**STATUTORY DECLARATION**

Statutory Declarations Act 1959 (Cth)

I, **[Name, address and occupation of person making declaration]** make the following declaration under the Statutory Declarations Act 1959 (Cth),

1. In this declaration a reference to:
	1. **“Adverse Ruling”** meansa ruling, order, notice (including without limitation any improvement notice or prohibition notice), conviction or finding made or issued by any Authorised Entity.
	2. **“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 Tenderer has contravened the Prescribed Legislation.
	3. **“Employee”** meansa natural person who is employed under a contract of service (excluding professional or information technology services) to provide the Tenderer with his or her labour.
	4. **“Full Details”** means the details of:

the nature of the Adverse Ruling, breach or offence;

the name of the relevant Authorised Entity;

the State or Territory in which the proceeding or prosecution was brought;

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;

the entity against which the Adverse Ruling, breach or offence was made or issued;

any document setting out the Adverse Ruling, breach or offence (including provision of a copy of the same);

any conviction recorded or adverse finding made in respect of the Adverse Ruling, breach or offence;

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;

any remedial measures or other actions proposed or recommended by the Authorised Entity and details of steps taken by the Tenderer to comply with those remedial measures or other actions; and

the status of the Adverse Ruling, breach or offence as at the date of the declaration.

* 1. **“Industrial Instruments”** means an award or agreement, however designated, that is made under or recognised by the Prescribed Legislation.
	2. **“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:
1. *Fair Work Act 2009* (Cth);
2. *Fair Work (Building Industry) Act 2012* (Cth);
3. *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth);
4. *Income Tax Assessment Act 1997* (Cth);
5. *Independent Contractors Act 2006* (Cth);
6. *Industry Research and Development Act 1986* (Cth);
7. *Long Service Leave Act 1976* (ACT);
8. *Long Service Leave (Portable Schemes) Act 2009* (ACT);
9. *Migration Act 1958* (Cth);
10. *Paid Parental Leave Act 2010* (Cth);
11. *Payroll Tax Act 2011* (ACT);
12. *Safety, Rehabilitation and Compensation Act 1988* (Cth);
13. *Superannuation Guarantee (Administration) Act 1992* (Cth);
14. *Superannuation Guarantee Charge Act 1992* (Cth);
15. *Work Health and Safety Act 2011* (ACT);
16. *Workers’ Compensation Act 1951* (ACT);
17. *Workplace Gender Equality Act 2012* (Cth).
	1. **“Prescribed Works or Services”** means works or services that require the exertion of labour by Employees.
	2. **“Secure Local Jobs Code Certificate”** has the meaning given by the *Government Procurement Act 2001.*
	3. **“Secure** **Local Jobs Code”** has the meaning given by the *Government Procurement Act 2001.*
	4. **“Tenderer”** means **[insert full legal name of Tenderer including the ACN/ABN as per that identified in the Tender].**
	5. **“Territory-Funded Work”** has the meaning given by the *Government Procurement Act 2001.*
18. I am authorised on behalf of the Tenderer to make this declaration.
19. The information supplied by the Tenderer with and in its Tender is true and correct. Any further information to be supplied by the Tenderer to enable assessment of it Tender will be true and correct.
20. The Tenderer is aware that tenderers for Territory-Funded Work must hold a Secure Local Jobs Code Certificate and that once certified tenderers must comply with the Secure Local Jobs Code.
21. The Tenderer agrees to comply with all applicable Territory policies and legislation referable to Territory-Funded Work and, if the Tenderer is prequalified under a prequalification scheme in the Territory, the WHS Active Certification Policy, if it is the preferred Tenderer.
22. By submitting a Tender the Tenderer 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, information, including information about the Tenderer’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 Tenderer in its Tender);
	2. obtain and take into account in its evaluation, information from referees or other reputable sources on the performance of the Tenderer on projects (whether or not they are identified by the Tenderer in their Tender);
	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;
	4. provide information about the Tenderer to any Territory, State or Commonwealth government agency, including information provided by the Tenderer and information related to the Tenderer’s performance at any time and for any reason;
	5. provide the name of the Tenderer and this declaration 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 Tenderer’s consent to allow that agency to release information as requested by the Territory to the Territory.
23. The following Industrial Instruments made pursuant to any Prescribed Legislation specifically applies to the Employees of the Tenderer 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”]**

1. The Tenderer 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 Tenderer has not complied with the following Industrial Instruments in the following respects.

 **[Insert full details]**

1. The Tenderer 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)

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

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

1. The Tenderer 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 Tenderer has not recognised the rights of Employees to union membership and representation in the following respects.

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

1. The Tenderer 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 Tenderer 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 Tenderer has failed to comply with all amendments to wages and conditions of employment]**

1. In the preceding 36 months of the date of this declaration there have been no findings against the Tenderer 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)

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

**[Set out Full Details of findings]**

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

[ ]  True (delete 13A and initial) [ ]  Not true (answer 13A)

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

**[Set out Full Details of Adverse Rulings]**

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

[ ]  True (delete 14A and initial) [ ]  Not true (answer 14A)

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

**[Set out Full Details of proceedings or prosecutions]**

1. The Tenderer 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)

15A. The Tenderer 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]**

1. Below is a complete list of all projects (both completed and current) in the Australian Capital Territory where the Tenderer 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”]**

1. 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 [place] on [day] of [month] [year]

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.