

Declaration of Compliance

Project Name	GREENSLOPES PRIVATE HOSPITAL		
ABN	64 082 896 722		
Business Name	PKF PTY LTD		
Trading Name	as above		
Name of Related Entities	n/a		
ABN of Related Entities	n/a		
Business Type	SOLE TRADER ☐	PARTNERSHIP ☐	COMPANY ☒
Business Address	18b Windorah Street, Stafford QLD 4053		
Phone Number	07 3352 4888	Email	sarav@pkflooring.com
Contact Name	SARA VANINETTI		
Position	ESTIMATOR		
Work Category / Trade	FLOOR FINISHES		
Services Provided	LABOUR ☐	PLANT / EQUIPMENT / MATERIALS (DRY HIRE) ☐	LABOUR and PLANT / EQUIPMENT / MATERIALS (WET HIRE) ☒

If you are tendering for work on a project based in NSW, ACT, TAS or WA, you are required to complete **SCHEDULE ONE** and **SCHEDULE TWO**.

If you are tendering for work on a project based in QLD you are required to complete **SCHEDULE ONE** and **SCHEDULE THREE**

If you are tendering to provide labour hire services on a project based in QLD, VIC or SA, you are required complete **SCHEDULE ONE** and **SCHEDULE FOUR**.

SCHEDULE ONE: COMPLIANCE HISTORY		Y	N
1.1	Has your business completed an assessment for compliance through John Holland within the last six (6) months? If No – Please proceed to question 2.1. Project: _____ Report Date: _____	☐	☒
1.2	Have there been any changes to your industrial or business arrangements in the past six (6) months that would change the answers you provided in your previous Declaration of Compliance? If there is no changes that would change the answers you provided in your previous Declaration of Compliance, please proceed to the General Declaration on Page 5.	☐	☒

INDUSTRIAL INSTRUMENTS		Y	N
2.1	Does your business directly engage employees? If No – Please proceed to question 2.4. Number of Employees: 30	☒	☐
2.2	Please identify the Enterprise Agreement(s), Modern Award(s) or other lawful arrangement(s) which will be applied on		

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this project. You must provide ALL requested details. If you require assistance please contact the Fair Work Ombudsman on 13 13 94 or visit www.fairwork.gov.au .			
Enterprise Agreement(s):	CFMEU UNION COLLECTIVE AGREEMENT		
Agreement Lodgement Number:	AG2019/703	Expiry Date(s):	AS BELOW
Expiry Date(s):	2 ND July 2019 or until new draft collective agreement is signed off by Fairwork AUS		
Modern Award(s) ID Number:	MA000020		
Other lawful arrangement(s):			

ABCC Proof of Eligibility: Please attach the ABCC issued Letter of Compliance for all Enterprise Agreement(s) that apply to the business, and its related entities, made **ON OR AFTER 25 April 2014**.

If you do not have a Letter of Compliance you are requested to contact ABCC and have the Enterprise Agreement(s) assessed.

If a Modern Award or other lawful arrangement (such as a common law contract of employment) applies to you, please attach a signed ABCC Self-Declaration.

An ABCC Letter of Compliance or Self-Declaration is not required for privately funded projects or projects being performed under the previous Building Code 2013 by John Holland.

If you require assistance please contact the Australian Building and Construction Commission on 1800 003 338 or enquiry@abcc.gov.au or visit <http://www.abcc.gov.au/>

2.3	Is your business currently operating under any unregistered agreements which provide for terms conditions or benefits of employment which may include above-entitlements payments?	☐	☒
	If yes – Please identify the nature of these agreements and attach a copy of these agreements to this Declaration of Compliance.		
	Note: <i>Unregistered Agreements will include side deals or memos of understanding or project specific workplace arrangements.</i>		
	Unregistered Agreement:		

