

LOCAL JOBS FIRST POLICY

Under the *Local Jobs First Act 2003*

Updated October 2022

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1 Introduction

The [Local Jobs First Act 2003](#) (the Act, formerly the *Victorian Industry Participation Policy Act 2003*) is Australia's longest-standing industry participation legislation and is focused on promoting employment growth by expanding market opportunities for local industry and providing for industry development.

The Act enshrines the Victorian Industry Participation Policy (VIPP) and the Major Projects Skills Guarantee (MPSG) requirements in legislation – ensuring that Victorian businesses, workers, apprentices, trainees and cadets continue to benefit from Victorian government procurement.

The Act emphasises the importance of jobs and business growth and commits all Victorian Government agencies to comply with the *Local Jobs First Policy* (the policy) and report on its implementation.

It also establishes a Local Jobs First Commissioner who balances advocacy, facilitation and compliance functions, working closely with industry and agencies to create opportunities for small and medium sized businesses on government projects.

This document sets out the policy under the Act. It should be read in conjunction with the *Local Jobs First Agency Guidelines* and the *Local Jobs First Supplier Guidelines* available at www.localjobsfirst.vic.gov.au

2 About the Policy

The policy is administered by the Department of Jobs, Precincts and Regions (DJPR).

The policy is mandatory and must be applied by all Victorian Government agencies defined as either a public body or a department under Section 3 of the *Financial Management Act 1994*, and suppliers, contractors and grant and loan recipients for projects that fall within the scope of the policy.

Detailed instructions that agencies and suppliers/contractors must follow to ensure compliance with the policy are provided in the Local Jobs First Agency and Supplier Guidelines, which are publicly available at www.localjobsfirst.vic.gov.au.

Consistent with the Act, the policy comprises the VIPP and the MPSG.



2.1 Victorian Industry Participation Policy (VIPP)

VIPP is an industry development policy designed to ensure small and medium-sized enterprises are given full and fair opportunity to compete for Victorian government contracts.

VIPP supports local industry participation by embedding consideration of local industry capability and jobs into the tendering process for all projects that meet the policy thresholds and setting local content and other requirements on projects of strategic significance.

VIPP requirements apply irrespective of whether products and services are considered 'contestable'.

2.2 Major Projects Skills Guarantee (MPSG)

MPSG is an industry policy designed to ensure job opportunities are provided for apprentices, trainees and cadets (ATCs) on high-value Victorian Government construction projects.

MPSG requires that all construction projects valued at \$20 million or more utilise Victorian registered apprentices, Victorian registered trainees or cadets for at least 10 per cent of the contract works' total estimated labour hours.

MPSG applies to all aspects of a construction project including goods and services procurement. This includes project inputs such as prefabricated or modular components that are manufactured away from the construction site.

2.3 Objectives and Principles

The Local Jobs First policy has regard to the following objectives:

- Promoting employment and business growth by expanding market opportunities for local industry
- Providing contractors with increased access to, and raised awareness of, local industry capability
- Exposing local industry to world's best practice in workplace innovation, e-commerce and use of new technologies and materials
- Developing local industry's international competitiveness and flexibility in responding to changing global markets by giving local industry a fair opportunity to compete against foreign suppliers.

MPSG contributes to these objectives by supporting future industry capability, through:

- Helping to train the next generation of skilled workers,
- Demonstrating the value that local ATCs can add to construction projects, and
- Exposing local ATCs to the workplace practices, technologies, innovations and materials adopted by large, high value Victorian Government construction projects.

Local Jobs First considers and is consistent with the following principles relating to procurement, tendering and the provision of financial assistance by the State:

- value for money considerations in purchasing and supply decisions, and

- open, clear and accountable tendering mechanisms and processes.

3 Applicable Projects

The policy applies to the full range of projects, developments, procurements and other initiatives that are undertaken or funded (whether wholly or partially) by the Victorian Government and meet the relevant Local Jobs First financial thresholds.

Local Jobs First applicable projects include but are not limited to:

- purchase of goods and/or services, regardless of the method of procurement (including but not limited to individual project tenders, State Purchase Contracts, and supplier panels)
- construction projects (incorporating design and construction phases, including if administered through a competition, and all related elements), including but not limited to individual projects, Public Private Partnerships, Alliance Contracts, Market Led Proposals, auctions, supplier panels and registers, and
- grant and loan projects, including but not limited to grant agreements or loan arrangements to private, non-government and local government organisations for a single project or group of projects.

