



National Code and Guidelines Compliance for Related Entities

The National Code sets minimum standards that businesses must meet to be eligible for certain Australian Government building and construction work.

The National Code Implementation Guidelines provide supporting detail on compliance requirements.

See other ABCC fact sheets to determine when the National Code applies and which set of Guidelines to use.

This fact sheet is relevant to projects complying with the June 2006 Guidelines.

DEFINITION OF RELATED ENTITIES

'Related entities' refers to a range of corporate structures, including subsidiaries, joint ventures and special-purpose companies, as well as companies where there are common directorships or influence over other companies through shareholdings.

The related entities of any contractor seeking or engaged on Australian Government construction projects are also subject to the National Code of Practice for the Construction Industry (National Code) and the Australian Government Implementation Guidelines for the National Code (Guidelines).

WHY DO RELATED ENTITIES NEED TO BE NATIONAL CODE COMPLIANT?

With the revision of the Guidelines in September 2005, since 1 November 2005 all new Australian Government funded projects require tenderers to apply the Guidelines to all their building and construction related entities.

This is to ensure that:

- entities created specifically for the purpose of tendering for construction projects funded by the Australian Government cannot be used to avoid the requirement to be National Code compliant
- the Australian-based private construction work of a tenderer's related entities are covered by the National Code and Guidelines, and
- all related entities have all their building and construction-related industrial instruments or workplace arrangements National Code compliant.

NATIONAL CODE RESPONSIBILITIES

Note: This fact sheet only applies to projects that commenced prior to 1 August 2009.

Expressions of interest and tendering

In order to be eligible for Australian Government funded work, a tenderer must:

- confirm that it and its related entities are National Code compliant
- confirm that it and its related entities will comply with the National Code and Guidelines in new privately funded projects they undertake
- provide information on how the tenderer and its related entities have previously complied with the National Code and Guidelines in the past, if applicable.

On-site National Code compliance

In order for on-site practices to be National Code compliant, contractors must have satisfactory processes in place to ensure subcontractors, consultants and material suppliers comply with the National Code and Guidelines.

These include:

- monitoring on-site conduct to ensure subcontractors maintain National Code compliance
- applying practices consistent with the National Code and Guidelines on all new projects once they have submitted their first expression of interest or tender for a project that is subject to the National Code and Guidelines.

These practices may also apply to the related entities of the contractor.

For more information refer to the ABCC fact sheets:

- 'National Code and Guidelines Compliance for Head Contractors'
- 'National Code and Guidelines Compliance for Subcontractors'

PRIVATE PROJECTS

Parties tendering for Australian Government funded building and construction projects called on or after 1 November 2005 must ensure all of their new privately funded activities are National Code compliant.

A 'new privately funded project' means a project where expressions of interest or tenders are advertised on or after the date that a company first lodges an expression of interest or tender for an Australian Government-funded construction project.

For more information see the 'National Code and Guidelines Compliance for Private Work' fact sheet.

FURTHER INFORMATION

To make an enquiry or obtain copies of the National Code and Guidelines, fact sheets and other reference material, contact:

The Office of the Australian Building and Construction Commissioner

- Hotline: 1800 003 338
- Website: www.abcc.gov.au
- Email: enquiry@abcc.gov.au

The Department of Education, Employment and Workplace Relations

- National Code Mailbox: building@deewr.gov.au
- National Code Hotline: 1300 731 293

For an assessment of workplace arrangements for National Code compliance, visit

- Code Assessments Online:
www.deewr.gov.au/building



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