



Aboriginal Participation Plan



Prepared by:
Leighton Properties Resorts
Version 1 (March 2010)

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Version	Date
1	March 2010

Project Details

- **DEVELOPER:** Leighton Properties Resorts Pty Ltd,
C/-Leighton Properties (Brisbane) Pty Ltd
Level 11, 1 Eagle Street, Brisbane, QLD 4000
- **ISSUE DATE:** March 2010
- **NAME OF PROJECT:** The Kingscliff Resort Development
- **ABORIGINAL PARTICIPATION CATEGORY:** Category 3
- **PERSON RESPONSIBLE FOR IMPLEMENTATION AND MONITORING OF THE PLAN:** Cameron Binney, Leighton Properties (Brisbane) Pty Ltd
- **AUTHORITY FOR INITIAL ISSUE:** This Aboriginal Participation Plan is issued with the authority of:


Andrew Borger

Executive Director and State Manager, Queensland

Leighton Properties

Signed:  Date: 17 March 2010

ABORIGINAL PARTICIPATION PLAN ISSUE STATUS AND AUTHORISATION:

Issue	Date	Amendment	APP Contact	Signature
1	17.03.10	N / A	Cameron Binney	

1.0 **Aboriginal Participation Plan Introduction**

This Aboriginal Participation Plan (APP) has been prepared by Leighton Properties Resorts Pty Ltd as the developer of the Kingscliff Resort project in accordance with the New South Wales Government **Aboriginal Participation in Construction (APIC) Guidelines (Appendix A)**. The purpose of this APP is to establish a framework which aims to support and encourage Aboriginal participation during the development of the Kingscliff Resort project.

The APIC Guidelines are aimed at supporting and encouraging more employment and business opportunities for Aboriginal people on government construction projects. These guidelines, ***Guide for the Preparation of an Aboriginal Participation Plan (Appendix B)*** and the ***Template for an Aboriginal Participation Plan (Appendix C)*** have been reviewed in preparing this APP.

In reviewing the APIC Guidelines, the Land and Property Management Authority (formerly the Department of Lands) and the Department of Aboriginal Affairs (DAA) have identified the Kingscliff Resort project as a **Category 3** project which is defined as: “A government project which has the potential to benefit the Aboriginal community.” As a requirement of a Category 3 project, tenders will only be accepted from the primary construction tenderers (construction tenderers) if they include:

- A Management Statement of Support for Aboriginal Participation; and
- A Commitment to provide a Statement of Opportunities for Aboriginal Participation and an Aboriginal Participation Plan.

Leighton Properties, as the owner of Leighton Properties Resorts, has prepared a Management Statement of Support for Aboriginal Participation which has been included in **Section 2.0 Management Statement of Support for Aboriginal Participation** of this APP.

A Statement of Opportunities for Aboriginal Participation has been prepared and included in **Section 3.0 Statement of Opportunities for Aboriginal Participation** of this APP.

The scope of Aboriginal participation opportunities as part of this APP has been formulated based on the outcomes of six months of extensive community consultation with the local Aboriginal and broader community from February to July 2008. As part of the community consultation activities, Leighton Properties Resorts, along with specialist community engagement consultants, Parsons Brinckerhoff, formed an Aboriginal Reference Group comprising members of the local Aboriginal community and key stakeholders to help inform and guide the framework for this APP.

The supplied ***Template for an Aboriginal Participation Plan (Appendix C)*** has been prepared by the New South Wales Government for tenderers for government construction jobs. As the Kingscliff Resort project is currently in the Design and Planning project phase (yet to receive development approval) the primary construction contractor (construction contractor) has not yet been appointed to construct the resort. Due to this, sections of this APP have not been populated with data. These sections have been included as part of this APP regardless as the successful construction contractor will be required to complete them as part of their APP for the project.

Leighton Properties Resorts will require that the successful construction contractor be willing to prepare their own Management Statement of Support for Aboriginal Participation and APP for the construction phase of the development.

Where other contractor or sub-contractor opportunities exist (outside of the primary construction contractor) tenderers will be encouraged by Leighton Properties Resorts to consider Aboriginal employment opportunities wherever possible.

This APP will be provided to prospective construction tenderers to help them understand the project's requirements for Aboriginal Participation. The following Appendixes, which have been prepared by the New South Wales Government, are attached to this APP and they are to be reviewed by the construction tenderers:

- **Appendix A** – Aboriginal Participation in Construction Guidelines
- **Appendix B** – Guide for the preparation of an Aboriginal Participation Plan
- **Appendix C** – Template for an Aboriginal Participation Plan
- **Appendix D** – Template for a Management Statement of Support for Aboriginal Participation
- **Appendix E** – Template for a Statement of Opportunities for Aboriginal Participation

2.0 Management Statement of Support for Aboriginal Participation

The APIC Guidelines define a Management Statement of Support for Aboriginal Participation as:

This is a statement from the tenderer's senior management that it is genuinely committed to creating and extending opportunities for Aboriginal people and enterprises through undertaking the contract, and is capable of implementing its proposed Aboriginal Participation Plan. It commits the organisation to incorporating Aboriginal participation as a core function in all project management processes, and ensuring that its dealings with Aboriginal people consistently take place in a culturally sensitive manner. Ongoing commitment and leadership from management is vital to ensure the effectiveness and success of an Aboriginal Participation Plan.

A Management Statement of Support for Aboriginal Participation has been prepared and executed by Leighton Properties (Brisbane) Pty Ltd as owners of Leighton Properties Resorts Pty Ltd who are the developer of the Kingscliff Resort project. This statement has been included on the following page of this APP.

