

CERTIFICATION DEED POLL OF THE CERTIFIER

- In favour of: Minister for Economic Development Queensland
of Level 4, 229 Elizabeth Street, Brisbane in the State of Queensland
(the “MEDQ”)
- By: The entity named in Item 1 of Schedule A
(the “Entity”)
- And By: The person named in Item 2 of Schedule A
(the “Certifier”)

RECITALS

- A. The owner/development proponent intends to make to the MEDQ the PDA development application stated at Item 3 of Schedule A (the “Application”) in respect of the land stated at Item 4 of Schedule A (the “Land”).
- B. If a PDA development approval is granted by the MEDQ, there may be some works or other matters that are required to be assessed in accordance with MEDQ’s certification procedures manual (the “Manual”).
- C. The owner/development proponent has requested the MEDQ nominate the Certifier as a certifier for the works and other matters that may be subject to assessment in accordance with the Manual, under any PDA development approval that may be issued in respect of the Application.
- D. The Entity and the Certifier make this Deed Poll in favour of the MEDQ in accordance with the requirements of the Manual.

This Deed Poll provides:

1. CERTIFIER

- 1.1 The Certifier is an employee/contractor/consultant/partner of/in the Entity.
- 1.2 The Certifier has the relevant educational and professional qualifications stated at Item 5 of Schedule A.
- 1.3 The Certifier’s professional registration details are as stated at Item 6 of Schedule A.

2. PRE-APPLICATION STAGE

The Certifier must prior to the Application being made by the owner/development proponent, advise the MEDQ of the relevant standard or standards which the works or other matters that will be subject to assessment under the Manual must meet and which will be nominated in the PDA development conditions.

3. POST-DECISION STAGE

If a PDA development approval is granted by the MEDQ for the Application, the Certifier must:

- 3.1 complete the pre-construction certification form in accordance with the Manual and provide it to the project co-ordinator;
- 3.2 confer with other certifiers nominated in the PDA development approval to ensure there are no conflicts between the standards to be achieved in different certification disciplines as soon as practicable after they arise and in consultation with the project co-ordinator;
- 3.3 certify the works or other matters that are subject to assessment under the Manual, if they comply with the MEDQ development approval granted for the Application, including completing the post-construction certification form in accordance with the Manual and providing it to the project co-ordinator;
- 3.4 notify the project co-ordinator in writing as soon as practicable after the Certifier becomes aware of any non-conformances with the PDA development conditions; and
- 3.5 assist the project co-ordinator as necessary with the completion of the post-construction certification form in the Manual.

4. GENERAL OBLIGATIONS AND RESPONSIBILITIES

- 4.1 At all times the Certifier must:
 - (a) ensure that all documents prepared by the Certifier and to be given to the MEDQ do not to the best of his or her knowledge contain information that is false or misleading; and
 - (b) advise the MEDQ in writing immediately on becoming aware that any document given to the MEDQ (whether or not prepared by the Certifier) contains information that is false or misleading.
- 4.2 The Certifier must carry out his or her responsibilities and obligations under this Deed Poll with due care, skill and diligence.
- 4.3 To remove any doubt, this Deed Poll does not limit any of the responsibilities and obligations of the Certifier under any PDA development approval, the ED Act or otherwise at law.

5. INSURANCE

- 5.1 The Entity must hold and maintain for the Term of the Deed:
 - (a) professional indemnity insurance for \$5,000,000 from an insurer and on terms acceptable to the MEDQ;
 - (b) public liability insurance to the value of \$20,000,000 from an insurer and on terms acceptable to the MEDQ; and
 - (c) any other insurance required by law, from an insurer and on terms acceptable to the MEDQ.
- 5.2 The insurance policies held and maintained by the Entity must cover the acts or omissions of the Certifier.
- 5.3 The details of the insurance held by the Certifier as required by this Deed Poll are stated at Item 7 of Schedule A.

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- 5.4 The Certifier must produce a copy of an insurance policy following a request made by the MEDQ.

