

# INFRASTRUCTURE INVESTMENT DIVISION

GM – CLEARANCE FORM

NB-II GM Ref: \_\_\_\_\_

## URGENT DOCUMENTS

Date Submitted: 19/9/14

Date and Decision Required: \_\_\_\_\_

Action Officer: Georgia Maudahis

Section Head Clearance (compulsory): YES / NO

Type of Document: (circle one)	Minute	Brief	Ministerial	Other: (specify) <u>FAB's</u>
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Action Required: (circle one)	Agree	Sign	Note	<u>Approve</u>
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TOPIC: NSRF FAB's

KEY ISSUES: funder

As per our discussion today, please note the attached charges to the FAB's.

OTHER COMMENTS:

GM'S COMMENTS:

GM Signature: 

Date: 22/9/14



Australian Government

Department of Infrastructure  
and Regional Development

## FREQUENTLY ASKED QUESTIONS



## National Stronger Regions Fund

Promoting Economic Development in Australia's Regions



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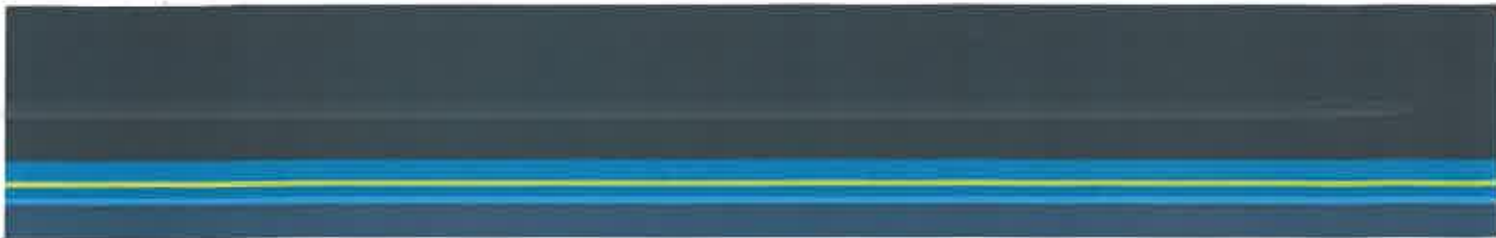
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## Record of Updates to the Frequently Asked Questions

This 'Frequently Asked Questions' document is a living document, and will be updated regularly to reflect new questions or issues. The following table provides an indication to the reader of when this document was last updated and the nature of the changes.

For further information on the NSRF refer to the NSRF Guidelines in the first instance then the Frequently Asked Questions document. If you are still unclear send your question to [nsrf@infrastructure.gov.au](mailto:nsrf@infrastructure.gov.au)

Date Updated	Pages Updated	Description of Update
1 October 2014	-	Version 1 Release

# 1. ELIGIBILITY

## 1.1 How are local government bodies defined?

Local government bodies are defined in Attachment A of the NSRF Guidelines.

## 1.2 How is a not-for-profit organisation defined?

- A not-for-profit organisation is an incorporated association created by law (under the appropriate Association Incorporation legislation of a State or territory government, for example, Associations Incorporation Act 1991 (ACT)).
- Its activities are not carried on for the profit or gain of its individual members. The constitution or governing documents of the organisation should prohibit the distribution of profits or gains to individual members.
- It has perpetual succession (ie it continues even if its members die or resign).
- It has an ABN.
- It is a legal entity.
- It has a public officer and a committee.
- It has members.
- Its profits, if any, can only be used to promote its objectives (non-profit making).

## 1.3 I am a not-for-profit organisation, and we have branches located across Australia. Are we eligible to apply for NSRF in our own right or should our head body submit one application on behalf of all of our branches?

- A branch of a not-for-profit organisation can apply for NSRF funding in its own right if it meets the eligibility criteria outlined in Section 4 of the NSRF Guidelines.