As a requirement of a Category 3 project, construction tenders for the Kingscliff Resort project will only be accepted from tenderers if they include a Management Statement of Support for Aboriginal Participation and a commitment to provide a Statement of Opportunities for Aboriginal Participation and an Aboriginal Participation Plan. Tenderers will be provided with a copy of this APP which includes the appropriate templates.

Where other contractor or sub-contractor opportunities exist (outside of the primary construction contractor) tenderers will be encouraged by Leighton Properties Resorts to consider Aboriginal employment opportunities wherever possible.



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17 March 2010

MANAGEMENT STATEMENT OF SUPPORT FOR ABORIGINAL PARTICIPATION

We, the undersigned, being the senior management of Leighton Properties (Brisbane) Pty Ltd, which is the owner of Leighton Properties Resorts Pty Ltd, are committed to creating and extending opportunities for Aboriginal people and enterprises through undertaking this contract.

We have examined the Land and Property Management Authority's requirements for Aboriginal participation on this project, and are confident that we have sufficient expertise and have allocated the appropriately qualified personnel to ensure the development, implementation and monitoring of an Aboriginal Participation Plan for this project.

Leighton Properties is committed to valuing workplace diversity, incorporating Aboriginal participation as a core function in the company's project management processes, and maintaining Aboriginal cultural awareness in the workplace.

Andrew Borger
Executive Director & State Manager, Queensland
Leighton Properties

Geoffrey Stephens
Project Director
Leighton Properties

3.0 Statement of Opportunities for Aboriginal Participation

The APIC Guidelines outline that the Statement of Opportunities for Aboriginal Participation includes the following:

This document identifies the training and employment opportunities the tenderer will make available to Aboriginal workers and enterprises at different stages of the project. It should specify the stages of the contract in which Aboriginal participation will be sought, the trades in which apprenticeships, training and / or employment will be provided, how many positions have been allocated, and details of any training, mentoring and professional development requirements for participants.

The following table identifies Aboriginal participation opportunities through the different phases of the Kingscliff Resort development as scoped during the extensive community consultation process. It is to be noted that the Statement of Opportunities for Aboriginal Participation to be completed by the successful construction contractor will be more job specific than the table provided below.

Leighton Properties Resorts, the successful construction contractor and the resort operator will contact the Tweed Byron Local Aboriginal Land Council, the Salvation Army Employment Plus and the Tweed Job Compact in relation to the participation opportunities identified below table.

Project phase	Aboriginal Participation Opportunity
Design and Planning Phase (Pre development approval)	Leighton Properties Resorts will encourage Aboriginal participation through: <ul style="list-style-type: none"> Aboriginal and broader community consultation Ongoing consultation with identified Aboriginal key stakeholders Continued scoping of interested parties (individuals and enterprise) via Tweed Byron Local Aboriginal Land Council (TBLALC) and the Salvation Army Employment Plus (SAEP)
Construction Phase (Post development approval through to the hand over of the development to the resort operator)	Leighton Properties Resorts will scope potential Aboriginal participation opportunities within the following areas of the development: <ul style="list-style-type: none"> Public art Resort art Interpretive / multi purpose space elements / content Other interpretive elements to be developed as part of the resort Landscape architecture / landscaping works The successful construction contractor will scope potential Aboriginal participation opportunities in the following areas of the development: <ul style="list-style-type: none"> Landscape architecture / landscaping works (Green Teams) Environmental rehabilitation (Green Teams) Trainees / labourers Tradespersons Civil works Project management Any other identified opportunities regarding individuals or enterprise

Project phase	Aboriginal Participation Opportunity
Operational Phase (After the resort hand over to the resort operator and during the operation of the resort)	The Resort Operator will scope potential Aboriginal participation opportunities in the following areas of the resort: <ul style="list-style-type: none">• Hospitality• Ecotourism• Performance art / art workshops• Maintenance• Any other identified opportunities regarding individuals or enterprise

4.0 Aboriginal Participation Plan Tasks

The following list identifies tasks to be undertaken by the developer and / or the successful construction contractor as part of the APP for the Kingscliff Resort project:

Design and Planning Phase:

- Leighton Properties Resorts will maintain dialogue with identified Aboriginal key stakeholders (namely the Tweed Byron Local Aboriginal Land Council (TBLALC), Tweed Shire Council Cultural Development Officer and the Salvation Army Employment Plus (SAEP)) and the broader community during the Design and Planning phase of the development in order to keep a focus on identifying potential Aboriginal participation opportunities as part of the project.

Construction Phase:

- Should the project receive development approval and proceed to the Construction phase, Leighton Properties Resorts and the successful construction contractor will join the Tweed Heads Job Compact. Through joining the Tweed Heads Job Compact, Leighton Properties Resorts and the successful construction contractor will gain access to industry groups, employment services, training providers and members of the Aboriginal community interested in participating in the development of the Kingscliff Resort project.
- Leighton Properties Resorts will identify a procurement strategy in consultation with the TBLALC, Tweed Shire Council Cultural Development Officer and / or other identified stakeholders to identify Aboriginal people with the appropriate skill sets to be involved in the design and development of the public art, interpretive elements and 'place making' (landscape architecture) elements of the resort.
- In accordance with the APIC Guidelines, tenders for the construction of the project will only be accepted from tenderers if they include a Management Statement of Support for Aboriginal Participation and a commitment to provide a Statement of Opportunities for Aboriginal Participation and to prepare an APP.
- The successful construction contractor must also be prepared to join the Tweed Heads Job Compact. Leighton Properties Resorts will make this a mandatory element of the selection criteria.
- Select staff members of Leighton Properties Resorts and select staff members of the successful construction contracting company will attend a Cultural Awareness Training Workshop. This workshop is to be organised by Leighton Properties Resorts after the successful contractor has been selected.
- Where other contractor or sub-contractor opportunities exist (outside of the primary construction contractor) tenderers will be encouraged by Leighton Properties Resorts to consider Aboriginal employment opportunities wherever possible.

