

Submission  
No 4

**INQUIRY INTO PROCUREMENT PRACTICES OF  
GOVERNMENT AGENCIES IN NEW SOUTH WALES AND  
ITS IMPACT ON THE SOCIAL DEVELOPMENT OF THE  
PEOPLE OF NEW SOUTH WALES**

**Organisation:** CFMEU Construction

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Director, Standing Committee on Social Issues,  
Parliament House  
Macquarie St Sydney NSW 2000

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Dear Sir/Madam

### **CFMEU Submission regarding Inquiry into Procurement Practices of Government Agencies in New South Wales and its Impact on the Social Development of the people of New South Wales.**

The Construction Forestry Maritime Employees Union, Construction and General Division, NSW Divisional Branch ("CFMEU"), represents thousands of members working in the building and construction industry, both in commercial construction and civil construction across New South Wales.

The CFMEU makes the following submission regarding the Inquiry into Procurement Practices of Government Agencies in New South Wales and its Impact on the Social Development of the people of New South Wales in respect of the building and construction industry.

The CFMEU is supportive of the NSW Government's continued support of the construction industry as an investor and procurer of services from the industry, this is good for construction workers, as well as the residents of New South Wales.

#### **Introduction**

It is important that the procurement policy of the NSW Government prioritise secure work in government contracts and ensure that government purchasing power is being used to support businesses that engage in fair, equitable, ethical and sustainable practices.

1. The CFMEU supports the establishment of a Secure Local Jobs Code in New South Wales along the lines of the ACT Government's Secure Local Jobs Code, which is made under Part 2B of the *Government Procurement Act 2001 (ACT)*. Under Part 2B of the Act the following applies and the CFMEU supports this as a feature of the NSW Procurement system:
  - a) The ACT Government (and directorates, publicly owned companies, etc.) cannot accept a response to a tender for *territory funded work* unless the tenderer holds a Secure Local Jobs Code Certificate (SLJ Certificate).
  - b) Before being granted a SLJ Certificate the applicant entity must complete an audit by an approved auditor. This must include a report into the matters outlined by the code and regulations.
  - c) An SLJ Registrar is empowered to enforce the code including issuing and cancelling SLJ certificates, requiring new audits, and conducting investigations into complaints.
  - d) Entities that hold a SLJ Certificate are required to ensure that they adhere to the code across their entire business, not just at sites on which *territory funded work* is occurring; as well as

ensuring that any business they subcontract on a *territory funded work* site is also a holder of an SLJC certificate and complying with the Code.

- e) Any contract for *territory funded work* entered into by the responsible directorate/agency should also have terms mirroring the SLJC, ensuring that the contract can be cancelled or modified where the certificate holder is non-compliant.
2. These obligations should be mirrored in the establishment of an NSW *Secure Jobs Code*.
  3. This paper sets out the sort of obligations that should be attached to an NSW *Secure Jobs Code*. These obligations are drawn from the following sources (as indicated in the supporting/relevant documents column in Appendix 1):
    - a) The stated policy objectives of the Federal *Buy Australian Plan*;
    - b) Obligations that formed part of the ACT *Secure Local Jobs Code*, noting that the ACT Code was established within the limits of Territory industrial power and that NSW, not being subject to those limits, has capacity to take a more expansive approach in its own code in establishing best practice expectations in relation to the treatment of workers and their unions;
    - c) Other initiatives of the Federal Government such as the *Australian Skills Guarantee*; and
    - d) Best practice procurement standards currently being used by State and Territory Governments.
  4. This paper also sets out how a scheme at the NSW level might be organised to best achieve the government's objectives in the areas of procurement and promotion of stable, good quality, local jobs for Australian workers.