The value of the project refers to the total budget allocated over the life of the project excluding GST and not the value of individual contracts. This ensures opportunities for industry development and workers are maximised under the policy.

The source of a project budget does not impact the application of the policy. For example, a project budget may be sourced from State Government appropriations, internal agency resources, grants and loans or other contributions, which together make up the project value for policy purposes.

Local Jobs First Projects are designated either Standard or Strategic, based upon their value and/or ministerial determination. There are different processes for applying Local Jobs First to Standard Projects, Strategic Projects, grants and loans and panel contracts.

3.1 Standard and Strategic Projects

A Local Jobs First Standard Project is a project:

- with a budget of \$1 million or more in rural and regional Victoria, or
- with a budget of \$3 million or more for statewide projects or for projects in metropolitan Melbourne, or
- declared to be a Standard Project by the responsible minister/s under section 7A (1) of the Act.

A Local Jobs First Strategic Project is a project:

- with a budget of \$50 million or more, or
- declared to be a Strategic Project by the responsible minister/s under section 7A (2) of the Act.

For example, if a construction project involves stages such as early works, design, construction activities and maintenance, with a combined total value of \$50 million or more, then the project must be treated as a Local Jobs First Strategic Project, with minimum local content requirements to be applied.

A further example would be if a services project involves annual delivery activities to the value of \$500,000 per year for each of four years. This project would have a total value of \$2 million and as such it would be treated as a Local Jobs First Standard Project if in regional Victoria. If the project had an option to renew for a further four years, its total value would be \$4 million and as such it would be treated as a Local Jobs First Standard Project irrespective of location.

3.2 MPSG Projects

The MPSG applies to all Victorian government construction projects with a total project value of \$20 million or more and can therefore apply to both Standard and Strategic Projects. MPSG may also be applied to non-construction projects, for example manufacturing projects, at the responsible minister/s' discretion.

The MPSG applies regardless of the amount given over in a project budget to the actual construction. For example, if only \$10 million of a \$30 million construction project is for the construction component, with the remainder budgeted for other things such as traffic / transport management, furniture or equipment, the MPSG applies to the total project value of \$30 million.

Eligible ATCs can be utilised across all aspects of the project to meet the MPSG requirement.

3.3 Grants and Loans

A Local Jobs First Grants or Loan Project is a project:

- with a state contribution of \$1 million or more in rural and regional Victoria, or
- with a state contribution of \$3 million or more for statewide projects or for projects in metropolitan Melbourne.

For example, if a Victorian Government agency is providing a \$1 million grant to a local council in regional Victoria for delivery of a project, it would be treated as a Local Jobs First project and the process for grants would apply.

Note that a grant or loan with a state contribution of \$50 million or above may be treated as a Strategic Project, notwithstanding the funding source.

Grant or loan recipients are considered as suppliers for Local Jobs First purposes and must follow the process for grants and loans as outlined in the Supplier Guidelines.

3.4 Panel Contracts

All agencies establishing or renewing a panel contract should consider Local Jobs First policy objectives. If the estimated or historical contract spend meets the thresholds, the agency must consult with DJPR prior to contract establishment / market approach to determine how Local Jobs First will apply. Note that this requirement also applies to State Purchase Contracts or Sole Entity Purchase Contracts where the contract is anticipated to

or may be awarded to a sole supplier. Further information is available in the Agency Guidelines.

3.5 Project Exemptions

In exceptional circumstances, the minister responsible for a specific project may request an exemption from applying the policy and/or the requirements for a Local Industry Development Plan (LIDP) through the minister/s responsible for the Act.

The request for exemption must be submitted at least 30 days prior to the planned release of solicitation documents (e.g. Expressions of Interest (EOI), request for tender (RFT) or grant documents) to the market or agreements being issued to prospective grant recipients. Agencies that are unable to meet the 30-day requirement must contact DJPR at localjobsfirst@ecodev.vic.gov.au.

4 Policy Requirements

4.1 Local Content and Related Requirements

The Act provides that the responsible minister/s must set local content and other requirements for Strategic Projects.