Operational Phase:

- Once a resort operator has been selected for the Operational phase of the development, the resort operator will be informed of the Tweed Heads Job Compact and other identified Aboriginal and broader community stakeholders and will be encouraged to explore opportunities for Aboriginal participation within the future operation of the resort (e.g. through hospitality, ecotourism, performance art, art workshops and maintenance roles).

5.0 Developer's Existing Aboriginal Employment Commitment

Leighton Properties Resorts is owned by Leighton Properties (Brisbane) Pty Ltd which is a member of the Leighton Holdings Group. Leighton Holdings Limited (LHL) is committed to recognising and valuing Indigenous people, their land, culture and heritage and to supporting Indigenous participation across its projects and operations. Leighton Holdings is committed to improving employment outcomes for Indigenous people, both directly with their companies and indirectly through sub-contractors and suppliers.

Leighton Holdings has a clear commitment to increasing Indigenous Participation in a meaningful way, demonstrated by their involvement with the Australian Employment Covenant to provide jobs for 1,000 Indigenous job seekers. This equates to a target for each operating company of 5% of the workforce and this is a long term commitment.

The key policy objectives are to:

- Over time, increase and retain the number of Indigenous people employed by the Group in Australia; and
- To increase opportunities for indirect economic participation.

Leighton Holdings is a corporate member of Dare to Lead for Business, working towards better engagement with the corporate sector and Indigenous communities and is a founding member of the Australian Indigenous Minority Supplier Council which is being established to develop partnerships between major Australian corporates and smaller indigenous enterprises. Leighton Holdings is also a participating member of the Business Council of Australia's Business Indigenous Network.

In April 2009, Leighton Holdings implemented its Indigenous Participation Policy which has been provided on the following page.

LEIGHTON GROUP INDIGENOUS PARTICIPATION POLICY

1.0 Policy

Leighton Holdings, and each of its Australian Group Companies, is committed to recognising and valuing Indigenous people, their land, culture and heritage and to supporting Indigenous participation across its projects and operations.

We recognise that Aboriginal and Torres Strait Islander people are the first inhabitants of Australia and respect their land, culture and heritage.

We are committed to improving employment outcomes for Indigenous people, both directly with our companies and indirectly through our sub-contractors and suppliers.

We will partner with governments and communities to promote education, training and employment opportunities for Indigenous people.

We will encourage an organisational culture that is respectful of Indigenous people, their culture and communities and provide a supportive work environment.

2.0 Policy Objectives

Objective 1: Increased indigenous participation

To increase and retain the number of Indigenous people employed by the Group and to increase opportunities for indirect economic participation e.g. through sub-contracting or supply contracts

Objective 2: Improved internal capability

To build our knowledge and capacity in Indigenous participation, engaging with communities, developing appropriate HR and procurement practices and improving cultural awareness in our workplaces

Objective 3: Acknowledged leadership

To be acknowledged as Australian leaders in Indigenous participation and to meet or exceed requirements of clients

Objective 4: Measurement and evaluation

To implement an effective measurement, evaluation and reporting framework for the Indigenous Participation Policy

6.0 Communications Strategy with the Aboriginal Community

1. What contact has the developer made with the contracting agency and/or the Department of Aboriginal Affairs to ascertain the capacity of the local community to provide skilled Aboriginal People for the project?

Prior to the six months of community consultation on the project, Leighton Properties Resorts met with representatives of the Department of Aboriginal Affairs (DAA) to discuss a number of issues including the most appropriate and effective model for the implementation of the APP. The DAA provided advice regarding other successful APIC projects, agreed to be included in the APP and Aboriginal Reference Group (ARG) processes and agreed with the APP principles proposed. Representatives of the DAA also attended two of the three ARG meetings (held in June and July 2008).

Leighton Properties Resorts also met with the Tweed Byron Local Aboriginal Land Council (TBLALC) and the Tweed office of the Salvation Army Employment Plus (SAEP) who will be involved with identifying Aboriginal people interested in working with the Kingscliff Resort project.

Six months of community consultation including the formation of an Aboriginal Reference Group (ARG) also helped to identify Aboriginal stakeholders, Aboriginal people who may be interested in working on the project who possess the appropriate skills and to open the communication lines between the local Aboriginal community and the developers.

2. Does the person/s nominated by the developer to undertake communication with the Aboriginal community have experience in working with Aboriginal people? Please provide details.

During the Design and Planning phase of the development, Leighton Properties Resorts engaged Parsons Brinckerhoff to undertake communication with the local Aboriginal community. Parsons Brinckerhoff are specialist community consultation consultants who are experienced with Aboriginal and broader community consultation.

During the construction and operation phases of the development, both the successful construction contractor and resort operator will be introduced to the TBLALC, the SAEP and the Tweed Heads Job Compact to identify employment opportunities within the project for Aboriginals and to facilitate communication with the Aboriginal community.