## 1.4 What is meant by a consortium?

- For the purposes of NSRF, a consortium is a temporary joint venture by two or more parties, which is created for the purpose of submitting an application and completing the proposed project under the NSRF grant agreement. The lead organisation of the consortium, which submits the application on behalf of the consortium, must be an eligible organisation.
- A consortium needs to be supported by legal arrangements between the parties that identify roles and responsibilities of the consortium (Refer 4.1 of the Guidelines). Such arrangements must be in place prior to signing a grant agreement with the Department.
- The lead member of the consortium is legally responsible for the delivery of the project funded under the NSRF.
- Other members of the consortium can be organisations that are not eligible to apply for NSRF funding in their own right, such as a for-profit organisation.



### 1.5 Are certain infrastructure projects excluded because they should be covered by other Australian Government programmes?

- Funding is only available for capital infrastructure projects.
- Funding will not be available for projects which shift costs from state, territory or local governments to the Commonwealth.
- You cannot include other Government funding as part of your partner funding for your project. However, you can identify it to demonstrate support for your project from that particular Government agency. Section 4.5 and 4.6 of the Guidelines provides guidance on additional eligibility requirements.

### 1.6 Can NSRF be used to re-furbish a leased building?

- A project to fit-out a leased building would be eligible for funding under NSRF.
- The lease of the building must be retained by the grant recipient: one year for projects with funding of less than \$250,000; three years for projects with funding from \$250,000 to \$1 million; and five years for projects over \$1 million, from project completion in its refurbished condition.
- Applications for projects of this nature should be accompanied by evidence to support the existence of the lease (such as a lease agreement).

### 1.7 I am not sure if my project fits under the NSRF Guidelines. If I email a description of the project to the NSRF email address, can they advise me if my project is likely to be funded?

- No, as the NSRF is a competitive grants programme, the department cannot provide advice to proponents about the eligibility of particular projects, or types of projects, or their organisation, during the application period.
- The Department is required to ensure that all potential proponents are treated in a fair and equitable manner, and that no unfair advantage is given to any one proponent.
- Please refer to the eligibility criteria requirements located at Section 4 of the Guidelines.

### 1.8 Can a single project be located in multiple locations?

For example, can a proponent seek funding for a number of playgrounds in a town?

- Yes, a proponent can submit an application for a project which comprises a number of elements or locations. The application form will allow you to add multiple locations for your project.
- Projects may involve a number of elements, however these elements must be cohesive, related to each other and meet the objectives of the NSRF.

### 1.9 Can I apply for a project that has already commenced or is scheduled to commence?

- Funding will not be provided for projects that have been budgeted for and would proceed without NSRF funding.
- Funding will not be provided for activities commenced prior to announcement of the funding decision. Financial commitments entered into before announcement and before a grant agreement has been executed with the Department are done so at the risk of the Grant Recipient.
- Funding may be available for a project which is underway, however, it must be a new stage of the project. For example, a convention centre may be already under construction and funding may be provided for a new adjoining public library.

## 2. ROLES AND RESPONSIBILITIES

### 2.1 What is the Department's role in the assessment of applications?

- All applications will be assessed for eligibility.
- The Department will consider all eligible applications against the assessment criteria to confirm value with public money.
- The Department may contact state and territory governments and other Commonwealth agencies to obtain information relating to the history of the Applicant in delivering projects, viability of the project and proponent, the extent to which the project aligns with or delivers priorities in state plans, confirmation of funding contributions, and impact on the region.
- The Department will make recommendations on projects to be funded to the Ministerial Panel.

### 2.2 Will the Department contact me with questions relating to my application?

- As the NSRF programme is a competitive grants programme, the Department is unable to contact the Applicant about the application.

### 2.3 Who will provide advice on NSRF during the application process?

- Questions can be sent to the [nsrf@infrastructure.gov.au](mailto:nsrf@infrastructure.gov.au) mailbox. Questions should be clear and concise, and identify the part of the process you are seeking advice on. Answers will be provided in writing.
- Key questions will be added to the Frequently Asked Questions document which is available to all potential Applicants.
- This ensures that consistent advice is provided to all Applicants and does not advantage any single Applicant.

## 3. HOW TO APPLY

### 3.1 What is the Department's schedule for the application process?

- Key dates for the NSRF are listed at Section 2 of the Guidelines.