2.4	Does your business undertake to NOT engage in “sham contracting” arrangements?	☒	☐
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WORKPLACE PRACTICES		Y	N
3.1	Is your business compliant with all relevant workplace laws, which include the <i>Fair Work Act 2009</i> or any applicable workplace relations laws (including obligations under awards, enterprise agreements and employee superannuation entitlements, etc.), workplace health and safety laws and workers compensation laws?	☒	☐
3.2	Does your business ensure that all workers engaged in building and construction work are lawfully entitled to work in Australia in accordance with the the <i>Migration Act 1958</i> ?	☒	☐
3.3	Do you intend to engage any employees on the project that hold a visa under the <i>Migration Act 1958</i> ?	☐	☒
	If Yes you must identify the number of employees and the visa subclass.		
	Number of employees:		
	Visa subclass:		
3.4	Does your business ensure that payment is not made for any time spent engaged in industrial action unless legally required or authorised?	☒	☐
3.5	Is your business aware of the requirement to change your business practices in order to comply with the Building Code (where applicable) when non-compliant practices are drawn to your attention?	☒	☐

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3.6	Does your business undertake to comply with the dispute settlement procedures as set out in the applicable industrial instrument?	☒	☐
3.7	Within the last 5 years has your business had any adverse decisions, directions or orders made by a court or tribunal for a breach of the <i>Independent Contractors Act 2006</i> , the <i>Fair Work Act 2009</i> , the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> or a Commonwealth industrial instrument?	☐	☒
3.8	If Yes to 3.7 above, please confirm details:		
3.9	Within the last 3 years has your business been required to pay under an adjudication certificate (provided in accordance with a law relating to the security of payments that are due to persons in respect of building work) or owed any unsatisfied judgement debts (including by any related entity) to a building contractor or building industry participant?	☐	☒
3.10	If Yes to 3.9 above, please confirm details:		

FREEDOM OF ASSOCIATION		Y	N
4.1	Does your business ensure that: - Workers are free to become, or not become, members of industrial associations? - Workers are free to be represented, or not represented, by industrial associations? - Workers are free to participate, or not participate, in lawful industrial activities? - Individuals are not refused employment because of their union status? - Employees are not terminated because of their union status? - Elected employee representatives are not subject to discrimination or disadvantage? - Individuals are not required to pay a 'bargaining fee' (however described) to an industrial association of which the individual is not a member, in respect of services provided by the association?	☒	☐
4.2	Does your business use induction forms that require: - Employees to identify their union status? - Subcontractors to identify the union status of their employees?	☐	☒
4.3	Does your business have workplace agreements, policies or practices that ENCOURAGE OR DISCOURAGE employees to join or maintain financial membership with a union or industrial association?	☐	☒

SUBCONTRACTORS AND CONSULTANTS. Please note , if you intend to engage subcontractors or consultants on the project, each subcontractor or consultant that you intend to engage must compliance the Declaration of Compliance and be assessed for compliance by John Holland.		Y	N
5.1	Does your business engage subcontractors or consultants? If No – Please proceed to question 7.1. Employees on piece rates as per Collective Agreement	☐	☒
5.2	Does your business encourage, suggest or pressure subcontractors or consultants to have particular workplace arrangements in place including making or not making an enterprise agreement?	☐	☒
5.3	Does your business direct, require or coerce subcontractors or consultants to make payments to, or on behalf of, their employees in excess of a Modern Award, Enterprise Agreement or legislative requirements?	☐	☒
5.4	Does your business ensure subcontractors and consultants are aware of the obligation to provide the Commonwealth or any person authorised by the Commonwealth with access to sites, documents and personnel to monitor compliance?	☒	☐

SECURITY OF PAYMENT (only complete if you answered Yes to 5.1).		Y	N
6.1	Does your business comply with all relevant security of payment laws?	☐	☐
6.2	Does your business ensure that all payments that are due and payable are made in a timely manner?	☐	☐
6.3	Does your business have in place a documented dispute resolution procedure that outlines how payment disputes with subcontractors will be resolved?	☐	☐
6.4	Are you aware of the requirement to report any disputed or delayed progress payment to John Holland and (where applicable) the ABCC on the date in which the payment falls due?	☐	☐