Further to this, during the Construction phase of the development, select Leighton Properties Resorts staff and select staff from the successful contracting company will attend a Cultural Awareness Training Workshop. This will provide key personnel within the development and construction companies with knowledge about interacting with members of the Aboriginal Community on both a professional and personal level.

3. How will the developer communicate with the local Aboriginal community to ascertain the availability of potential Aboriginal people interested in working on the project?

Through continued contact with the TBLALC, SAEP and through joining the Tweed Heads Job Compact, Leighton Properties Resorts, the construction contractor and the resort operator will be able to ascertain the availability of potential Aboriginal people interested in working on the Kingscliff Resort project.

4. Has the developer identified opportunities for non-construction involvement by Aboriginal people on the project, such as providing food to a remote site, cleaning of the site, or training for construction workers on culturally significant issues related to the site? Please provide details.

Leighton Properties Resorts has identified the following opportunities for non-construction involvement by Aboriginal people for the Kingscliff Resort:

- Opportunities to provide input in relation to the interpretive / multi purpose space, other interpretive elements of the resort and the development's public art;
- Opportunities to be involved with the landscaping and environmental works associated with the development (eg: Green Teams);
- Opportunities to be involved with the operation of the resort in areas such as hospitality, eco tourism, performance art, workshops etc; and
- Further opportunities may be identified by the successful construction contractor and the resort operator.

5. Has the developer made arrangements to meet with interested local Aboriginal people to ascertain their skill level, project experience and availability for the project? Please provide details.

For a six month period from February to July 2008, Leighton Properties Resorts undertook community consultation with identified Aboriginal stakeholders in an effort to scope the potential for Aboriginal employment opportunities as part of the project and to seek the community's input on the community facilities and environmental revegetation works in the public domain. Through this process it was identified that the most effective way for Leighton Properties Resorts and the successful construction contractor to ascertain the capacity of the local Aboriginal community was to join the Tweed Heads Job Compact and to share open communication channels with the TBLALC, SAEP and other identified Aboriginal stakeholders.

7.0 Identifying Opportunities in the Supply Chain

If the subcontract documentation includes reference to the Aboriginal Participation in Construction Guidelines, has the contractor made efforts to identify opportunities for Aboriginal employment with potential subcontractors, including design subcontracts, and suppliers that are not Aboriginal-owned? Please provide details.

The successful construction contractor will be required to identify opportunities for Aboriginal employment as part of their Statement of Opportunities for Aboriginal Participation which will be required as the development is a Category 3 project. The TBLALC, SAEP and Tweed Job Compact will assist in identifying potential opportunities for construction, non-construction and subcontract roles / services.

Where other contractor or sub-contractor opportunities exist (outside of the primary construction contractor) tenderers will be encouraged by Leighton Properties Resorts to consider Aboriginal employment opportunities wherever possible.

8.0 Action and Resource Plan

Please provide details of the expected number of subcontractors and/or apprentices and others who can be employed on the project on either a part-time or full-time basis, as well as the expected duration of the work allocated, the nature of the work opportunity (including the anticipated period during which the work will be undertaken), and the location of the Aboriginal person or enterprise.

Details regarding the expected number of subcontractors and/or apprentices and others who can be employed on the project on either a part-time or full-time basis will be provided by the successful construction tenderer after they have been selected by Leighton Properties Resorts.

The table below provides an example of a format that may be followed by the successful construction contractor to record the number and nature of Aboriginal employment opportunities on the project.

Number of Aboriginal people	Full-time equivalent duration	Opportunity	Location of Aboriginal Person / Enterprise

9.0 Contractor Monitoring and Recording Results

As a requirement of the construction tender contract, the successful construction contractor will be required to maintain records regarding the number and nature of Aboriginal employment opportunities on the project in accordance with their APP. Leighton Properties Resorts will review these records as part of the project management process and construction program.

The construction contractor will be required to provide Leighton Properties Resorts with a post-project review report to identify project achievements with respect to Aboriginal participation and employment opportunities. It is expected that the review would include responses to the following questions:

- Did the project deliver the identified Aboriginal participation objectives?
- What Aboriginal participation opportunities for employment, training and business development were achieved?
- If the project was successful, what were the main success factors?
- If the project was regarded as unsuccessful, what were the impediments?

As part of Leighton Properties Resorts ongoing public relations activity, Leighton Properties Resorts along with the successful construction contractor and any sub contractors will identify potential success stories regarding Aboriginal employment / involvement with the project and may consider these stories as part of the broader marketing and publicity program for the project.

The table below provides an example of a format that may be followed by the successful contractor to record the Aboriginal workforce actually engaged on the project.

Number of Aboriginal people	Full-time equivalent duration	Period employed	Work undertaken	Subcontractor / Subconsultant / Supplier (if applicable)

10.0 Training Outcomes

Details regarding the training for Aboriginal people on the project will be provided by the successful construction tenderer in consultation with TBLALC, SAEP and the Tweed Job Compact as part of their APP. Specific training for Aboriginal people on the project should be recorded according to the instructions provided in the NSW Government Training Management Guidelines.