#### **WHO IS A CODE COVERED ENTITY (CCE)?**

5. Where codes of this nature have been utilised in States and Territories, the approach has generally been to identify discrete sectors of the economy and implement them across these sectors progressively as contracts come up for renewal.
6. Strong candidates for coverage are sectors with:
  - a) High levels of exposure to government contracting, whether through government funding, incentives or finance;
  - b) Low wages or high levels of insecure work that might indicate worker exploitation;
  - c) Importance to government operations and/or the economy; or
  - d) Significant levels of community concern around standards in that industry.
7. The construction industry is an outstanding example of an industry where this form of regulation is appropriate, combining:
  - a) A huge government infrastructure budget, delivered through a wide range of government mechanisms;
  - b) A highly segmented workforce with significant segments attracting very low pay and insecure work, as well as a high proportion of workers on temporary visas who are additionally exposed to exploitation;
  - c) A key role in the NSW Government's ongoing operations, as well as their infrastructure budget and objectives for the state economy; and
  - d) Ongoing and persistent community concerns around exploitation, safety standards and building quality in the industry.
8. In order to reduce the risk of projects or entities avoiding the Code, the requirement to become a code covered entity must be:
  - a) Attached to specific forms of government contracting, agnostic to the form of the contracting entity, and

- b) Extended significantly downwards into the supply chain by placing requirements on the principal contractor to ensure compliance from subcontractors.
9. In order to implement regulation of this type in the construction sector, we suggest the creation of a category of *New South Wales Funded Capital Works*, to which the obligations apply, as discussed below.

### **WHAT ARE NEW SOUTH WALES FUNDED CAPITAL WORKS?**

10. The ambition should be that every single New South Wales Government dollar – whether spent through traditional procurement mechanisms, financing or loan arrangements, funding agreements with state, territory or local governments, or any other arrangement – should be covered by the NSW Secure Jobs Code.
11. This paper refers to New South Wales Funded Capital Works (**CFCW**), which are defined below.
12. The concept of CFCW which are to be covered by the procurement strategy should not be limited to directly funded New South Wales projects. There are a wide range of projects where NSW money is the ultimate source of funding and NSW is the beneficiary of the project, where the government is not the direct or only client. For the purpose of this paper, CFCW includes but is not limited to:
  - a) Direct NSW funded projects and services, including construction, property, transportation, shipping and defence projects and services;
  - b) Public Private Partnerships and other forms of joint venture;
  - c) Commonwealth and State/Territory/local government co-funded projects and initiatives;
  - d) Any construction for the benefit of NSW conducted under sale and leaseback or other diversified funding arrangements; and
  - e) Fit out and other similar works for properties leased by NSW, including NSW agencies and other independent but NSW funded entities.

### **TENDERING PROCESS FOR CFCW**

13. The NSW Government should adopt a ‘two gate’ tender assessment process like the one adopted by the ACT Government in 2021 and in the Victorian Fair Jobs Code in 2022. Under this process, in the first stage, all tenderers undergo an Ethical Treatment of Workers Evaluation to remain in consideration in the procurement process. The Ethical Treatment of Workers Evaluation is the first gate in the tender process and must be traversed before any consideration of the other value of the tender occurs. This two-gate process ensures that tenders are not determined solely based on economic considerations at the expense of ethical considerations, which often occurs in a conventional weighted tender process.
14. The Ethical Treatment of Workers Evaluation ensures that procurement is in line with government procurement values and protects government against the reputational risks associated with engaging tenderers with unethical employment practices. It should consider, among other things:
  - Media reports;
  - Alleged breaches of relevant legislation where investigations are currently underway for which there is some evidence, including complaints or information received by the SAJC Registrar that have not yet been subject to formal action;
  - Compliance with immigration laws, including any ongoing investigations or complaints;
  - Convictions, civil penalties, or any other legal action which falls outside the five-year timeframe where it is relevant to assessing reputational risk;
  - Enforcement notices or current investigations against any relevant legislation in addition to the prescribed legislation under the SAJC, or unethical acts by the tenderer; and
  - Any information provided by the tenderer, victims or persons directly affected by the tenderer’s conduct, and Government agencies that have engaged with the tenderer.

