

LEGISLATIVE COUNCIL

Public Sector Employment and Management Amendment (Procurement of Goods and Services) Bill 2012

First Print

Proposed amendments

- No. 1 Page 5, Schedule 1 [2], line 20. Omit “and private sectors”. Insert instead “, private and non-government sectors”.
- No. 2 Page 6, Schedule 1 [2]. Insert after line 4:
- (2) Without limiting subsection (1), the report must include a report on the development and implementation of the policy referred to in section 149.
- No. 3 Page 8, Schedule 1 [2]. Insert after line 14:

149 Policy and directions to support NSW jobs

- (1) The Board must develop a policy, and issue supporting directions to government agencies, in relation to the following:
- (a) procurement procedures that enable small to medium Australian businesses to compete on the basis of value for money,
- (b) the development of, and inclusion of, Australian business participation criteria in tenders, with provision for appropriate weighting (of not less than 6%) for such criteria in tender evaluation,
- (c) a price preference scheme that applies a 20% price discount for value-added content sourced from regional New South Wales businesses,
- (d) the development of tender response content relating to the requirements of the policy,
- (e) monitoring of and reporting by government agencies on the implementation and effectiveness of the policy.
- (2) The regulations may make provision with respect to the content of and other matters relating to the policy required to be developed under this section.
- (3) A policy developed under this section and any direction of the Board supporting any such policy has effect despite any other provision of this Chapter.

(4) A performance agreement for a chief executive officer of a government agency must include a requirement to observe and report on the implementation of the policy developed by the Board under this section.

(5) In this section:

related entity of an entity carrying on a business means:

- (a) a related body corporate of the entity carrying on the business (within the meaning of the *Corporations Act 2001* of the Commonwealth), or
- (b) an entity engaged in a joint venture with the entity carrying on the business.

small to medium business means a business with up to 500 full-time equivalent employees (including any employees employed by any related entity of the entity carrying on the business).

No. 4 Page 15, Schedule 2 [1]. Insert after line 19:

21C Requirements for NSW jobs policy

The policy developed by the Board under section 149 of the Act must contain provisions equivalent to those contained in the Local Jobs First Plan, as adopted by the New South Wales Government and in force as at 22 February 2010, with the following variations:

- (a) requirements relating to small and medium businesses are to relate to small to medium businesses (within the meaning of section 149 of the Act) located within Australia,
- (b) requirements relating to ANZ-SME content are to apply to value-added content sourced from small to medium businesses (within the meaning of section 149 of the Act) located within Australia,
- (c) the price preference margin in Part 3 of that Plan is to apply to value-added content sourced from small to medium businesses (within the meaning of section 149 of the Act) located within New South Wales and outside the Sydney metropolitan area,
- (d) any other necessary modifications.