### 3.2 How do I submit an application?

- Applications must be submitted via an Application Form on the Department's Grants Management System (GMS) Portal (<https://gms.infrastructure.gov.au/UI>).
- Applicants must be registered in the GMS Portal in order to view an application form and submit their application. Many organisations are already registered in the GMS Portal, and unregistered organisations can register by following the links on the GMS Portal webpage.
- Applicants can use the sample application form available on the Department's website at [www.infrastructure.gov.au/nsrf](http://www.infrastructure.gov.au/nsrf) to start preparing their application.
- The User Guide to the GMS Portal is available on the Department's website to assist Applicants to submit their application.

### 3.3 How many applications in the system can I submit at any point in time?

- Each Applicant can only have one active application per Round of NSRF, and can only have one application under assessment or consideration by decision-makers at a time.
- Following the decision on an application, proponents may lodge another application for funding for another project or for the same project in a further Round, if the initial application was not successful.
- An active application is an application which is submitted in the GMS portal and pending assessment and decision.

### 3.4 Can letters of community and stakeholder support be provided via email?


- No, all supporting documentation must be submitted through the GMS Portal.

### 3.5 What happens if there are technical difficulties when I try to submit my application?

- If you experience technical difficulties when trying to submit your application it is important that you seek assistance from the Department. Assistance must be sought via the Infoline (1800 005 494) or the NSRF mailbox ([nsrf@infrastructure.gov.au](mailto:nsrf@infrastructure.gov.au)).
- The Department's Infoline and NSRF mailbox are staffed by IT experts, who will be able to respond to queries relating to application lodgement.

### 3.6 What does it mean to be the lead member of a consortium?

- The lead organisation of the consortium must be an eligible organization (see Section 4 of the Guidelines).

- 
- The lead member of the consortium will enter into a contract (known as a grant agreement) with the Commonwealth to deliver the project, and will be legally responsible for its delivery including reporting and acquittal arrangements outlined in the grant agreement.
  - The legal arrangements supporting the consortium are a matter for its members.

**3.7 What are some examples of case studies that may assist me in formulating features of my application.**

Below are a range of case studies that are intended as a guide only, and should not be considered indicative of projects which will be supported. Applicants should prepare their application and provide data which best represents their own project and the benefits it will deliver. Unique characteristics of the region and their relationship to the project should be drawn out, for example:

**Case Study One** – this project addresses impediments to growth in the region by creating new supply chain opportunities.

### **TRANSPORT INTERCHANGE PROJECT**

The transport interchange project is a regionally significant infrastructure development project that will link to strategic employment, residential growth areas and national transport routes.

The project has the potential to unlock major economic investment in the region generating much-needed jobs and business investment. The construction of an interchange will allow further development around the site, generating additional employment opportunities and a doubling of retail space, projecting additional dwellings and further creation of jobs in the immediate locality. Redevelopment of adjacent industrial sites anticipate the accommodation of extra jobs and additional dwellings by 2031.

The project is anticipated to inject about \$168 million into the regional economy through housing construction; creation of an average of 284 FTE direct jobs per year over a 10 year period from commercial development; strengthen linkages to the outer region, provide increased opportunities to expand services; expand the type of businesses able to be established in the region; diversify the economic base of the area; shorten journey times that would provide significant monetary benefit to the businesses in the region; and significantly improve the efficiency and convenience of a bus network and transport interchange.

The project is anticipated to provide an increase in the standard of living; increase civic uses; creation of entertainment precincts and additional tourism opportunities for the region; reduction in the use of vehicles in the area; and creating increased investment potential in the developing area by the provision of accessible infrastructure.

**Case Study 2** – This project will increase employment in the region.

### **REGIONAL TIMBER PRECINCT**

The Timber Precinct Infrastructure Project involved the development of a world class timber precinct that included a sawmill, timber manufacturing, particle board production and co-location of associated businesses. It created an integrated value-added timber industry that supported local communities and diversified the local economy. The value-added component of the project ensured that the benefits of natural resources were realised and invested back into local communities.

The project upgraded the road infrastructure surrounding the sawmill. Power and telecommunication systems were also upgraded, supporting ongoing business operations. The upgrade to the telecommunication infrastructure, including the extension of internet connectivity, also supported the growth of regional businesses and enhanced their international competitiveness. The project improved the connectivity and liveability of the town, and supported growth in the region.