15. The Ethical Treatment of Workers Assessment is performed by staff of the Code Compliance Registrar, however the decision in relation to whether a tenderer passes the first gate is made by the Minister's delegate, who has a wide-ranging discretion. The breadth of the assessment and the discretion is necessary having regard to the less tangible nature of some ethical considerations relating to employment issues and the risks of reputational damage to government. The proposed two-gate process is set out in Appendix 1 to this paper.
16. Tenderers should also be required to submit an Industry Participation Plan (IPP) in the first stage, the detail of which should be assessed in the second stage of the tender process. The IPP must include detail on how the tenderer intends to meet government targets, as detailed at point 19. This is vital to meeting government goals to broaden and deepen Australia's industrial base, by diversifying and transforming Australian industry, creating secure, well-paid jobs and boosting sovereign capability.

## STANDARDS APPLYING TO CFCW

17. The obligations on entities tendering or contracting for CFCW should be directly related to both industrial and WHS compliance, as well as all-of-government procurement strategies.
18. The strategy should include specific strategies and targets in relation to:
  - Adherence to industrial laws, including the payment of superannuation.
  - Enterprise agreements and recognition of the right to collectively bargain. As a pre-condition of tender, tendering entities should have an enterprise agreement with the relevant union or unions. This will ensure that there is sufficient contract funding to support fair wages.
  - Safety (including hours of work and fatigue management). As well as simply requiring compliance with WHS standards (as in the current model), a comprehensive regulation must involve a proper auditing scheme, which must take into account physical safety practices observed in site auditing.
  - The right of workers to representation in the workplace.
  - Freedom of association for all workers.
  - Workplace participation for First Nations people. Strategies for inclusion of First Nations people should be developed with First Nations people and be directed at not merely increasing participation by First Nations owned businesses but also avoiding black cladding and increasing individual employee participation levels.
  - Employing apprentices and trainees. Government should use procurement power to ensure that it meets its existing commitment to ensuring one in ten workers on major government projects is an apprentice, trainee or cadet. These targets should focus on apprentices and trainees, since this is where workforce shortages are concentrated.
  - Maximising the participation of women and gender equity goals. Gender equity strategies must be multifaceted and directed at both increasing participation and at retention of women. This is particularly important in the building and construction industry, which currently has low female participation and barriers to workforce entry.
  - A security of payment framework which establishes the NSW Government and its agencies as a model client and incorporates the recommendations of the Murray Review into security of payment laws in Australia (including the creation of project trust accounts on CFCW).
  - Local content procurement strategies and targets which seek to promote Australian manufactured building products and materials on CFCW consistent with the overarching objectives of the Buy Australia Plan. The ambition should be that, if a product can be made in Australia, it should be. Local content targets should be established for key procurement supply chains, and work with all NSW government departments to ensure that the right investment and policy levers are in place to grow local supply chains and increase the percentage of local content used in CFCWs.
  - Regional local employment targets. Where CFCW are located in regional and remote areas, contractors should be required to maximise employment opportunities from those communities.

- Stable, secure and ongoing employment for workers. When there is a contract change, there should be a commitment to offer employment to existing workers on wages and conditions no less than the outgoing contractor. This is particularly relevant in the property services industry.
  - Use of subcontractors who hold a Certificate.
19. Requirements to meet these targets should be included in all CFCW procurement contracts such that failure to meet the target constitutes a breach of contract susceptible to damages. In addition, compliance should be the subject of ongoing review by the contracting department or agency who should be required to report annually on compliance with these strategies.
  20. These targets should also have stretch goals, with plans to increase these targets in the future when the workforce composition is able to reach them. Compliance with these base or stretch targets should be detailed in the tenderers Industry Participation Plan.
  21. To support tenderers in achieving the targets to employ First Nations people, women and apprenticeships, the NSW Government must work with relevant industries to develop relevant workforce training plans. By establishing a clear roadmap of projects, tenderers can adequately plan future workforce needs beyond a single project, thereby making training new and diverse workforces more viable. An example of this is detailed in the NSW Government's *Renewable Energy Sector Board Plan (RESB)*.