Appendix A

Aboriginal Participation in Construction Guidelines

Prepared by the New South Wales Government

Aboriginal Participation in Construction **Guidelines**

APPLYING TO PROJECTS COMMENCING 1 JANUARY 2007

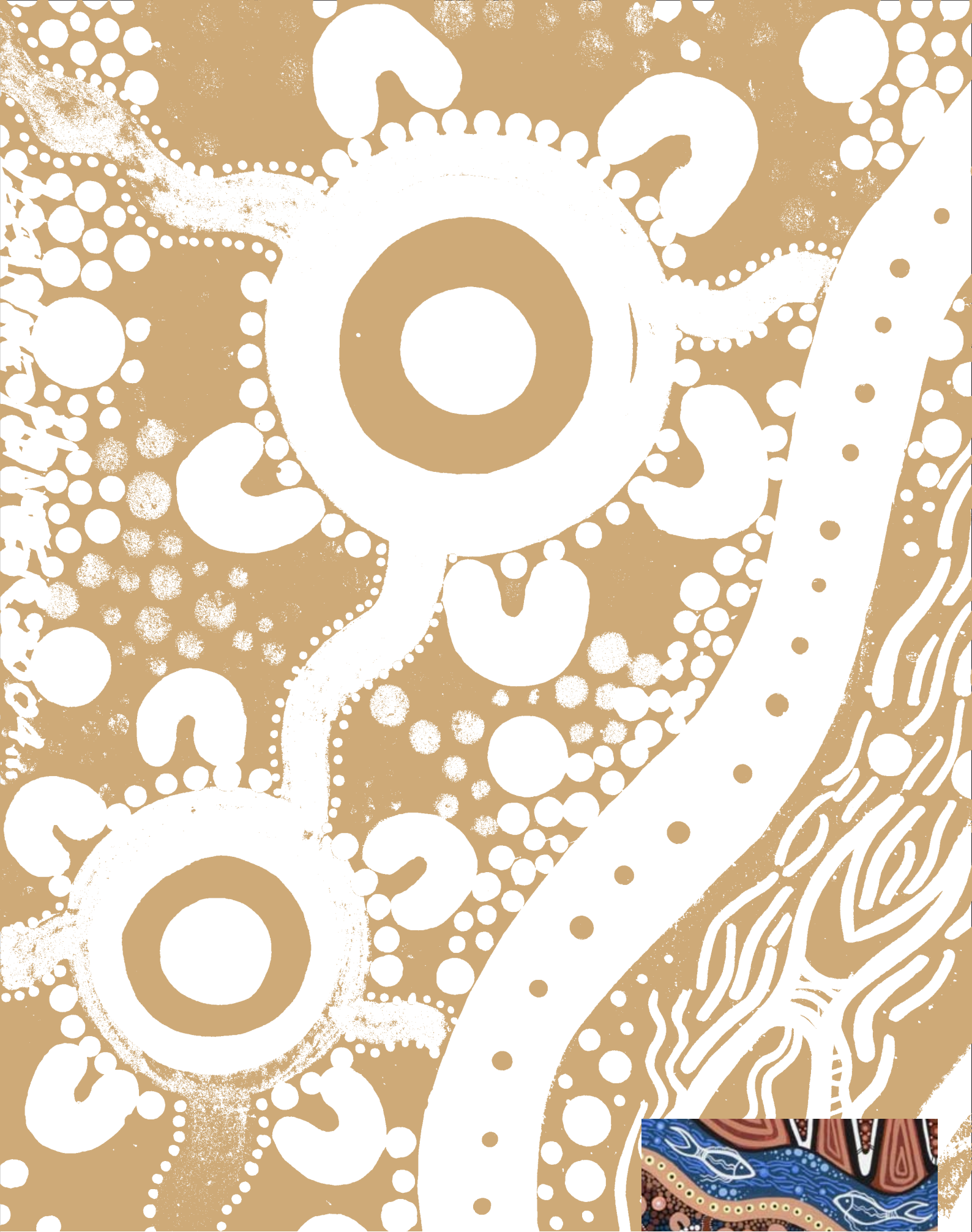


These Guidelines replace *Aboriginal Participation in Construction: Implementation Guidelines* issued in January 2001.



New South Wales Government





Cover painting: Leeanne Hunter, "Remember Our Ways" (2004).

The **importance** of Aboriginal participation in construction

The construction industry is a significant employer in the NSW labour sector. Depending on the region, between 10 and 17 percent of Aboriginal men in New South Wales are employed in construction and a growing number of Aboriginal women, making it one of the main employers of Aboriginal people in the State.

Because around \$7 billion is spent each year on government construction projects throughout New South Wales, NSW Government investment in the construction industry has the potential to play an important role in supporting long term improvements to the employment and economic status of Aboriginal people.

The *Aboriginal Participation in Construction Guidelines* are aimed at supporting and encouraging more employment and business opportunities for Aboriginal people on government construction projects. These Guidelines are an update and simplification of those first issued in January 2001, and will apply from 1 January 2007.

Through the application of a number of flexible criteria, the Guidelines enable government agencies to assess whether particular construction projects can provide employment opportunities for Aboriginal people. They also provide step-by-step advice as to how to facilitate greater levels of Aboriginal participation in such construction projects.

The Guidelines apply to all government construction projects and activities involving demolition, building, landscaping, maintenance, civil engineering, mining and heavy engineering. This includes projects involving private-sector participation. They also apply where the provision of an asset may be on land that is not owned by the Government e.g. land owned by a Local Aboriginal Land Council (LALC), or where the built asset will be owned by a non-Government entity, e.g. a LALC or other Aboriginal Corporation.

A range of construction companies have already committed to employing Aboriginal people on projects in which they are involved. The challenge for the NSW Government is to further encourage this spirit of engagement and increase the number of construction companies supporting this initiative.