The minister must, unless an exemption is granted (as above) set these requirements at no less than the following for selected Strategic Project types:

- 90 per cent for a construction project
- 80 per cent for a services project or a maintenance project, or
- 80 per cent for the maintenance or operations phase of a Strategic Project.

Local content requirements for other types of Strategic Projects will be set on a case-by-case basis. The minister may also set requirements for Standard Projects.

About Local Content

Under Local Jobs First, local content refers to Australia and New Zealand (ANZ) value-added activity reflecting:

- goods produced by local industry
- services supplied by local industry
- construction activities carried out by local industry.

In practice, the local content of a good, service or construction activity is determined on a cost basis and is the part of a product, service or activity once the cost of the international component has been subtracted. It can be expressed by the following equation:

$$\text{Local content} = \text{total cost of the good or service less international content}$$

The content of a good, service or construction activity may include the following:

- manufactured goods

- service provision (e.g. engineering, design, ICT, planning, testing and analysis certification, commissioning)
- direct capital costs (e.g. equipment, machinery)
- freight, transport and warehousing
- fees, taxes (excluding GST), margins and insurances – up to 10 per cent allowable of a project's local content.

Australia and New Zealand are treated as a single market under the Australia and New Zealand Government Procurement Agreement. All other countries are considered 'international'. Items imported into New Zealand as part of New Zealand sourced goods and services are considered to be international content.

4.2 MPSG Requirements

Under Local Jobs First, at least 10 percent of the estimated labour hours on MPSG-applicable projects must be delivered by ATCs. The requirement is based on labour estimates at project tendering.

Suppliers must meet their MPSG commitment using eligible ATCs and hours, as described in the Supplier Guidelines. Agencies may further specify how ATC roles must be filled on a project basis as required, to deliver additional benefits such as social, economic, and training outcomes.

4.3 Tender Evaluation Weightings

The Act requires the following two minimum weightings to be applied in evaluating tenders for all Local Jobs First projects:

- **10 per cent for industry development**
- **10 per cent for job outcomes.** For MPSG-applicable projects, the 10 per cent weighting will include commitments to providing opportunities for ATCs.

This is designed to ensure that local content, supply chain development and job opportunities for new and retained employees are maximised by bidders in delivery of the project.

Focus on job outcomes ensures that bids which commit to creating a **higher number of Victorian jobs and job development opportunities** are scored more highly than bids that commit to a lower number of jobs.

Guidance for the specific application of weightings is provided in the Local Jobs First Agency Guidelines.

4.4 Local Industry Development Plans (LIDPs)

All tenders, proposals or other submissions for a Local Jobs First project must submit an LIDP to the Industry Capability Network (ICN) noting this will be available to the delivery agency and DJPR.

The LIDP must comply with the Local Jobs First Agency and Supplier Guidelines, including:

- specifying how the requirements of the policy will be met

- making clear industry development and job outcome commitments, including regional development opportunities
- agreeing to monitoring and reporting requirements, including following notification processes when changes to local sourcing commitments of an accepted Local Industry Development Plan is proposed (see Agency Guidelines).

The information required in the LIDP will reflect the nature and complexity of the project. LIDPs will be classified as either complex (contestable, meaning the project uses products and services available both internationally and locally) or simple (low value and with limited contestability, meaning the project or contract uses products and services which are only available locally).

LIDPs for MPSG-applicable projects will also contain directions for the use of 10 per cent of labour hours for apprentices, trainees and cadets.

An agency must not accept a tender, proposal or other submission that does not include a compliant LIDP. The LIDP will be a required deliverable under the contract and agencies must monitor LIDP commitments and follow notification processes

Agencies may request bidders resubmit an LIDP, including during the procurement process in order to address issues identified during evaluation of the LIDP. The agency's project manager must notify the ICN that a bidder is going to revise their LIDP. Once a plan is re-submitted, it will go through the same process for an Acknowledgement Letter and evaluation.

If a bidder's tender is accepted, they must comply with delivery, monitoring and reporting requirements of the Act and policy. This includes information and documents pertaining to Local Jobs First being accessible to the Local Jobs First Commissioner, in addition to the delivery agency.