6. TERM OF DEED

- 6.1 This Deed Poll is in effect for a period of seven years from the date it is signed by the Certifier (the “**Term of the Deed**”).
- 6.2 This Deed Poll may not be revoked or amended without prior written notice being given to the MEDQ.

7. DEFINITIONS

Terms used in this Deed Poll and not separately defined but which are defined in the Manual, have the meaning assigned to them by the Manual.

SCHEDULE A

| Item | Reference | Description | | | | | | | | | | |
|--|---|---|--------------------------------------|--|--|----------------|-----------|----------------|----------------|----------------|---------------------------------|----------------|
| 1. | Entity | (a) Name (b) Address | | | | | | | | | | |
| 2. | Certifier | (a) Name (b) Address | | | | | | | | | | |
| 3. | Proposed PDA Development Application | | | | | | | | | | | |
| 4. | Land | (a) Real Property Description (b) Address | | | | | | | | | | |
| 5. | Certifier's Relevant Educational and Professional Qualifications (Documentation may be attached to this Deed Poll, if necessary) | | | | | | | | | | | |
| 6. | Certifier's Professional Registration | | | | | | | | | | | |
| 7. | Insurance | <table border="1"> <tr> <td colspan="2" data-bbox="632 1556 1380 1601">(a) Professional Indemnity Insurance</td> </tr> <tr> <td data-bbox="632 1601 906 1718">Amount (must not be less than \$5,000,000.00):</td> <td data-bbox="906 1601 1380 1718">.....</td> </tr> <tr> <td data-bbox="632 1718 906 1834">Provider:</td> <td data-bbox="906 1718 1380 1834">.....</td> </tr> <tr> <td data-bbox="632 1834 906 1951">Policy number:</td> <td data-bbox="906 1834 1380 1951">.....</td> </tr> <tr> <td data-bbox="632 1951 906 2067">Date of commencement of policy:</td> <td data-bbox="906 1951 1380 2067">.....</td> </tr> </table> | (a) Professional Indemnity Insurance | | Amount (must not be less than \$5,000,000.00): | | Provider: | | Policy number: | | Date of commencement of policy: | |
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| Provider: | | | | | | | | | | | | |
| Policy number: | | | | | | | | | | | | |
| Date of commencement of policy: | | | | | | | | | | | | |

| | | | |
|--|--|---|----------------|
| | | Expiry date: | |
| | | (b) Public Liability Insurance | |
| | | Amount (must not be less than \$20,000,000.00): | ..... ..... |
| | | Provider: | ..... ..... |
| | | Policy number: | ..... ..... |
| | | Date of commencement of policy: | ..... ..... |
| | | Expiry date: | ..... ..... |
| | | (c) Other Insurance | |
| | | Amount: | ..... ..... |
| | | Provider: | ..... ..... |
| | | Policy number: | ..... ..... |
| | | Date of commencement of policy: | ..... ..... |
| | | Expiry date: | ..... ..... |

EXECUTED AS A DEED POLL BY THE ENTITY

EXECUTED as a DEED POLL by)
[INSERT NAME OF COMPANY AND ACN])
this day of 20..... in)
accordance with the *Corporations Act 2001*)
)

Director

Director / Secretary

EXECUTED AS A DEED POLL BY THE CERTIFIER

SIGNED SEALED AND DELIVERED by)
[NAME], in the presence of:)
)

(Witness - Signature)

(Certifier - Signature)

(Witness - Print Name)

on:

(Date)

Disclaimer

The information collected on this Agreement will be used by the Minister for Economic Development Queensland (MEDQ) in accordance with the assessment of your PDA development application and in relation to the works that may be undertaken in accordance with a PDA development approval that is issued. Your personal details will not be disclosed for a purpose outside the planning process, except where required by legislation (including the Freedom of Information Act 1992) or required by Parliament. This information may be stored in a Minister for Economic Development Queensland database. The information collected will be retained as required by the Public Records Act 2002. Its contents should not be construed that the MEDQ would approve or refuse this application.