## CODE CERTIFICATE

22. In order to tender for work, businesses would apply for a SAJC Certificate (the Certificate) confirming that they meet the standards in the SAJC and agree to be bound by the SAJC. Any business responding to a request for quote, request for proposal, request for establishment of a panel arrangement, work orders or request for tender (however described), including market soundings, for federally funded capital works should hold a Certificate.
23. Some of these obligations would necessarily not be limited to the site on which CFCW is occurring but apply throughout the applicant's business. At Appendix 1, it is indicated where these obligations would be intended to apply.
24. The ACT's *Secure Local Jobs Code* (the ACT Code) is a good starting point for the SAJC in defining scope. The ACT Code incorporates the following obligations, which the SAJC should also capture:
  - a) Adherence to industrial and health and safety laws;
  - b) Rights for elected union delegates;
  - c) Protections in relation to union recognition and good faith bargaining; and
  - d) Rights of union participation in inductions.
25. Code compliance is an ongoing obligation throughout the duration of any project (not merely at the tender stage) and the ACT Code also establishes a Code Registrar who supervises and enforces code compliance. An NSW Code should have a similar structure; in particular, the compliance process should include a system of demerit points, such that contractors who are found by the Registrar to have failed to meet Code requirements can be docked points. A contractor who breaches the code so frequently that they lose all their points will then lose their code certificate.
26. However, it is important to recognise that the ACT Code is established within the limits of Territory industrial power and that NSW, not being subject to those limits, has capacity to take a more expansive approach in its own code in establishing best practice expectations in relation to the treatment of workers and their unions. Noting that participation in CFCW is essentially an opt-in scheme for building and construction industry participants, it is reasonable for NSW to apply a higher standard in relation to matters of workers' rights than under the general law. To that end an NSW Code should include

obligations in relation to workers and union rights which are consistent with the fullest expression of relevant ILO conventions including in relation to freedom of association and union recognition, in particular limiting direct bargaining with unionised employees. Similarly, the SAJC should also enhance the provisions regarding provision of union information at inductions and delegates rights beyond what is presently contained in the SLJC.

27. The SLJC contains an obligation for a contractor to be audited at the time they make an application for a Certificate and regularly thereafter to ensure compliance with all relevant industrial obligations. These audits may be performed by independent third-party auditors who are accredited by the ACT Government or be performed directly by public sector workers. A similar arrangement should exist for the SAJC.
28. Similar to the Victorian Fair Jobs Code, the SAJC Certificate should specify more ambitious targets to qualify for higher value contracts and/or if a business is above a certain size.

### **CODE COMPLIANCE UNIT**

29. A well-resourced compliance unit located within an independent Statutory Authority is a necessary element of any regulation of this nature.
30. The Code Compliance Unit (CCU) should be headed by a statutorily independent Commissioner, who has the ability, independent from a minister, to issue decisions on all matters within the code, including the issue or cancellation of SAJC certificates, initiating audits or placing conditions on tenderers, commencement of investigations and management of the reporting processes required by the code.
31. Any right of review pertaining to decisions of this Commissioner should be internal, followed by limited judicial review.
32. The CCU should be responsible for the following:
  - a. Assessing and determining applications for SAJC certificates;
  - b. Investigating instances of non-compliance and imposing penalties where non-compliance is established, including issuing and maintaining the demerit points system for CCEs; and
  - c. Assessing the contracts and tenders issued by government departments to maintain consistency with the all-of-government objectives set out in the procurement code.
33. The role of the CCU would be equivalent to that of the SLJC registrar in the ACT system and involve the total operation of the scheme within its purview.

