

**“Declaration of Compliance with the National Code of Practice for the Construction Industry and the Australian Government**

**Implementation Guidelines (Revised September 2005, Reissued June 2006)**

The following Declaration of Compliance should be included as an attachment to a request for tender.

This declaration must be completed by the Tenderer and lodged with its Tender. Any Tender in which this schedule is not completed may be regarded as Informal and not considered further in the evaluation of Tenders.

Name of Australian Government project tendered for:

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.....

Name of Tenderer, ABN and ACN:

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.....

1. The Tenderer confirms that it has complied with the National Code of Practice for the Construction Industry (the Code) and the Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry (the Guidelines), revised September 2005, reissued June 2006, in preparing this Tender.
2. The Tenderer undertakes to comply with the Code and Guidelines in performing the Contract, should it be the successful Tenderer, and to require compliance by its related entities. (Note: **Related Entity** has the same meaning as given to that term in the Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry, revised September 2005, reissued June 2006 available at [www.workplace.gov.au/building](http://www.workplace.gov.au/building)).
3. The Tenderer undertakes to ensure compliance from all subcontractors, consultants and material suppliers engaged on this project, should it be the successful Tenderer. All contracts must expressly require compliance with the Code and Guidelines.
4. The Tenderer agrees to require that the Tenderer and its material suppliers, consultants, subcontractors and its related entities provide the Commonwealth or any person authorised by the Commonwealth, including a person occupying a position in the Office of the Australian Building and Construction Commissioner, with access to:
  - (a) inspect any work, material, machinery, appliance, article or facility;
  - (b) inspect and copy any record relevant to the Project and Works the subject of this Contract;
  - (c) interview any person; and
  - (d) request a party to this Contract to produce a specified document within a specified period in person, by fax or by post,

as is necessary to allow validation of its compliance with the Code and Guidelines.

6. The Tenderer acknowledges that the Commonwealth, its agencies and Ministers, must be able to disclose information concerning the Tenderer's and its related entities' compliance with the Code and Guidelines in order to facilitate compliance with the Code and Guidelines and for the exercise of their statutory and portfolio responsibilities (the Purposes) and, to this end:

*(The Tenderer is to delete as applicable)*

The Tenderer hereby gives its consent, and confirms that its related entities give their consent, to disclosure by the Commonwealth, its agencies and Ministers, of information concerning the Tenderer's and its related entities' compliance with the Code and Guidelines and whether or not a sanction has been imposed on the Tenderer and/or related entity of the Tenderer, for the Purposes.

OR

The Tenderer has previously given its consent, and confirms that its related entities have previously given their consent, to disclosure by the Commonwealth, its agencies and Ministers, of information concerning the Tenderer's and its related entities' compliance with the Code and Guidelines and whether or not a sanction has been imposed on the Tenderer and/or a related entity of the Tenderer for the Purposes, and confirms that the Tenderer and its related entities have not revoked that consent.

7. The Tenderer has obtained or will obtain the consent of each subcontractor, material supplier and consultant proposed in its Tender to disclosure by the Commonwealth, its agencies and ministers, of information concerning the proposed subcontractors, compliance with the Code and Guidelines and whether or not a sanction has been imposed on any proposed subcontractor, for the Purposes.
8. The Tenderer acknowledges that sanctions can be applied to subcontractors, material suppliers and consultants that form part of the contractual chain.
9. The Tenderer acknowledges that the consents provided in this undertaking are not limited to this Tender process.
10. The Tenderer will:
  - (a) Describe how the Tenderer has complied with the Code and Guidelines in the past (if the Tenderer has undertaken Australian Government funded construction work in the past)

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- (b) Describe how the Tenderer intends to comply with the Code and Guidelines in performing the Contract should its Tender be successful

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- (c) Where the Tenderer proposes to subcontract an element of the Work, the Tender is either to:
  - (i) provide the information detailed at (a) and (b) in relation to each subcontractor, material supplier and consultant; or
  - (ii) detail how the Tenderer intends to ensure compliance with the Code and Guidelines by each subcontractor, material supplier and consultant.

**Privately Funded Projects:**

The Tenderer declares that, in respect to privately funded projects:

- 11. The Tenderer and its related entities will comply with the Code and Guidelines on all the Tenderer's and its related entities' future privately funded projects.
- 12. The Tenderer shall maintain adequate records of compliance with the Code and Guidelines by the Tenderer, its material suppliers, consultants, subcontractors and related entities.
- 13. The Tenderer agrees to require that the Tenderer and its related entities provide the Commonwealth or any person authorised by the Commonwealth, including a person occupying a position in the Office of the Australian Building and Construction Commissioner, with access to:
  - (a) inspect any work, material, machinery, appliance, article or facility;
  - (b) inspect and copy any record relevant to the Project and Works the subject of this Contract; and
  - (c) interview any person as is necessary to allow validation of its compliance with the Code and Guidelines.

Additionally, the Tenderer agrees that the Tenderer and its related entities will agree to a request from the Commonwealth or any person authorised by the Commonwealth, including a person occupying a position in the Office of the Australian Building and Construction Commissioner, to produce a specified document within a specified period, in person, by fax or by post.

- 14. The Tenderer will ensure that the Tenderer and its related entities permit the Commonwealth or any person authorised by the Commonwealth, including a person occupying a position in the Office of the Australian Building and Construction Commissioner, to have access to records and to the related entities' and subcontractors' premises (to inspect and copy records), as is necessary to ensure that the material suppliers, consultants, subcontractors and related entities are complying with the Code and Guidelines.

**SIGNED** by )

..... )  
(*print name*) )

..... )  
(*position held*) )

as authorised representative for the )  
Respondent in the presence of: )

..... )  
Signature of witness )

.....  
Name of witness (block letters)

Date: ..... 2008”

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By executing this declaration the  
signatory warrants that the information  
contained in the submission is true and  
correct is that the signatory is duly  
authorised to sign this declaration on  
behalf of the Tenderer.