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ONSITE PRACTICES		Y	N
7.1	Does your business undertake to comply with any Workplace Relations Management Plan or Health and Safety Management Plan as applicable to the project?	☒	☐
7.2	Are you aware that you are NOT permitted to invite a union official to a project site?	☒	☐
7.3	Does your business ensure that: - ALL locations where work is performed are free from posters, signs and other promotional material implying compulsory union membership? "Show card" days do not occur? - Employee records are securely stored and not provided to a third party other than as required by law?	☒	☐
7.4	Does your business ensure that union officials seeking to enter ANY location where work is performed: - Hold a valid federal right of entry permit? - Provide at least 24 hours written notice of entry, unless in relation to relevant Occupational Health and Safety or Workplace Health and Safety laws? - Provide details of any alleged breach they are investigating? - Only visit during project working hours and hold discussions during meal times or other breaks? - Show their valid permit and notice of entry upon request? - Comply with your reasonable requests about the areas on site they can use for holding discussions or interviews? - Comply with your reasonable requests about the route they should take to access these areas?	☒	☐

REPORTING PRACTICES		Y	N
8.1	Is your business aware of the obligation to provide the Commonwealth or any person authorised by the Commonwealth with access to sites, documents and personnel to monitor compliance?	☒	☐
8.2	Does your business have systems in place to report to John Holland and any relevant authority: - Alleged or suspected breaches of the Building Code and <i>Fair Work Act 2009</i> as soon as practicable? - Industrial and Workplace Health and Safety disputes at the earliest opportunity? - Right of entry by union officials including unlawful entry or attempted unlawful entry at the earliest opportunity? - Freedom of association breaches at the earliest opportunity? - Actual or threatened industrial action at the earliest opportunity?	☒	☐
8.3	Is your business aware that the Commonwealth may impose sanctions on a business that is a code covered entity and does not comply with the Building Code?	☒	☐
8.4	Has your business (or your related entities) ever had a sanction applied to it by the Commonwealth or any other State or Territory Government, which precludes your business from tendering for or otherwise performing government funded work?	☐	☒

I have completed and returned the Declaration of Compliance	YES ☒	NO ☐
I have provided details of the industrial instrument that applies to my business	YES ☒	NO ☐
I have provided a copy of the ABCC documents required to demonstrate eligibility (where relevant)	YES ☒	NO ☐
I have provided a copy of the Approval Decision which applies to my enterprise agreement	YES ☒	NO ☐

FOR MORE INFORMATION CONTACT		
Australian Building and Construction Commission (ABCC)	1800 003 338	www.abcc.gov.au
Fair Work Commission	1300 799 675	www.fwc.gov.au
Fair Work Ombudsman	13 13 94	www.fairwork.gov.au

GENERAL DECLARATION

In making this declaration, the business confirms that where the Building Code applies:

- The business complies with the Building Code in preparing this Tender;
- The business undertakes to continue to comply with the Building Code in performing the Contract, should it be the successful Tenderer;
- The business undertakes to ensure compliance from all subcontractors, consultants and related entities engaged on this project, should it be the successful Tenderer;
- The business acknowledges that all contracts must expressly require compliance with the Building Code;
- The business acknowledges that consents provided in this undertaking are not limited to this Tender process;
- The business acknowledges that any false or misleading information or undertakings with regards to this declaration may constitute a breach of the Building Code and may result in the tender being rejected from consideration;
- The business confirms that it will comply with John Holland's policies and procedures pertaining to Industrial Relations, including Building Code compliance and any Workplace Relations Management Plan or Health and Safety Management Plan as applicable to the Project.

I hereby acknowledge that this information is true and accurate to the best of my knowledge.

Authorised Representative:	SARA VANINETTI		
Position:	ESTIMATOR		
Signature:		Date:	

SCHEDULE TWO: STATE/TERRITORY CODE COMPLIANCE. If you are tendering for work on a project based in a State/Territory mentioned below, which is funded by the State/Territory government then you must demonstrate compliance with the applicable State/Territory legislative requirement(s).