If the sourcing of goods, materials or labour needs to vary from what was proposed in the approved LIDP during the delivery of the contract, suppliers and agencies must follow a notification process set out in the Agency and Supplier Guidelines.

Projects and contracts should not be structured by agencies to avoid the application of the policy.

4.5 Monitoring, Reporting and Compliance

Agencies and suppliers are responsible for monitoring and reporting on the delivery of Local Jobs First requirements and commitments and ensuring compliance with the Act, Guidelines and any further requirements in project contracts.

Agencies are responsible for ensuring that contracted local content and job commitments are being monitored, are on track and being achieved, and take action if they are not. Compliance issues can be raised with the Local Jobs First Commissioner.

Agencies must also request that suppliers complete end of contract verification at or before practical completion of the project and/or delivery of the goods or services to confirm the Local Jobs First outcomes achieved. Appropriate action should be taken for any discrepancies identified.

Each agency must include in its report of operations under Part 7 of the *Financial Management Act 1994* a report on the agency's compliance with the policy in the financial year to which the report of operations relates.

Consistent with the requirements of the Act, each agency must provide requested information for inclusion in a report to DJPR no later than six weeks after the end of the financial year to which the report relates.

Directions under Section 8 of the *Financial Management Act 1994* may include directions as to the form and content of the report required.

DJPR may undertake monitoring, auditing and reporting on progress at initiation, during delivery or commissioning, and at the completion of Local Jobs First projects.

Agencies and suppliers must retain documentation relating to Local Jobs First projects to demonstrate outcomes and compliance with the policy and related commitments.

The Act provides a transparent compliance framework, involving a series of steps that the Local Jobs First Commissioner and responsible minister/s can apply to confirm delivery of LIDP commitments and actions to take if they are not complying.

The Local Jobs First Guidelines provide specific instructions related to Local Jobs First monitoring, compliance and reporting requirements.

5 Roles and Responsibilities

5.1 Agencies

The term agency refers to all Victorian Government agencies subject to the *Financial Management Act 1994*.

Agencies are responsible for meeting and applying the requirements of the Act, the policy and related Guidelines to all Victorian Government Local Jobs First projects. This includes monitoring supplier commitments as set out in LIDPs and reporting on agency compliance with the policy.

Each agency is required to nominate a Local Jobs First Administrator, to support implementation, monitoring, reporting and compliance activities. Key functions of the role include:

- championing Local Jobs First application within the agency and providing general information on the policy
- acting as a liaison point with DJPR, the Industry Capability Network and the Local Jobs First Commissioner's Office
- supporting the agency's Local Jobs First monitoring and reporting to the responsible minister/s, DJPR and the Commissioner and through the agency's normal financial reporting such as the agency's annual report
- acting as a coordination point for Local Jobs First communications
- supporting project teams with Local Jobs First processes including market approaches and contracting, if deemed appropriate by the agency.

An agency's Chief Procurement Officer (CPO) will be deemed to be the Local Jobs First Administrator unless DJPR is otherwise advised.

An agency's CPO is responsible for acting as a coordination point for Local Jobs First auditing activities and must be consulted about any proposed variation to LJF model clauses on a project. If the CPO in a given agency is not the most appropriate contact to perform these functions, this responsibility may be assigned to another senior officer within the agency. Agencies should inform DJPR of the appropriate contact in these circumstances.

An agency must, on request of DJPR or its agents:

- confirm current, upcoming and completed project opportunities
- provide advice on contracted suppliers and their supply chains for any Local Jobs First project
- provide advice on strategies to connect Victorian industry and workers to project opportunities
- support, where possible, events and communications activities related to the policy and projects
- provide regular reports on the implementation of the policy and progress with the achievement of Local Jobs First outcomes and contracted commitments, including early notification of potential non-compliance.

Agencies must also:

- engage with the Local Jobs First Commissioner and assist the Commissioner in the performance of the Commissioner's functions under the Act, and
- engage with the ICN consistent with the policy and Guidelines or as otherwise advised by the Responsible minister/s, DJPR or the Local Jobs First Commissioner.

5.2 Suppliers/Contractors

The term supplier refers to any private, non-government or local government organisation that is a supplier, contractor, or grant or loan recipient for a project that falls within the scope of the policy.