Apprentices Arnold McGrady and Leon McGrady setting out timber floor joists for the Stage 3 Boggabilla/Toomelah Project, run by the Batchelor Institute of Indigenous Tertiary Education.

Aboriginal **participation** in construction policy



The NSW Government is committed to extending and creating employment opportunities for Aboriginal people, enhancing their business skills, and improving the social and economic conditions of Aboriginal people and communities in New South Wales.

To facilitate the achievement of these goals, a ten year Aboriginal affairs plan, *Two Ways Together 2003-2012*, has been developed. The Plan establishes a strategic, whole-of-government framework for NSW Government agencies to work in a coordinated way with Aboriginal communities to improve the lives of Aboriginal people.

Government construction is one area where work is being targeted under *Two Ways Together* to support Aboriginal employment across the State.

The *Aboriginal Participation in Construction Guidelines* are incorporated in the NSW Government Procurement Policy available on the NSW Treasury website at: www.treasury.nsw.gov.au. This is an overarching framework for all government procurement and applies to all government departments, statutory authorities, trusts and other government entities. State Owned Corporations are exempt, although they are encouraged to adopt aspects of the policy that are consistent with their corporate intent.

The *Aboriginal Participation in Construction Guidelines* aim to improve workforce diversity in the construction and related industries by facilitating the development of Aboriginal enterprises and encouraging government contractors to provide Aboriginal people with apprenticeships, on-the-job skills training and career opportunities for those first entering the industry.

To achieve this, NSW Government agencies will, on selected construction projects:

- require service providers to meet agreed Aboriginal participation targets and report on the delivery of Aboriginal development outcomes; and
- seek to use service providers with a commitment and demonstrated ability to effectively plan and implement Aboriginal participation appropriate to the needs of the service provider, the project and employees.

The Guidelines should be read in conjunction with the NSW Government *Training Management Guidelines* for construction projects and the *Code of Practice for Procurement*, both available on the NSW Treasury website at: www.treasury.nsw.gov.au/procurement/procureintro.htm



Apprentice Reginald McGrady working inside the "apprentices' house" on the Stage 3 Boggabilla/Toomelah Project.



Requirements for agencies and information for tenderers

Government agencies are required to identify construction projects that have the potential to deliver improved employment outcomes for Aboriginal people and enterprises.

This requirement applies to construction projects that are to take place in areas where there is a significant Aboriginal population, or where Aboriginal people are one of the main client groups for the construction project, such as a school or hospital. If agencies require clarification or advice regarding Aboriginal demographics, they should contact the Department of Aboriginal Affairs on 02 9219 0700.

It is recommended that agencies identify potential opportunities for Aboriginal participation as early as possible during project planning. This may involve meeting with members of the local Aboriginal community, and could include Aboriginal tradespersons, apprentices and enterprises available to work on the project.

Contact details for Aboriginal enterprises involved in construction and related businesses are available in the Procurement/Construction Suppliers section of the Department of Commerce website at:

www.commerce.nsw.gov.au

They are also available on the Aboriginal Housing Office website at:

www.aho.nsw.gov.au/builders.asp



Application of project categories

Agencies are required to determine the project category to which a given construction project is allocated according to the extent to which the project affects Aboriginal people. Different levels of commitment and documentation from tenderers are required for different categories of project.

The project categories are:

CATEGORY 1 PROJECT – Primarily directed to one or more Aboriginal communities, or where an Aboriginal community is the sole or predominant beneficiary.

CATEGORY 2 PROJECT – Has an Aboriginal community as one of the key user groups, or a prominent project stakeholder.

CATEGORY 3 PROJECT – A government project which has the potential to benefit the Aboriginal community.

These categories provide a minimum set of criteria for establishing whether Aboriginal participation should be considered in planning a government construction project. However, agencies are encouraged to apply these Guidelines to *any* project which they consider would be appropriate for Aboriginal participation. They can, for example, apply the requirements for a higher project category to a given project, even though the circumstances of the project do not fall within the strict definition of a particular project category. For example, a Category 2 project could be upgraded to a Category 1 project. Alternatively, agencies can decide to allocate any project to a particular project category even if it does not fit within any of the above definitions.



Apprentice Alex MacIntosh working on a set of stairs for the Boggabilla/Toomelah Project.

Identification of Aboriginal community stakeholders

Because Aboriginal communities are the main beneficiaries of Category 1 projects, agencies are required under *Two Ways Together*, the NSW Government's 10 year Aboriginal affairs plan, to undertake adequate consultation with communities in the planning and implementation stages of such projects.

Regardless of the category to which a particular project is ultimately assigned, agencies should identify key Aboriginal and other project stakeholders as early as possible in the project planning process. Community members have access to knowledge, skills and networks that can enhance project planning and delivery processes.

Agencies should consider formalising consultation through the creation of an Aboriginal Consultative Group. The Department of Aboriginal Affairs can assist agencies in developing the appropriate consultation processes.

Preparation of tender and contract requirements

Tenderers must be informed of the requirements to be met for the chosen category.

RECOMMENDED CONDITIONS OF TENDERING AND CONTRACT CLAUSES

Agencies are referred to the GC21 standard form or Minor Works standard form contract documents for recommended text on Aboriginal participation conditions of tendering and contract clauses. These forms are available from the Procurement/Procurement System for Construction section of the www.commerce.nsw.gov.au website.

The category of Aboriginal participation is usually included in a contract information annexure in the contract documents, but can be stated elsewhere as long as it is clear to the tenderers and contract administrator.