### **CONCLUSION**

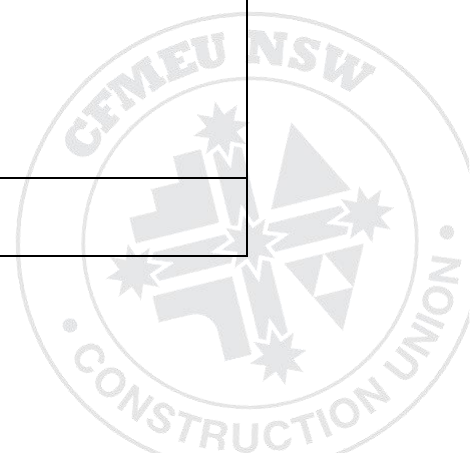
The CFMEU is available to discuss further the various elements of this submission.

Yours faithfully,

Darren Greenfield  
**State Secretary**

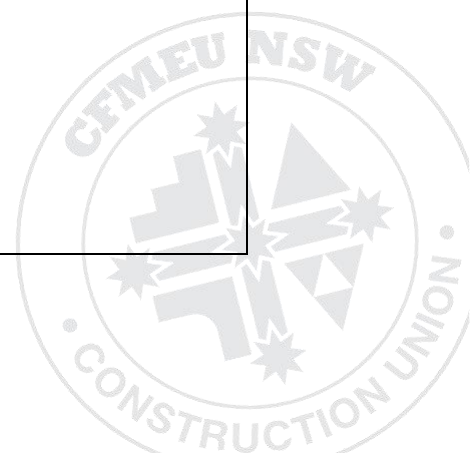
**APPENDIX 1 – Obligations in the Tendering Process for NSW Funded Capital Works**

<b>OBLIGATION</b>	<b>DETAIL OF THE OBLIGATION</b>	<b>SUPPORTING/ RELEVANT DOCUMENTS</b>
<p><b>(1) Adherence to Industrial laws, including the payment of superannuation</b></p> <p><b>ALL WORK PERFORMED BY THE CCE</b></p>	<p>CCE should be expected to adhere to the following:</p> <ul style="list-style-type: none"> <li>• Any Commonwealth, State or Territory law relating to industrial relations, including employment and WHS obligations.</li> <li>• All applicable orders, directions and decisions of any court, tribunal, board, commission or other relevant entity.</li> <li>• Any applicable Industrial Instrument.</li> </ul> <p>This must include the payment of superannuation to workers.</p>	<p>The ACT's <i>Secure Local Jobs Code</i> has an identical obligation at clause 11.</p>
<p><b>(2) Enterprise agreements with the relevant union or unions and recognition of the right to collectively bargain</b></p> <p><b>ALL WORK PERFORMED BY THE CCE</b></p>	<p>As a pre-condition of tender, tendering entities should have an enterprise agreement with the relevant union or unions. This will ensure that there is sufficient contract funding to support fair wages.</p> <p>A CCE should be required to do the following to ensure that their workforce is free to genuinely bargain collectively by being required to do the following:</p> <ul style="list-style-type: none"> <li>• Not try to directly or indirectly encourage, advise, incite or coerce employees to revoke the status of a Union as their bargaining representative or appoint another person as a bargaining representative.</li> <li>• Allow employees reasonable paid time to meet with bargaining representatives regarding enterprise agreement negotiations.</li> <li>• Allow unions/bargaining representatives to distribute material in the workplace concerning bargaining.</li> <li>• Meet regularly with Unions in good faith for the purposes of enterprise bargaining negotiations.</li> <li>• Not meet directly with workers regarding bargaining without first allowing bargaining representatives an opportunity to attend these discussions.</li> </ul>	<p>The obligation to the right to collectively bargain is modelled on clause 15 of the ACT's <i>Secure Local Jobs Code</i>. with minimum conditions to be expanded upon by Unions.</p>
<p><b>(3) Safety (including Hours of</b></p>	<p>NSW has the capacity to use procurement to mandate appropriate levels of worker</p>	

