## **Appendix 3: Breach assessment checklist**

## Is a non-compliance in scope of the Mandate?

This breach assessment checklist supports procuring agencies in determining whether non-compliant conduct by a supplier can be considered an alleged breach of the Ethical Supplier Mandate (the Mandate).

Date completed:	date
Completed by:	officer
Supplier ABN / ACN:	e.g.,1234
Supplier name:	business / organisation
Contract reference:	contract name

This assessment table is appropriate for a single instance of non-compliance.

Assessment item	Test		
Did the non-compliance occur on a Queensland Government contract?	Yes     No       Essential		
Does the Mandate apply to the procuring agency subject to the contract?	<ul> <li>Yes – Building Construction and Maintenance (BCM)</li> <li>Yes – Transport Infrastructure and Services (TIS)</li> <li>No – Other Another category of spend, government-owned corporation, statutory body, or special purpose vehicle</li> </ul>		
Did the contract commence after a date the Mandate came into effect?  dd / mm / yyyy  [date contract was signed]	Yes     No       BCM - from 1 August 2019     Other - n/a       TIS - from 1 October 2019     Other - n/a		
Does a variation apply to this contract? Does the non-compliance relate to a varied contract clause?	□     Yes     □     No       □     Yes     □     No		
Identify the contract clause the non- compliance relates to:	[insert clause]		

Where the non-compliance relates to legislation, state the relevant section and Act that may apply:	[insert Act and section details]	
Identify a category the non- compliance may relate to:	1a) Local Benefits – commitment to employment of local workers	5a) Industrial relations – commitment to Best Practice Principles
	1b) Local Benefits – other commitments	5b) Industrial relations – commitment to standards
	<ul> <li>2a) Apprentices and trainees</li> <li>– commitment to engagement hours</li> </ul>	6a) Security of payment – adjudication standards
	<ul> <li>2b) Apprentices and trainees</li> <li>– other commitments</li> </ul>	6b) Security of payment – breaches of the Building Industry Fairness Act
	3a) Aboriginal and Torres Strait Islander business and engagement – commitment to Indigenous business engagement	Fairness Act <b>7a) Payment standards –</b> payments not covered by the BIF Act
	3b) Aboriginal and Torres Strait Islander business and engagement – Indigenous	8a) [other] Contractual and policy – other commitments
	business ownership status – at time of contract signing	9a) Communication and cooperation – cooperation with requests
	4a) Workplace Health and Safety – commitments to standards	
Identify the most likely severity the non-compliance relates to:	Minor      Moderate	Major Aggravated
Based on the information (or evidence) available, do you believe the non-compliance was a result of an honest mistake or oversight, and has been corrected?	□ Yes	□ No
If yes, provide explanation and evidence:	[Insert reasoning]	
Do you believe sufficient information (or evidence) is available to pursue the matter under the Mandate?	□ Yes	□ No

Use the information broken down in this table to assess whether a non-compliance may be considered a breach of the Mandate.

## Is the non-compliance in scope of a breach of the Mandate?