PREQUALIFICATION AND EXPRESSIONS OF INTEREST

Where calls are made for prequalification of service providers, government agencies are required to ensure that the call document outlines the information tenderers must submit to demonstrate their capacity to comply with the Aboriginal participation requirements of the contract.

NON-PRICE TENDER EVALUATION CRITERIA

Agencies are required to include as a non-price tender evaluation criterion the tenderer's capacity to implement Aboriginal participation and to weight this criterion appropriately. The selection criteria must be clearly advised to tenderers in the tender documents.

Tender requirements

Tenders submitted for each of the three categories must meet the following requirements:

Category 1 Projects

Tenders for **Category 1 Projects** will only be accepted from tenderers if they include the following documents in the tender response:



1. MANAGEMENT STATEMENT OF SUPPORT FOR ABORIGINAL PARTICIPATION

This is a statement from the tenderer's senior management that it is genuinely committed to creating and extending opportunities for Aboriginal people and enterprises through undertaking the contract, and is capable of implementing its proposed Aboriginal Participation Plan. It commits the organisation to incorporating Aboriginal participation as a core function in all project management processes, and ensuring that its dealings with Aboriginal people consistently take place in a culturally sensitive manner. Ongoing commitment and leadership from management is vital to ensure the effectiveness and success of an Aboriginal Participation Plan.

2. STATEMENT OF OPPORTUNITIES FOR ABORIGINAL PARTICIPATION

This document identifies the training and employment opportunities the tenderer will make available to Aboriginal workers and enterprises at different stages of the project. It should specify the stages of the contract in which Aboriginal participation will be sought, the trades in which apprenticeships, training and/or employment will be provided, how many positions have been allocated, and details of any training, mentoring and professional development requirements for participants.

3. ABORIGINAL PARTICIPATION PLAN

This document explains how the tenderer will deliver the Aboriginal participation objectives it has outlined in the Statement of Opportunities. The Plan should detail:

- the roles and key responsibilities of Aboriginal personnel, enterprises and training providers across the life of the project;
- how the tenderer will implement, monitor and review Aboriginal participation in the project, including key milestones and measurable performance targets;
- who in management will be responsible for implementation, monitoring and reviewing the Plan, and taking corrective actions if required;
- how the tenderer will communicate with workers, unions, service providers and the Aboriginal community about Aboriginal participation issues (including cultural awareness training for the relevant personnel);
- the methods the tenderer will use to assess the capacity of subcontractors and other service providers to fulfil the stated Aboriginal participation commitments; and
- key performance indicators to be used to monitor and review Aboriginal participation.

The detail provided in an Aboriginal Participation Plan will depend on the size, scope and nature of the project.

Models of Management Statements of Support, Statements of Opportunities and Aboriginal Participation Plans will be available in early March 2007 in the Procurement/Procurement publications section of the Department of Commerce website at www.commerce.nsw.gov.au

Category 2 Projects

Tenders for **Category 2 Projects** will only be accepted if they include:

1. MANAGEMENT STATEMENT OF SUPPORT FOR ABORIGINAL PARTICIPATION

See p.8.

2. STATEMENT OF OPPORTUNITIES FOR ABORIGINAL PARTICIPATION

See p.8.

3. STATEMENT OF ABILITY TO PROVIDE AN ABORIGINAL PARTICIPATION PLAN

This statement attests that the tenderer, if successful, will provide an Aboriginal Participation Plan to be reviewed and accepted by the agency calling tenders before site works begin. The requirements for an Aboriginal Participation Plan are provided on p.8.

Category 3 Projects

Tenders for **Category 3 Projects** will only be accepted from tenderers if they include:

1. MANAGEMENT STATEMENT OF SUPPORT FOR ABORIGINAL PARTICIPATION

See p.8.

2. COMMITMENT TO PROVIDE A STATEMENT OF OPPORTUNITIES FOR ABORIGINAL PARTICIPATION AND AN ABORIGINAL PARTICIPATION PLAN

This statement attests that the tenderer, if successful, will provide a Statement of Opportunities for Aboriginal Participation and an Aboriginal Participation Plan before site works begin. The requirements for the content of these documents are provided on p.8.



Arnold McGrady cutting angles for the roof construction on the Boggabilla/Toomelah Project.

Tender evaluation

For the general tender evaluation procedure, agencies and tenderers are referred to the NSW Government Tendering Guidelines available from the Procurement Section of the www.commerce.nsw.gov.au website.

Aboriginal participation can be used in the first stage of multi-stage tenders as a method of comparing the eligibility of tenderers for the second stage.

Agencies should ensure that there is an Aboriginal representative or appropriate representation on the tender evaluation panel where Aboriginal participation capability is a tender evaluation criterion.

During the Contract

The contractor's Aboriginal Participation Plan will be reviewed by the agency contract administrator or an agent (such as a private sector project manager) prior to the commencement of site works, and periodically during the contract. The reviews must include an on-site verification that the Plan is being correctly implemented, that performance targets are being met, and that the stated outcomes are being achieved.

The number and scope of reviews for each contract will be determined by the agency contract administrator, and will depend on the size, scope and nature of the project, as well as the targets detailed in the Plan.

Contractors should be provided with an opportunity to comment on the review and encouraged to promptly implement any corrective actions identified. The review results will be included in the Contractor Performance Reports for the project. Contractor Performance Reports are considered in the future allocation of work by government agencies.