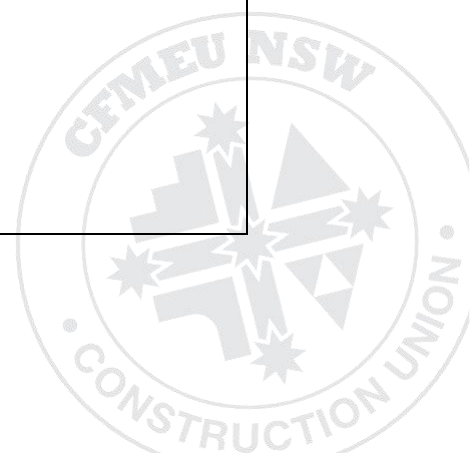




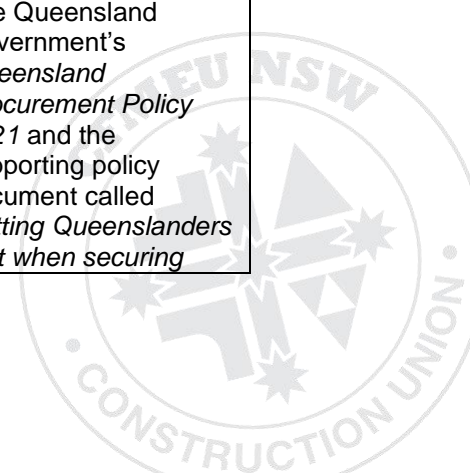
OBLIGATION	DETAIL OF THE OBLIGATION	SUPPORTING/ RELEVANT DOCUMENTS
<p><b>Work and Fatigue Management)</b></p> <p><b>CFCW PERFORMED BY THE CCE</b></p>	<p>involvement in construction safety. Noting the data which concludes that high levels of worker involvement lead to safer workplaces, it is appropriate for NSW to require any builder performing CFCW to have appropriate numbers of properly elected and trained worker Health and Safety Representatives, and properly elected and trained Health and Safety Committees. These requirements should stipulate that the employer cannot nominate management representatives to be the HSR, and that the HSC must be made up of at least 50% workers on the site and not management representatives. Additionally, the training requirements, rights, access to records and facilities and frequency of meetings should be mandated for HSR's and Safety Committees.</p> <p>Excessive hours are a major issue on large building and infrastructure projects, which are typically funded by Federal, State and Territory Governments. A CCE should be required to develop a policy on fatigue management, overtime, maintenance of work-life balance and related safety matters, which must be provided during the first gate of the tendering process, and which is subject to at least 6 monthly reviews in concert with HSRs and relevant unions on CFCW sites.</p>	
<p><b>(4) The Right of Workers to Representation in the Workplace</b></p> <p><b>ALL WORK PERFORMED BY THE CCE</b></p>	<p>A CCE must ensure the rights of workers to be represented in the workplace both during and outside of enterprise bargaining.</p> <p>Key elements would include protections and obligations beyond those set out in the <i>Fair Work Act 2009</i> in relation to:</p> <ul style="list-style-type: none"> <li>• Access by workers to representatives of their choosing and support during their ordinary working hours in the workplace;</li> <li>• Access by workers to information at inductions about the unions present in their sector and the role of unions, delegates and HSRs in representing them in the workplace, attended by representatives of those organisations where practical;</li> <li>• Access by elected workplace representatives (such as delegates and HSRs) to appropriate facilities while on the job to perform their role;</li> </ul>	<p><i>Fair Work Act 2009 (Cth)</i></p> <p><i>Secure Local Jobs Code 2020 (ACT)</i></p>