It is expected that 100 short term construction jobs will be created and 140 full-time jobs in the longer term. The project will generate \$200 million in income for the town over four years. Investments of over \$50 million per annum is also expected to flow on to benefit local housing, education, retail and service industries.

A partnership between the local senior school and TAFE to develop a Facility for Industry and Training is designed to provide courses specific to the timber industry. This initiative demonstrates a commitment to the sustainability of the region's industry base for specialised courses in management, highly-skilled jobs, as well as apprenticeship programmes.




**Case Study 3** – This project will create a hub for training and education and will assist in 'Closing the Gap'.

#### **DIGITAL LEARNING CENTRE**

This project involves the extension of an arts centre by incorporating a public multi-terminal Digital Learning Centre. The centre will service the local indigenous community as a digital training and education centre, a digital library, and cultural archive access point. The space will contain 10 public digital terminals, lecturing facilities and a centralised workstation for the centre's co-ordinator.

The majority of the space at the centre will be able to be transformed into a formal classroom environment, partially closing itself off from general public use for structured training and education purposes, whilst still offering a few terminals for public use.

An increase in the amount of community members accessing the digital archive will address 'Closing the Gap' through the potential to increase training, education and job opportunities for indigenous residents which in turn will lead to an increase in employability. The construction phase of the project will provide 10 new jobs through local contractors and at completion two full-time permanent positions will be available. Opportunities will be available for the community to use the space to freelance cultural knowledge and lease the premises for other uses.



**Case Study 4** – This project will double operations in community housing and increase work in social services.

#### **REFURBISHMENT OF EXPANDED FLOOD-FREE PREMISES**

This project involves the purchase and fit out of a building on high ground in a flood-prone region and will allow community agencies to double their operations in community housing and increase their work in other social services by 50 percent.

The new centre, together with existing premises nearby, will form a hub of social service provisions for the town. In times of flood, it will also be used to coordinate disaster relief operations.

The region has 21.6 per cent of residents aged 65 years and over, while the state's average is 12.9 per cent. It also has above average percentages of unemployment, of people needing assistance with a core activity and of Indigenous people. The demand for vital social services is high and rising, and the local community support centre can no longer cope with it.

When the project is complete, the centre will share the building with other services including critical care for over 120 frail and disabled community members.

The project will help the local economy during a period of considerable stress, after a number of years of significant flooding, cyclones and economic downturn. Approximately six workers will be engaged in the construction stage of the project and the centre will employ eight extra staff once work on the building is complete. The refurbishment will create work, training opportunities and skills transfer to disadvantaged job seekers in the region. The centre will also include quality offices that will be available for lease to visiting allied service agencies.



**Case Study 5** – The project will expand the region's services to cater for various activities for young people.

### **YOUTH AND COMMUNITY CENTRE TO PROVIDE HOLISTIC AND INTEGRATED SERVICES**

This project involves the construction of a new facility within a recreation hub in a region inner west of the State. The project includes program spaces for education, training, social skills development, arts and cultural activities, addressing the needs of, and gaps in, services to the region's young people.

The centre will offer targeted programs for newly arrived migrant and refugee youths, assisting them to successfully resettle in Australia. A strong focus on education will support the transition to work.

This project is expected to create 21 full-time jobs during construction. Once complete, the centre is expected to sustain more than two full-time employment opportunities. The project will generate an estimated \$14.967 million in total output, with wages and salaries estimated at \$2.664 million and a total value add of \$5.394 million to the regional economy.

The centre will provide a wider range of services to address the social and economic issues facing local young people by offering employment, sports, arts and cultural activities. It will focus on addressing disadvantage and strengthening the provision of youth services. It will deliver 'age appropriate' basic education for early school leavers and disadvantaged young people, as well as other structured activities in a safe, friendly environment. The centre will offer the community and its surrounding region's young people 'somewhere to go, something to do and someone to talk to'.

### **3.8 What should I consider when preparing an application?**

- Where the activity for which NSRF funding is requested is part of a larger project, descriptions of both the sub-project and project should be provided. Descriptions should be clear and succinct, and leave the reader with a clear understanding of what is proposed and the infrastructure that will be delivered. Grant funding must be for capital infrastructure. The budget should clearly show those elements for which funding is being sought. While the total project budget may include elements that are not eligible, the budget should clearly show that these are being funded through partner contributions.

