public Liability

Insurer

Sum Insured

Expiry Date

Workers Compensation

Insurer

No. of Workers
Covered

Expiry Date

7. Technical Capacity –Experience and Capability

Project details

GUIDE NOTE:

All information provided should be relevant to the Prequalification Category or categories sought. Applicants should:

- Provide an organisational chart identifying key positions and reporting responsibilities, together with a summary of roles and responsibilities for key positions within the organisation.
- Outline its project team structure, and reporting responsibilities within the team and to management, with details of projects where project team has operated successfully.
- Demonstrate that the personnel identified in the organisation chart as project personnel are available for contracts to be undertaken for the Territory.

Describe 3 to 5 **relevant projects** verifying the Prequalification categories being sought, you have undertaken as the head contractor in the last 12 to 36 months. Use the table below for the minimum information required.

Project details - General Information (please fill in for each project)

Project 1

Project Name

Prequalification Category if applicable

Client contact name and phone number

Location of project

**Contractor
administrator/superintendent/principal's
representative contact names and details**

Description of project

Special features of project (if any) such as complex project management

Form of Contract (AS2124, MW21 etc)

Contract value at award

Start date

Date of completion

Original contract period (weeks)

Names of your key operational personnel employed on the contract, and what was their role on the project

Names of subcontractors used

A detailed description outlining why this project is relevant to the Prequalification Category(ies) sought

Referee contact details

Project 2

Project Name

Prequalification Category if applicable

Client contact name and phone number

Location of project

**Contractor
administrator/superintendent/principal's
representative contact names and details**

Description of project

**Special features of project (if any) such as
complex project management**

Form of Contract (AS2124, MW21 etc)

Contract value at award

Start date

Date of completion

Original contract period (weeks)

**Names of your key operational
personnel employed on the contract,
and what was their role on the project**

Names of subcontractors used

A detailed description outline why this project is relevant to the Prequalification Category(ies) sought

Referee contact details

Project 3

Project Name

Prequalification Category if applicable

Client contact name and phone number

Location of project

**Contractor
administrator/superintendent/principal's
representative contact names and details**

Description of project

**Special features of project (if any) such as
complex project management**

Form of Contract (AS2124, MW21 etc)

Contract value at award

Start date

Date of completion

Original contract period (weeks)

**Names of your key operational personnel
employed on the contract, and what was
their role on the project**

Name of Subcontractor used

A detailed description outline why this project is relevant to the Prequalification Category/ies sought

Referee Contact Details

Project 4

Project Name

Prequalification Category if applicable

Client contact name and phone number

Location of project

**Contractor
administrator/superintendent/principal's
representative contact names and details**

Description of project

**Special features of project (if any) such as
complex project management**

Form of Contract (AS2124, MW21 etc)

Contract value at award

Start date

Date of completion

Original contract period (weeks)

**Names of your key operational personnel
employed on the contract, and what was
their role on the project**

Names of subcontractors used

A detailed description outline why this project is relevant to the Prequalification Category(ies) sought

Referee contact details

Project 5

Project Name

Prequalification Category if applicable

Client contact name and phone number

Location of project

**Contractor
administrator/superintendent/principal's
representative contact names and details**

Description of project

**Special features of project (if any) such as
complex project management**

Form of Contract (AS2124, MW21 etc)

Contract value at award

Start date

Date of completion

Original contract period (weeks)

**Names of your key operational
personnel employed on the contract,
and what was their role on the project**

Names of subcontractors used

A detailed description outline why this project is relevant to the Prequalification Category(ies) sought

Referee contact details

8. Financial Capacity

Applicants will be required to provide the Territory's external assessor with their financial information. Once this Prequalification Application is received by the Territory, the external assessor will contact you and send to you the appropriate forms to be completed.

The information requested will be used to gauge your ability to meet the financial criteria applied and to determine the dollar value Threshold level for Prequalification purposes (should a decision be made to grant Prequalification).

The external assessor may contact you to discuss the financial assessment information provided in greater detail. This process requires the assessment of 'final' financial statements (**those that are signed by the Accountant at the Compilation Report and the Directors at the Directors Declaration**) that are no older than 9 months and from which the external assessor will assess the financial viability of the Applicant.

9. Technical capacity - Business Management Systems

You must have in place business management systems as follows:

- QA (Quality Assurance) - AS/NZS ISO 9001:2015
- OHS&R (Occupational Health Safety and Rehabilitation) - AS/NZS or ISO 45001
- EMS (Environmental Management System) - AS/NZS ISO 14001:2015

Those systems must have been independently audited and meet the minimum requirements set out in the table below.