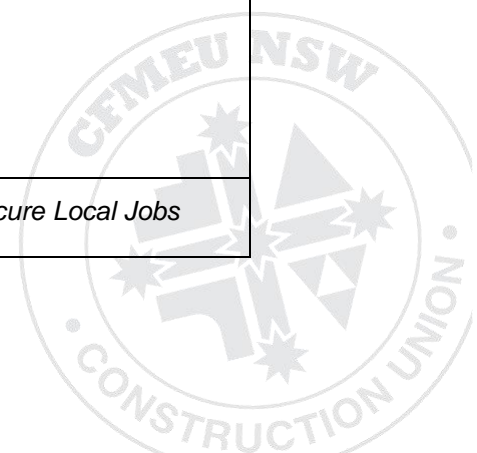
OBLIGATION	DETAIL OF THE OBLIGATION	SUPPORTING/ RELEVANT DOCUMENTS
	<ul style="list-style-type: none"> <li>Recognition by the employer of any nominated representatives of staff, including unions, whether or not enterprise bargaining is on foot; and</li> </ul> <p>Access to appropriate training for elected workplace representatives as well as time off to attend industrial proceedings, such as the Fair Work Commission and to attend union activities.</p>	
<p><b>(5) Freedom of association for all workers</b></p> <p><b>ALL WORK PERFORMED BY THE CCE</b></p>	<p>A CCE must protect the rights of any workers engaged directly or indirectly by the CCE to the right of Freedom of Association, as set out at Article 22 of the International Covenant on Civil and Political Rights, and protected by Part 3-4 of the Fair Work Act; specifically that “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.”</p> <p>Specifically, these would include facilitating access by workers to payroll deductions for union fees, and access to representatives in during work hours on work sites.</p>	<p><i>International Covenant on Civil and Political Rights</i></p> <p><i>Secure Local Jobs Code 2020 (ACT)</i></p>
<p><b>(6) Maximising the Participation of First Nations Workers and Businesses in the Building &amp; Construction Industry</b></p> <p><b>CFCW PERFORMED BY THE CCE</b></p>	<p>A CCE with requirements around participation by First Nations Workers and Businesses on a CFCW must take necessary steps to ensure that such businesses are genuinely engaged with and providing benefit to local First Nations communities in the area of the CFCW. It should avoid the practice of “black cladding”, whereby a small number of First Nations management staff are brought on for the purpose of winning contracts, but which are owned, operated and otherwise indistinguishable from non-Indigenous businesses.</p> <p>First Nations participation in the project must be assessed by reference to both the ownership and control of the business, as well as the composition of the workforce engaged on the project over its life.</p>	<p>One of the stated objectives of the <i>Buy Australian Plan</i> is to “provide more opportunities for First Nations businesses with a view to maximise skills transfer so that we can get more First Nations workers into long-term skilled work”.</p>
<p><b>(7) Employing Apprentices and Trainees</b></p> <p><b>CFCW PERFORMED BY THE CCE</b></p>	<p>At the very least, each CCE should be required to meet the <i>Australian Skills Guarantee</i> which includes a commitment that one in ten workers on major, federally funded government projects is an apprentice, trainee or paid cadet.</p> <p>The NSW Government should consider the capacity to apply higher targets on a priority sector basis, and include a mechanism to</p>	<p>As per the <i>Australian Skills Guarantee</i></p>