### 3.9 Can I withdraw my application?

- Yes, a submitted application can be withdrawn at any time.
- Written advice of withdrawal must be provided to the Department at [nsrf@infrastructure.gov.au](mailto:nsrf@infrastructure.gov.au), and must include the Application ID and the reason(s) for withdrawal.
- If the application has not been submitted, it does not need to be withdrawn. The Applicant can either cancel the application in the GMS Portal, or simply not submit the application.

### 3.10 If I make a mistake in my application can I send the Department a replacement?

- To amend a submitted application, the initial application must be withdrawn, amendments made and the application resubmitted before the closing date for that Round.

### 3.11 What if I do not provide all the mandatory documents?

- Failure to provide requested documents will render an application ineligible.
- In addition to the mandatory documents, users may upload up to 20 documents in support of their application.

### 3.12 Can I provide extra information to the Department once the application Round has closed?

- No, once the application Round has closed, further information cannot be submitted.

## 4. PARTNERSHIP FUNDING

### 4.1 Do in-kind contributions count as partnership funding?

- Yes, in-kind contributions are accepted but don't count towards the 50 percent matching cash funding. There is no limit on the value of in-kind contributions.
- In-kind contributions can include land, equipment and salaries.

### 4.2 In terms of partner funding, what does 'cash' include?

- For the purpose of determining partner funding, cash includes money in hand, petty cash, bank account balance, customer cheques, and marketable securities. It may also include the un-utilised portion of an overdraft facility or line of credit.

## 5. ASSESSMENT

### 5.1 How will applications be assessed?

- The Department will **assess** all applications to determine if they meet the eligibility criteria (Section 4 of the Guidelines).

- Eligible applications will be assessed against the assessment criteria.
- Each eligible application will be considered by a Ministerial Panel in consultation with the Government's National Infrastructure Committee.

## 5.2 What is an Independent Viability Assessment?

- The Department will use the information provided by Applicants to undertake a risk analysis of all eligible applications.
- Where a risk has been identified with the project and/or Applicant organisation, and depending on the size and complexity of the project or amount of funding sought, an Independent Viability Assessment (IVA) may be undertaken. This will ensure the risks associated with the Applicant and/or project is managed. There is no cost to the Applicant for the IVA.
- The IVA will be undertaken by an appropriately qualified external consultant engaged by the Department and the findings of the IVA will be included in the assessment.

## 5.3 What should I consider when showing evidence of project planning?

Taken collectively, planning documents should:

- demonstrate that considerable thought and preparation has gone into the planning process
- be realistic in defining the project objectives, scope, timelines, budgets, resourcing, and procurement processes, and
- identify risks and what treatment procedures are in place to manage those risks.

Applications will be strengthened by the inclusion of the strategy to deliver the project, including:

- the contractors to be engaged and their previous experience
- the project manager and their previous experience
- a concise project management plan (or similar), and
- a concise procurement plan (or similar).

All planning approvals have been obtained or are being obtained:

- pending approvals should be noted, and supported by confirmation from the approving body that they will be provided as stipulated in the Guidelines.

## 5.4 Will my previous performance as a grant recipient be taken into account in the assessment process?

- Yes, the Ministerial Panel will take historical performance with regard to previous grant funding into consideration. This will include the completion of outcomes in the agreed time frame and/or capacity to appropriately manage funding.
- Organisations that do not have a history of grant funding with this Department will need to demonstrate the successful and timely delivery of projects in their portfolio.



## 6. FUNDING DECISION

### 6.1 When will I be advised about the outcome of my application?

- Announcement of Round One projects to be funded is expected in May 2015.
- Announcement of Round Two projects to be funded is expected in December 2015.
- Written advice on the outcome of each application will be provided to the Applicant.
- Projects approved for funding will be listed on the Department's website at [www.infrastructure.gov.au/nsrf](http://www.infrastructure.gov.au/nsrf).
- The Department will offer feedback to all Applicants who did not receive funding.