Please see below the relevant State/Territory Code Authority(s) responsible for enforcing and monitoring compliance:

NSW	Businesses undertaking work in New South Wales are required to demonstrate compliance with the New South Wales Industrial Relations Guidelines: Building and Construction Procurement. Further information can be obtained from the Construction Compliance Unit, NSW Industrial Relations on 13 16 28 or ccu@industrialrelations.nsw.gov.au
ACT	Businesses undertaking work in the ACT must attach a copy of their Industrial Relations and Employment Certificate (IRE Certificate) or Secure Local Jobs Code Certificate. Further information can be obtained from the Department of Procurement and Capital Works on https://www.procurement.act.gov.au
TAS	Businesses undertaking work in Tasmania are required to demonstrate compliance with the National Code of Practice for the Construction Industry 1997 edition and the Tasmanian Annexure to the National Code of Practice for the Construction Industry. Further information can be obtained from the Department of Treasury and Finance on purchasing@treasury.tas.gov.au
WA	Businesses undertaking work in WA are required to demonstrate compliance with the West Australian Building and Construction Industry Code of Conduct 2016. Further information can be obtained from the Building and Construction Code Monitoring Unit, Department of Commerce on 1300 110 232 or bccmu@commerce.wa.gov.au

In making this declaration the business agrees to comply with the requirements of the applicable State/Territory Code

Authorised Representative:	SARA VANINETTI		
Position:	ESTIMATOR		
Signature:		Date:	

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SCHEDULE THREE: QUEENSLAND PROCUREMENT POLICY – ETHICAL SUPPLIER THRESHOLD. The Ethical Supplier Threshold applies to all Queensland Government funded projects from 1 August 2019. The below applies to any conduct after 1 August 2019 . Compliance with the Threshold is a mandatory criteria in order to be considered for Queensland Government funded projects.		Y	N
Have you contravened a civil remedy provision of Chapter 2 or Chapter 3 of the <i>Fair Work Act 2009</i> (Cth), or committed an offence against the Fair Work Act?		☐	☒
Have you contravened a civil remedy provision of Chapter 2, 3, 4, 5 or 7 of the <i>Industrial Relations Act 2016</i> , or committed an offence against the Industrial Relations Act, or failed to pay employment related levies, or other payments, established under Queensland legislation?		☐	☒
Have you failed to make superannuation contributions on behalf of employees in accordance with law?		☐	☒
Do you purport to treat employees as independent contractors, where they are not?		☐	☒
Do you require persons who would otherwise be employees to provide an Australian Business Number so that they could be treated as independent contractors?		☐	☒
Have you engaged persons on unpaid work trials or as unpaid interns, where they should be treated as employees?		☐	☒
Have you entered into an arrangement for the provision of labour hire services with a person who is not licensed under the Labour Hire Licensing Act 2017, or a supplier who is an unlicensed provider under the Act?		☐	☒
Have you paid employees wages below those provided for in an applicable modern award?		☐	☒

I hereby acknowledge that this information is true and accurate to the best of my knowledge.

Authorised Representative:	SARA VANINETTI		
Position:	ESTIMATOR		
Signature:		Date:	

SCHEDULE FOUR: LABOUR HIRE LICENSING. If you are providing Labour Hire services to a project based in QLD, VIC, or SA you must attach a copy of the Labour Hire License to this Declaration of Compliance . Please see below the relevant State Authority(s) responsible for enforcing and monitoring of Labour Hire Licensing compliance.	
QLD	Under the <i>Labour Hire Licensing Act 2017</i> , Labour Hire providers operating Labour Hire services on Queensland projects must have a Labour Hire license. Further information can be obtained from the Office of Industrial Relations on 1300 576 088.
VIC	Under the <i>Labour Hire Licensing Act 2018</i> , Labour Hire providers operating Labour Hire services on Victorian projects must have a Labour Hire license. Further information can be obtained from the Labour Hire Authority on 1300 545 200.
SA	Under the <i>Labour Hire Licensing Act 2017</i> , Labour Hire providers operating Labour Hire services on South Australia projects must have a Labour Hire license. Further information can be obtained from Consumer and Business Services on 131 882.