Quality management system	Environmental management system	OHS management system*
<p>ACT Second Party - an independently audited system that meets the requirements of a checklist to be provided by the assessing authority.</p> <p>OR</p> <p>Full 3rd party AS/NZS ISO 9001:2015</p>	<p>ACT Second Party - an independently audited system that meets the requirements of a checklist to be provided by the assessing authority.</p> <p>OR</p> <p>Full 3rd party AS/NZS ISO 14001:2015</p>	<p>ACT Second Party - an independently audited system that meets the requirements of a checklist to be provided by the assessing authority.</p> <p>OR</p> <p>Full 3rd party AS/NZS ISO 45001:2018</p> <p>OR</p> <p>Accreditation under the Australian Government Building and Construction OHS Accreditation Scheme.</p>

Third party certification

Where 3rd party certification is relied upon you should provide a copy of the certificate and any associated schedule from an accredited International Accreditation Forum Member.

(this can be verified at: <https://iaf.nu/en/association-members/> - "Accreditation Bodies")

ACT second party certification

Where ACT Government second party certification has been recommended or achieved prior to submission of this Application, provide reference details of the audit report rendered by an accredited senior auditor.

10. Technical Capacity – Qualifications and licences

GUIDE NOTE:

Appendix 3 of the Policy and Guidelines document sets out Contract qualification requirements. You should provide details and copies of the qualifications and licensing arrangements of the Applicant necessary to satisfy those requirements. Please provide copies of all relevant certificates including, if required, building certificates.

You should review **Appendix 3** of the Policy and Guidelines document to ensure you provide evidence addressing the technical and specific requirements set out in that Appendix. The following Table should be completed and included as part of your Application.

Name	Position in Company	Qualifications eg degree, diploma, builders licence etc	Professional Association & Registration Number if applicable	Projects undertaken summary	Copies of Qualifications attached
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Name	Position in Company	Qualifications eg degree, diploma, builders licence etc	Professional Association & Registration Number if applicable	Projects undertaken summary	Copies of Qualifications attached
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11. Technical capacity – Compliance with the Code

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

12. Technical capacity – Secure Local Jobs Code Certification

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/secure-local-jobs>

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

13. Technical capacity – 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.

14. 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.

15. Submitting the Application

In submitting this Application for Prequalification, you must also provide a signed ethical suppliers statutory declaration and Applicant's Declaration. Those declarations will form part of your application and be relied upon by the Territory in assessing the Application. Your Application will not be accepted without those declarations.

By submitting an Application you authorise the Territory to refer the Application and/or information provided with the Application to an external consultant, agency or assessor engaged to assist with the Territory's assessment. Such entities are required to maintain confidentiality of all information received.

In the event you are granted Prequalification you authorise your details, including details of your performance under contracts awarded, to be shared with Territory and other

government agencies for the purpose of monitoring contract performance and determining your continued eligibility for Prequalification.

Prequalified contractors' details will be notified on the Infrastructure Canberra website <https://www.act.gov.au/infrastructurecanberra/supplying-to-government/prequalification#supplier-lists>

Use of Prequalification status for advertising and promotion

You agree not to use any information relating to your Prequalification status or contract performance in your advertising or promotional material or publish such information in any form without the express written consent of the Territory. You further agree that you accept full responsibility for any consequences arising from the use of such information.

Other Requirements

Applications should include all documentation outlined in this Application Form, together with any other supporting technical or financial information.

Applicants are encouraged to submit the Application via Email (PLEASE NOTE, the ACT Government has an Email limit of 10 MB. Any email over that capacity will not be received), on disc, or USB / thumb-drive in a read-only format.

No financial information is to be submitted with this Application.

One hard copy of the Application and supporting information may be provided.

COMPANY NAME

NAME OF AUTHORISED
SIGNATURE ON BEHALF
OF APPLICANT:

POSITION OF AUTHORISED
SIGNATORY

SIGNATURE

DATE

Application Checklist for Contractors

Please mark the boxes to ensure all aspects of your application are complete

Contractor Details Complete

Company Organisational Chart

Details of Prequalification in another jurisdiction (if applicable)

Insurances (copies attached)

Identified Category(ies) of Work and proposed Thresholds

Technical Capacity – Experience and capability

Resumes

Organisational Chart

Technical Capacity – Business Management Systems

Technical Capacity – Qualifications & Licences, including CVs- including copies of qualifications

Secured Local Jobs Code Certificate

Long Services Leave Authority evidence

Statutory Declaration in relation to Ethical Suppliers

Applicant's Declaration

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)*.
- (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)

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 12A 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 13A 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 14A 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 15A 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/secure-local-jobs/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)

11. 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 *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 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