### 6.2 Is the outcome of the application process appealable?

- No, the decision is final.

## 7. CONDITIONS OF FUNDING

### 7.1 How do I report to the Government?

- Reporting templates will be provided with the grant agreement.
- A nominated Commonwealth Officer will act as the Project Officer for approved projects. This Officer will be your single point of contact in the Department for all issues relating to your project and grant agreement.

### 7.2 How does the Department want me to manage the project?

- Once funding is confirmed, the grant recipient will be required to actively manage the project. The project's progress against the grant agreement will be monitored by the Department via progress reports provided by the grant recipient. Site visits may be conducted by the Department.

### 7.3 What are the acquittal requirements?

- Grant recipients are required to provide the Department with financial acquittals and audited statements upon completion of the project to demonstrate that they have spent Australian Government funding on the purposes agreed upon in the grant agreement. For large projects, audited statements may be required as part of milestone reports.
- Once this report has been accepted by the Department, the final grant payment will be made (where provided for in the Grant agreement).
- Please refer to the grant agreement template on [www.infrastructure.gov.au/nsrf](http://www.infrastructure.gov.au/nsrf).



#### 7.4 For projects being undertaken by a consortium, who owns the project once the work is completed?

- It is a requirement for the grant recipient to retain assets funded under the NSRF for:
  - one (1) year for projects up to \$249,999
  - three (3) years for projects from \$250,000 to \$999,999, and
  - five (5) years from project completion for grant requests of \$1 million or greater.
- As the lead member of the consortium that enters into the grant agreement with the Department, the lead member is the grant recipient and will own the completed project, unless approval has been received from the Department.

#### 7.5 Do my contractors have to have OH&S accreditation to work on the project?

- There is a requirement that contractors engaged to work on the funded project have OH&S accreditation where:
  - the value of the Australian Government contribution to the project is at least \$5 million and represents at least 50 percent of the total construction project value, or
  - the Australian Government contribution (including the amount of any Contingency Payment) to a project is \$10 million or more, irrespective of the proportion of Australian Government funding, and
  - The head contracts for building works are greater than \$3 million (GST inclusive).

#### 7.6 What other obligations can apply to NSRF funding?

- Building Code 2013 applies to building contractors that have tendered for building work that is funded in whole or in part by the Commonwealth and only applies to contractors for building works that are valued at \$3 million or more.
- **Attachment A** of this document sets out the Building Code requirements that apply to certain infrastructure projects funded by the Australian Government.

## 8. PAYMENT OF FUNDING

#### 8.1 Can I apply for funding across several years?

- Yes, Applicants can apply for single or multi-year funding up to 2018-2019.
- The NSRF funded component, such as construction of a building must be completed on or before 31 December 2019.

#### 8.2 Am I going to receive GST adjustments as part of my grant?

- Different arrangements for GST apply depending on the type of grant recipient:
  - Local governments will receive funding exclusive of GST, and

- Not-for-profit organisations receive funding inclusive of GST if they are registered for GST.

### 8.3 Do I need to pay GST on the NSRF funding?

- All Applicants are advised to seek advice on GST from a qualified professional or the Australian Taxation Office at [www.ato.gov.au](http://www.ato.gov.au).

### 8.4 What payment arrangements are in place?

- Payments will only be made after the Department is satisfied agreed milestones and the associated obligations specified in the grant agreement have been met. Before payments can be made, grant recipients will be required to provide:
  - evidence of meeting the milestone through provision of a progress report, photographs and other documentation as requested
  - evidence that all previous payments made by the Department under the NSRF for the project have been expended or committed, and
  - a tax invoice, which meets the requirements of the Australian Taxation Office, for the amount of the payment.

## 9. FURTHER INFORMATION

### 9.1 Where do I get more information about the NSRF?

For further information on the NSRF refer to the NSRF Guidelines in the first instance then this Frequently Asked Questions document. If you are still unclear send your question to [nsrf@infrastructure.gov.au](mailto:nsrf@infrastructure.gov.au).

## Attachment A

### Obligations of Proponents for Building Work

It is a requirement of this project, subject to certain financial thresholds, that the persons contracted to undertake the building work be accredited under the Australian Government Building and Construction OH&S Accreditation Scheme, established by the *Fair Work (Building Industry) Act 2012*, at the time of entering into the contract for the building work and while the building work is being carried out.

