

## CERTIFICATION DEED POLL OF THE PROJECT CO-ORDINATOR

- 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 “**Project co-ordinator**”)

### 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 project co-ordinator as a project co-ordinator 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 project co-ordinator make this Deed Poll in favour of the MEDQ in accordance with the requirements of the Manual.

This Deed Poll provides:-

### 1. PROJECT CO-ORDINATOR

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

### 2. PRE-APPLICATION STAGE

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The project co-ordinator must:

- 2.1 prior to the Application being made by the owner/development proponent, prepare a risk assessment (the “**Risk Assessment**”) for the works or other matters which will be subject to assessment under the Manual, in accordance with:
  - (a) the Manual;

- (b) *Australian Standard: AS/NZS ISO 31000:2009 Risk management – Principles and guidelines*; and
  - (c) best practice; and
- 2.2 following any approval being granted by the MEDQ for the Application, regularly update the Risk Assessment and provide an updated copy to the MEDQ.

### **3. POST-DECISION STAGE**

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If a PDA development approval is granted by the MEDQ for the Application, the project co-ordinator must:

- 3.1 co-ordinate all certifiers nominated in the PDA development approval;
- 3.2 resolve any conflicts that arise between the standards to be achieved in different certification disciplines as soon as practicable after they arise and in consultation with the MEDQ;
- 3.3 lodge with the MEDQ the submission form for pre-construction certification, in accordance with the Manual;
- 3.4 ensure that construction of the works subject to assessment under the Manual does not commence prior to the project co-ordinator receiving the MEDQ's written confirmation that the works may proceed;
- 3.5 ensure the works or other matters which are subject to assessment under the Manual are undertaken in accordance with the PDA development approval;
- 3.6 notify the MEDQ in writing as soon as practicable after the project co-ordinator becomes aware of any alternative designs or standards that have been adopted for the works or other matters which are subject to assessment under the Manual;
- 3.7 notify the MEDQ in writing as soon as practicable after the project co-ordinator becomes aware of any non-conformances with the PDA development conditions; and
- 3.8 lodge with the MEDQ the submission form for post-construction certification, in accordance with the Manual, before the date specified in the PDA development conditions.

### **4. GENERAL OBLIGATIONS AND RESPONSIBILITIES**

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- 4.1 At all times the project co-ordinator must:-
  - (a) ensure that all documents prepared by the Project co-ordinator and 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 project co-ordinator) contains information that is false or misleading.
- 4.2 The project co-ordinator 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 project co-ordinator under any PDA development approval, the *Economic Development Act 2012* or otherwise at law.

## **5. INSURANCE**

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- 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 project co-ordinator.
- 5.3 The details of the insurance held by the Entity as required by this Deed Poll are stated at Item 7 of Schedule A.
- 5.4 The Entity must produce a copy of an insurance policy following a request made by the MEDQ.

## **6. TERM OF DEED**

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- 6.1 This Deed Poll is in effect for a period of seven years from the date it is signed by the Project co-ordinator (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**

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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.	Project co-ordinator	(a) Name ..... (b) Address ..... .....												
3.	Proposed PDA development application	..... .....												
4.	Land	(a) Real Property Description ..... (b) Address ..... .....												
5.	Project co-ordinator's Relevant Educational and Professional Qualifications (Documentation may be attached to this Deed Poll, if necessary)	..... ..... ..... .....												
6.	Project co-ordinator's Professional Registration	..... ..... ..... .....												
7.	Insurance	<table border="1"> <tr> <td colspan="2" data-bbox="687 1458 1375 1505">(a) Professional Indemnity Insurance</td> </tr> <tr> <td data-bbox="687 1505 968 1621">Amount (must not be less than \$5,000,000.00):</td> <td data-bbox="968 1505 1375 1621">..... .....</td> </tr> <tr> <td data-bbox="687 1621 968 1738">Provider:</td> <td data-bbox="968 1621 1375 1738">..... .....</td> </tr> <tr> <td data-bbox="687 1738 968 1854">Policy number:</td> <td data-bbox="968 1738 1375 1854">..... .....</td> </tr> <tr> <td data-bbox="687 1854 968 1971">Date of commencement of policy:</td> <td data-bbox="968 1854 1375 1971">..... .....</td> </tr> <tr> <td data-bbox="687 1971 968 2080">Expiry date:</td> <td data-bbox="968 1971 1375 2080">..... .....</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:	..... .....	Expiry date:	..... .....
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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 PROJECT CO-ORDINATOR**

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

\_\_\_\_\_  
(Witness - Signature)

\_\_\_\_\_  
(Project co-ordinator - 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.*