Suppliers to Victorian Government projects must deliver the Local Jobs First commitments as set out in the LIDP contained within their project contract with the agency. A key part of this is engaging with local businesses and supply chains.

Suppliers are responsible for retaining documents, monitoring progress and reporting on compliance with the policy and must follow the Local Jobs First Supplier Guidelines.

5.3 Industry Capability Network (Victoria)

The ICN is a not-for-profit organisation funded by the Victorian Government to support the delivery of Local Jobs First.

The ICN's key responsibilities include:

- working with DJPR and agencies to support the implementation of the policy
- managing the Victorian Management Centre (VMC)

- identifying local goods and services for a project
- acknowledging and evaluating bidders' local content, job and other commitments upon full completion of an LIDP
- providing local suppliers with the opportunity to register interest in upcoming government projects
- connecting Victorian SMEs located in metropolitan Melbourne and regional Victoria with Local Jobs First project and supply chain opportunities
- mapping local supply chain capability
- undertaking post-contract verifications on whether contractors have achieved their LIDP local content commitments
- managing the ICN Gateway, which enables local suppliers to register capability and interest in supplying into upcoming government procurement projects.

The ICN administers its LIDP review function separately from its other assistance functions such as identification of local goods and services, for probity and privacy reasons.

5.4 Department of Jobs, Precincts and Regions (DJPR)

DJPR administers the policy and provides Guidelines, model clauses, information and structures to support the policy's delivery across Victorian Government agencies. As part of this, DJPR undertakes monitoring, reporting and auditing activities related to the policy and Guidelines. It provides advice and regular reporting to the responsible minister/s and the Victorian Government.

In addition, DJPR is responsible for:

- coordinating ministerial approval of local content and jobs requirements on Strategic Projects
- managing the services delivered by the Industry Capability Network (ICN) Victoria under the policy
- leading engagement with the Commonwealth Government, other states and territories, and internationally on the policy
- preparing the whole-of-government Local Jobs First Annual Report on the application of the policy, including compliance, for the minister to table in Parliament as required under the Act
- managing any updates to the policy and supporting documents.

DJPR engages directly with agencies and has access to Local Jobs First documentation developed by agencies or submitted to agencies or the ICN by potential and contracted suppliers. DJPR also collects reporting data for inclusion in the responsible minister/s' annual report to Parliament on Local Jobs First outcomes.

5.5 Victorian Local Jobs First Commissioner

The Local Jobs First Commissioner promotes the policy across agencies and local industry, advocates for the private sector and local government to procure local goods, employ local workers and enhance their skills, and monitors Government agency and industry compliance. The Commissioner's functions are established under the Act, with further direction issued by the responsible minister/s.

5.6 Responsible minister/s

Under the *Local Jobs First Act 2003*, the responsible minister/s:

- determine/s local content requirements for Strategic Projects, and may set additional requirements
- may determine local content and other requirements for Standard Projects
- may include other requirements for MPSG projects
- reports annually to Parliament on the implementation of the policy, and
- is responsible for appointing the Local Jobs First Commissioner.

The responsible minister/s for the policy under the *Local Jobs First Act 2003* are determined by the General Order and are listed at www.localjobsfirst.vic.gov.au.

6 Contact Us

For further information or assistance on the Local Jobs First policy and processes please contact:

Department of Jobs, Precincts and Regions

121 Exhibition Street, Melbourne, VIC, 3000

localjobsfirst@ecodev.vic.gov.au

Ph: 13 22 15

7 Glossary

Acknowledgement Letter – the letter received by bidders after the ICN has assessed the LIDP. This is achieved when the bidder's LIDP is submitted before the procuring Agency's due date, and all sections have been adequately completed.

Apprentice - Apprenticeships are entry-level roles undertaken under a Training Contract between an employer and an apprentice that combines structured training with paid employment. Apprenticeships are generally at Certificate III level and above and extend across a range of trades. Apprenticeships typically have a duration of three to four years and are competency based. For an apprentice to be counted towards the MPSG requirement for a project they must be:

- undertaking a course that relates directly to their role on a Local Jobs First Project and is consistent with the Training Contract; and
- registered with the Victorian Registration and Qualification Authority (VRQA)

Cadet – Cadetships are entry-level roles that combine formal tertiary training with paid practical work experience. There are many types of cadetships offered across different industries. Cadetships can vary in length but are generally 18 months to 2 years. A cadetship does not fall under a Training Contract. For a cadet to be counted towards the MPSG requirement for a project they must be:

- enrolled in Australian tertiary education;
- receiving learning opportunities as part of their engagement on a Local Jobs First project (e.g. cadets in architecture, quantity surveying and engineering); and
- undertaking work that is directly tied to their associated tertiary qualification.