In accordance with the *Fair Work (Building Industry) Act 2012*, the Commonwealth will ensure that financial contributions are to a building project that is defined under the Fair Work (Building Industry - Accreditation Scheme) Regulations 2012 and are only made where a builder is (or builders are) accredited under the Australian Government Building and Construction Occupation Health and Safety Accreditation Scheme. The Commonwealth will also ensure that compliance with the Building Code 2013 is a condition of Australian Government funding.

Compliance with the Building Code 2013 will be a condition of tender for all contractors and subcontractors who tender for work which is funded by the NSRF, and proponents will be required to provide assurances of compliance to the Department. In addition, building work funded by the Australian Government is subject to all relevant state or territory occupational, health and safety laws.

### Applying the Australian Government Building and Construction OHS Accreditation Scheme

Building work funded by the Australian Government is subject to all relevant state or territory health and safety laws. Special arrangements apply to projects relating to building and construction. In particular, Applicants must ensure that all contractors engaged to work on that part of the project funded by the NSRF have OH&S accreditation where:

- the value of the Australian Government contribution (including the amount of any Contingency Payment) to the project is at least \$5 million and represents at least 50 per cent of the total construction project value, or
- the Australian Government contribution (including the amount of any Contingency Payment) to a project is \$10 million or more, irrespective of the proportion of Australian Government funding, and
- the head contracts for building works are greater than \$3 million (GST inclusive).

**Please note:** Accreditation with the Australian Government Building and Construction OH&S Accreditation Scheme is **not required** for **subcontractors** engaged by a head contractor who carries out some of the building work, or arranges for the building work to be carried out. However the head contractor will need to comply with the requirements of their accreditation and ensure that there is an effective subcontractor OH&S management system in place.

## **Building Code 2013 (Building Code) and the Supporting Guidelines for Commonwealth Funding Entities (Supporting Guidelines)**

The Building Code 2013 (the Building Code) which came into effect in February 2013, together with the Supporting Guidelines for Commonwealth Funding Entities, set out the requirements for all building contractors or building industry participants involved in Commonwealth funded construction projects. It is issued under s.27 of the Fair Work (Building Industry) Act 2012 [FW(b1) Act]. Failure to comply with this Commonwealth legislation may result in a contractor or participant being precluded from Commonwealth funded building work. The Code replaces all previous versions of the Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry (the Guidelines).

The Code applies to building contractors and building industry participants that have tendered for, or expressed interest in, "building work" that is funded in whole or in part by the Commonwealth, or have performed work on those project that are within the scope of the Code. Once covered by the Code in this way, building contractors and participants must meet the requirements of the Code in relation to all their future "building work", regardless of whether it is Commonwealth funded.

The "building work" covered by this Code is defined in the FW(b1) Act. It excludes, for example, work related to a single-dwelling house that is not part of a development of five or more single dwelling houses.

For "building work" that is covered by the Code, it applies to those contractors or participants who participate in on-site activities, and those where the conduct relates to onsite activities but does not occur on the site. The offsite activities that are covered including building work performed on an auxiliary or holding site separate from the primary construction site.

For further information go to: [www.employment.gov.au/buildingcode](http://www.employment.gov.au/buildingcode).

If a project meets the above threshold amounts, the requirement that accredited builders carry out the building work only applies to contracts for building work that are valued at \$3 million or more as defined in the Building and Construction Industry Improvement (Accreditation Scheme) Regulations 2012.

Further information on applying the Australian Government Building and Construction OHS Accreditation Scheme is available from the Office of the Federal Safety Commissioner at <http://www.fsc.gov.au/sites/fsc/needaccredited/accreditationscheme/pages/theaccreditationscheme>.

It should be noted that the Fair and Lawful Building Code 2014 is currently before the Senate and once passed, will come into effect and will replace the current Building Code 2013. Information about the new Code is available at: [www.employment.gov.au/buildingcode](http://www.employment.gov.au/buildingcode).

The Australian Government reserves the right to set other conditions especially where there may be a need to mitigate risks identified within the project.

