



New South Wales

NSW Jobs First Bill 2021

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to—

- (a) promote investment in local industry and job creation by encouraging the use of locally manufactured materials and the use of local service providers, and
- (b) promote investment in education and training by requiring the use of local apprentices, trainees and cadets on major projects, and
- (c) establish the NSW Local Jobs Advocate to undertake a range of functions to promote local employment and training.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 defines certain words and expressions used in the proposed Act.

Part 2 NSW Jobs First Policy

Clause 4 requires the Minister to develop and make available a NSW Jobs First Policy.

Clause 5 sets out the objectives of the NSW Jobs First Policy and the principles that inform its development.

Clause 6 requires New South Wales government agencies to comply with the NSW Jobs First Policy and that contracts entered into with suppliers of goods and services require suppliers to comply with the Policy.

Part 3 Procurement

Clause 7 provides for the regulations to set local content requirements and other matters, including requirements to maximise local jobs in New South Wales, for strategic projects and major projects.

Clause 8 allows for the Minister to set local content requirements for significant projects.

Clause 9 requires the procurement specifications for a significant project, a strategic project or a major project to include the weighting that is given to local benefit.

Clause 10 requires a person tendering to a government agency for a contract for a significant project or a strategic project to submit a local industry development plan and, if awarded the contract, to comply with the plan.

Clause 11 requires the use of local apprentices, trainees and cadets for at least 10% of the work hours on a major project. The proposed section also requires a person tendering to a government agency for a contract for a major project to submit a major projects skills development plan and, if awarded the contract, to comply with the plan.

Clause 12 requires government agencies to report on their compliance with the NSW Jobs First Policy via the agency annual report and to provide that compliance information to the NSW Local Jobs Advocate.

Part 4 NSW Local Jobs Advocate

Clause 13 provides for the appointment of the NSW Local Jobs Advocate.

Clause 14 sets out the functions of the NSW Local Jobs Advocate.

Clause 15 provides that the NSW Local Jobs Advocate is subject to the direction and control of the Minister except in relation to the content of a report to Parliament.

Clause 16 allows the NSW Local Jobs Advocate to delegate functions.

Part 5 Information and Enforcement

Clause 17 allows the NSW Local Jobs Advocate to require a government agency to provide information to the Advocate.

Clause 18 allows for the NSW Local Jobs Advocate to request that a government agency conduct an audit of compliance with the NSW Jobs First Policy, a local industry development plan or a major projects skills development plan.

Clause 19 allows the NSW Local Jobs Advocate to issue an information notice that requires a person to provide the Advocate with information relating to the operation of the NSW Jobs First Policy, a local industry development plan or a major projects skills development plan.

Clause 20 allows the NSW Local Jobs Advocate to issue a compliance notice that requires a person to comply with an information notice, the NSW Jobs First Policy, a local industry development plan or a major projects skills development plan.

Clause 21 provides for the ways that a person may object to the issue of a compliance notice.

Clause 22 provides for the NSW Local Jobs Advocate to make a determination about a person's compliance with an information notice, the NSW Jobs First Policy, a local industry development plan or a major projects skills development plan and to recommend that the Minister issue an adverse publicity notice.

Clause 23 provides for the Minister, following a recommendation from the NSW Local Jobs Advocate, and on being satisfied that a person has failed to comply with the NSW Jobs First Policy, a local industry development plan or a major projects skills development plan, to issue an adverse publicity notice by tabling the notice in Parliament.

Part 6 Miscellaneous

Clause 24 provides for the NSW Local Jobs Advocate to issue an annual report and lists a range of matters that must be included in the report.

Clause 25 provides that the NSW Local Jobs Advocate or a person under the direction of the Advocate is not personally liable for actions in good faith.

Clause 26 enables the Governor to make regulations for the purposes of the proposed Act.

Schedule 1 Provisions relating to Advocate

Schedule 1 contains provisions relating to the employment and remuneration of the NSW Local Jobs Advocate and to vacancy in and removal from office of the Advocate.

Schedule 2 Savings, transitional and other provisions

Schedule 2 contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

Schedule 3 Amendment of Government Sector Employment Act 2013 No 40

Schedule 3 amends the *Government Sector Employment Act 2013* to create the Office of the NSW Local Jobs Advocate.