Fact Sheet 2 – New and Existing Building Projects


This fact sheet sets out how to ensure you comply with Code 2016 when working on new Commonwealth funded and privately funded building projects.

Fact sheet 1 explains the complex transitional arrangements for the EBA requirements in Code 2016.
NEW PROJECTS
Code 2016 applies to all new building projects from 2 December 2016 onwards.

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<tr>
<th>COMMONWEALTH FUNDED PROJECTS</th>
<th>PRIVATELY FUNDED PROJECTS</th>
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### Eligibility and Compliance Requirements

In order to tender for new Commonwealth funded projects, an entity must:
- meet the eligibility criteria set out in Section 11 (relating to content of agreements and prohibited conduct, arrangements and practices); and
- not be subject to an exclusion sanction.

Once an entity within a corporate group has bid for Commonwealth funded building work, all related entities must also comply with all provisions of Code 2016. This includes the general requirement to ensure compliance of subcontractors with Code 2016.

There is no need to generally ensure compliance of subcontractors. For example, there is no need to check whether a subcontractor has a Code compliant enterprise agreement or is subject to an exclusion sanction.

### Workplace Relations Management Plan (WRMP) Requirements

A WRMP is only required if the Commonwealth’s contribution to the project is:
- at least $5 million and represents at least 50% of the total value of the project; or
- at least $10 million regardless of the total value of the project.

If an entity is the head contractor, it must ensure compliance of subcontractors with any WRMP.

There is no requirement for any WRMPs.

### Drug and Alcohol Policy Requirements

A Drug and Alcohol Policy that provides for testing is only required if the project requires a WRMP.

Otherwise, a Drug and Alcohol Policy is required for the management of drugs and alcohol generally – testing is not an express requirement.

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1 "Bid" means submit an expression of interest for, or tender for Commonwealth funded work.

* Complex transitional arrangements apply regarding the latest requirements for enterprise agreements - see Fact Sheet 1.
A code compliant Drug & Alcohol Policy that provides for testing is not required for existing privately funded projects.

There is no need to generally ensure compliance of subcontractors. For example, there is no need to check whether a subcontractor has a Code compliant enterprise agreement or is subject to an exclusion sanction.

A code compliant Drug & Alcohol Policy that provides for testing is only required if the Commonwealth’s contribution to the project is:
- at least $5 million and represents at least 50% of the total value of the project; or
- at least $10 million regardless of the total value of the project.

NEW PROJECTS

Code 2016 applies to all new building projects from 2 December 2016 onwards.

EXISTING PROJECTS

Building Code 2013 (Code 2013) will continue to apply to projects that were underway, or for which a bid was submitted, before 2 December 2016.

A corporate group will only become bound by Code 2016 when it bids/submits an expression of interest for Commonwealth funded building work on or after 2 December 2016.