Cadetships are different to professional traineeships (an employee who is not in an entry level role and is undertaking professional development training), which cannot count towards MPSG.

Contestable goods and services – Goods and services in a procurement process are contestable when there are competitive international and local suppliers that can supply the good or service. Competitive means the suppliers can offer comparable goods or services that meet the specifications given by the agency. Contestable items can be goods or services at any stage of a project.

Department of Jobs, Precincts and Regions – The Victorian Government agency responsible for administering the *Local Jobs First Act 2003* and policy.

Expression of Interest - used to identify suppliers interested in, and capable of, delivering the required goods or services. Potential suppliers are asked to provide information on their capability and capacity to do the work. It is usually the first stage of a multi-stage procurement process.

Local – The term local means all suppliers producing Victorian, Australian or New Zealand goods or services or when they have added value to imported items, such as providing a local employment outcome to an imported product.

Local Content – The term local content covers all suppliers producing Australian or New Zealand (ANZ) goods or services or when they have added value to imported items. Local content means goods that are produced by local industry, or services that are supplied by local industry or construction activities carried out by local industry. Local assembly of imported materials, transport of goods, and local labour are all examples of local content or local added value.

Local Industry – Local industry means industry and other businesses based in Australia or New Zealand.

Local Industry Development Plan (LIDP) – A Local Industry Development Plan is a document prepared by the supplier as part of the Expression of Interest, Request for Tender and/or tender submission for a Local Jobs First project. The LIDP details the supplier's commitment to address the Local Jobs First requirements and details the expected local content and job outcomes. An LIDP must have an ICN Acknowledgement Letter from the ICN to be compliant.

Local Jobs First Commissioner – An independent statutory officer with advocacy, engagement and compliance powers in relation to Local Jobs First. Further details can be found at <https://www.localjobsfirst.vic.gov.au/local-jobs-first-commissioner>

Major Projects Skills Guarantee (MPSG) – The Major Projects Skills Guarantee is a policy that provides job opportunities for apprentices, trainees and cadets on high value construction and infrastructure projects.

Trainee - Traineeships are entry-level roles undertaken under a Training Contract between an employer and a trainee that combines training with paid employment. Traineeships are undertaken at Certificate II level and above including Diploma and Advanced Diploma.

Traineeships typically have a duration of one to two years and are competency based. Traineeships can be in areas including civil construction, design, business services, information technology, human resources and community services. For a trainee to be counted towards the MPSG requirement for a project they must be:

- undertaking a course that relates directly to their role on a Local Jobs First Project and is consistent with the Training Contract; and
- registered with the Victorian Registration and Qualification Authority (VRQA).

Traineeships are different from professional traineeships (an employee who is not in an entry level role and is undertaking professional development training), which cannot count towards MPSG.

Request for Tender - an invitation to supply or a request for offer against a set of clearly defined and specified requirements. Invitees are advised of all requirements involved including the conditions of participation and proposed contract conditions.

Rural and Regional Victoria – Rural and Regional Victoria is defined as the 48 local government areas, including six alpine resort areas, set out in Schedule 2 of the *Regional Development Victoria Act 2002*. The 10 regional city local government areas are Ballarat, Greater Bendigo, Greater Geelong, Greater Shepperton, Horsham, Latrobe, Mildura, Wangaratta, Warrnambool and Wodonga. The remaining 38 local government areas, including six alpine resort areas, are referred to as the rural local government areas.

Value for money – Value for money is a balanced judgement of a range of financial and non-financial factors. It considers the mix of quality, cost and resources; fitness for purpose; total cost of ownership and risk.

Victorian Management Centre (VMC) – online system hosted by ICN and used by agencies and suppliers for Local Jobs First project registration, reporting and completion. It also handles reporting for the Social Procurement Framework.

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Department of Jobs, Precincts and Regions
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