OBLIGATION	DETAIL OF THE OBLIGATION	SUPPORTING/ RELEVANT DOCUMENTS
	reassess and increase future obligations.	
<p><b>(8) A security of payments framework</b></p> <p><b>ALL WORK PERFORMED BY THE CCE</b></p>	<p>The CCE should ensure subcontractors obtain payment for work they have completed or for goods and services they have supplied.</p> <p>The NSW Government should implement all the recommendations in the Murray Review, including a statutory trusts model.</p>	<p>As per the Murray Review, also known as the Review of Security of Payment Laws.</p>
<p><b>(9) Local content procurement</b></p> <p><b>CFCW PERFORMED BY THE CCE</b></p>	<p>The CCE should be required to develop a Local Industry Participation Plan for every CFCW that they are awarded which sets out how the CCE will promote involvement from local business and workers on the project.</p> <p>A CCE on any CFCW should be required to use Australian made building products and materials, and Australian ships in any sea transportation aspect of a CFCW, except where:</p> <ul style="list-style-type: none"> <li>• A specialised product not manufactured in Australia is required;</li> <li>• It can be demonstrated that Australia does not have the manufacturing capacity to produce that product or material to the specification required by the project; or</li> <li>• A suitable Australian ship is unable to be secured through a ship broker/ship charter process to meet the sea transportation requirements of the CFCW.</li> </ul> <p>As a minimum, the Plan should meet all the requirements detailed in the Australian Jobs Act (2013).</p>	<p>One of the stated objectives of the <i>Buy Australian Plan</i> is to “<i>maximise opportunities for Aussie businesses in major infrastructure projects</i>” and “<i>support industry sectors through the government’s purchasing power</i>”.</p> <p>The NSW Government’s <i>Renewable Energy Sector Board Plan (RESB)</i> applies specific minimum local content requirements based on project type, project stage, and certain specific inputs. In order to grow domestic upstream industries, it also stipulates stretch goals and requirements to reassess and increase future obligations. The RESB is the leading example on local procurement, since it recognises the role of local procurement in “making the market”.</p> <p>The Queensland Government’s <i>Queensland Procurement Policy 2021</i> and the supporting policy document called <i>Putting Queenslanders first when securing</i></p>



OBLIGATION	DETAIL OF THE OBLIGATION	SUPPORTING/ RELEVANT DOCUMENTS
		<p><i>value for money</i> provides a framework whereby a government purchasing is directed to local content.</p> <p>A number of State and Territory Governments have equivalents to the Local Industry Participation Plan currently in operation.</p> <p>NB: Currently, a business is required to prepare Australian Industry Participation (AIP) plan if they are awarded Australian Government contracts, grants, payments, or investments of \$20 million or more.</p>
<p><b>(10) Regional local employment</b></p> <p><b>CFCW PERFORMED BY THE CCE</b></p>		
<p><b>(12) Stable, secure and ongoing employment for workers</b></p> <p><b>ALL WORK PERFORMED BY THE CCE</b></p>	<p>As a condition of tender, companies should be required to produce industry participations plans. These plans should privilege direct employment.</p> <p>CCE should be required to convert casual employees who have been engaged on a regular and systematic basis for at least 6 weeks.</p> <p>There should be direct prohibitions on sham contracting, phoenixing, contracting with unlicensed labour hire operators or use of gig economy workers (such as via Airtasker, Fiver or Offload).</p> <p>Consistent with the Australian Government's objectives around Same Job, Same Pay, the CCE should also be required to ensure that workers performing work for them under contract with a third party (such as a licensed labour hire provider or owner-driver) are receiving pay and conditions no worse than those pertaining to workers in direct employment.</p>	<p>One of the stated objectives of the <i>Buy Australian Plan</i> is: <i>"to prioritise secure work in government contracts and ensure that government purchasing power is being used to support businesses that engage in fair, equitable, ethical and sustainable practices"</i>.</p>
<p><b>(13) Use of subcontractors</b></p>	<p>A CCE must ensure that any subcontractor on a CFCW site (and their subcontractors) holds</p>	<p><i>Secure Local Jobs</i></p>



OBLIGATION	DETAIL OF THE OBLIGATION	SUPPORTING/ RELEVANT DOCUMENTS
<p><b>who also hold a Certificate</b></p> <p><b>CFCW PERFORMED BY THE CCE</b></p>	<p>a SAJC themselves, and take steps to ensure they remain compliant with industrial and safety requirements, as well as the additional requirements of the SAJC.</p>	<p><i>Code 2020 (ACT)</i></p>