Agencies and contractors should refer to the NSW Government *Contractor Performance Reporting Guidelines*, available from the NSW Treasury website at: www.treasury.nsw.gov.au/procurement/procureintro.htm



Mike McGrady, Lonnie Duncan, Elaine Edwards, Reginald (Dickie) McGrady and "PJ" Duncan with timber storage sheds on site at the Toomelah and Boggabilla housing and infrastructure project.

Maintaining records

Each agency must retain and centralise records of the performance of its contractors in relation to Aboriginal participation.

Post-project reviews

Agencies must conduct a post-project review to identify project achievements with respect to Aboriginal participation and opportunities for improvement on other projects.

To continuously improve performance, it is important to establish mechanisms to collect community and project experience in order to share that learning and avoid pitfalls on future projects.

This would normally include responses to the following questions:

- Did the project deliver the identified Aboriginal participation objectives?
- What Aboriginal participation opportunities for employment, training and business development were achieved?
- If the project was successful, what were the main success factors?
- If the project was regarded as unsuccessful, what were the impediments?

Publicise project success stories

Agencies should actively publicise successful project outcomes to other government agencies and the community, and to seize opportunities to convey lessons learned to industry stakeholders through industry forums.

For more information

Phone: Agency Procurement Information Service
02 9372 8600 or

Email: gpshep@commerce.nsw.gov.au





Appendix B

Guide for the preparation of an Aboriginal Participation Plan

Prepared by the New South Wales Government

GUIDE FOR THE PREPARATION OF AN ABORIGINAL PARTICIPATION PLAN

Aim of Guide

This Guide is intended to provide assistance to tenderers and contractors in preparing an Aboriginal Participation Plan. It also provides a guide to agencies in preparing background information for tenderers and contractors.

The Guide addresses the essential points on p. 8 of the *Aboriginal Participation in Construction Guidelines*. It is to be used in conjunction with the model Aboriginal Participation Plan located on the Department of Commerce's Procurement website.

As stated in the Guidelines, an Aboriginal Participation Plan is required of all tenderers for Category 1 projects, but only of the successful tenderer for Category 2 and 3 projects.

Pre-tender Meetings

It is strongly recommended that agencies hold a pre-tender meeting for all Category 1 projects to ensure that tenderers are adequately informed about Aboriginal employment assistance programs, local Aboriginal issues and of the availability of Aboriginal construction companies, tradespeople and potential trainees in the project area.

The Department of Aboriginal Affairs can provide advice to agencies and tenderers in making such contacts and in organising pre-tender meetings. Telephone numbers for the Sydney and regional offices of the Department of Aboriginal Affairs can be obtained from www.daa.nsw.gov.au

Typical Aboriginal Participation Plan inclusions

It is important that each Aboriginal Participation Plan is project-specific and based on a high level of contact with local Aboriginal stakeholders.

Name of Plan

The Aboriginal Participation Plan (the Plan) should be clearly identified, with the correct name of the project or contract, the category of the project, and the agency project and contract number.

Authority for initial issue

The name and signature of a senior manager in the firm should be included at the front of the Plan in a statement such as: "This Aboriginal Participation Plan is issued with the authority of John Smith, Managing Director of XYZ Constructions Pty Ltd on 1 May 2007".

The Plan should state the name and contact details of the contractor's project manager, or the member in management responsible for the implementation and monitoring of the Plan.

Plan issue status and authorisation

The Plan can be expected to change during the course of the project when circumstances change significantly. The reasons for this may include the identification of additional Aboriginal resources for the contract finishing trades during the early phases of the project.

The latest version of the Plan should, therefore, be identified with its release status in accordance with the document control procedure in the contractor's quality management system. They should be signed by the contractor's project manager or contract manager.

A typical setout for the issue status is as follows:

Issue No.	Date	Amendment	Manager's name	Signature

Contractor's existing Aboriginal employment

Details of the contractor's existing Aboriginal workforce should be provided in the Plan. The relevant details should include the positions in which Aboriginal people are currently employed by the contractor, the period over which individual Aboriginal staff have been employed, and whether the relevant positions are permanent, temporary, full-time, part-time, or casual.

Communications strategy with Aboriginal community

It is a requirement for the tenderer or contractor to state in its Plan how it will communicate with the local Aboriginal community to ascertain the availability of potential Aboriginal workers, including subcontractors, labourers, cadets and apprentices.

However, before preparing a Plan, the tenderer or contractor should ascertain what communication has occurred between the government agency undertaking the work and local Aboriginal communities on the specific project or projects in general.

Agencies responsible for the tender are strongly recommended to first make contact with local Aboriginal communities via the Department of Aboriginal Affairs to ascertain the capacity of the local community to provide skilled tradespeople and/or trainees and apprentices for the project.

Further communications by the tenderer or contractor should be undertaken in consultation with the Department of Aboriginal Affairs and extend from this early work rather than being undertaken in isolation.

Such communications can include discussions of opportunities for non-construction involvement by Aboriginal people on the project, such as providing food to a remote site, cleaning of the site, or training for construction workers on culturally significant issues related to the site.

Opportunities for Aboriginal people to be employed on the project can be advertised in newspapers local to the project.

In cases where the agency conducts a pre-tender meeting it is recommended that Aboriginal businesses or persons seeking work on the project be invited to the meeting, along with Job Network and other employment services in the region. This will provide opportunities for tenderers to make direct contact with potential project personnel.

The tenderer's or contractor's communication strategy can include arrangements to meet with interested local Aboriginal tradespeople and subcontractors to ascertain their skill level, project experience and availability for the project.

The person/s nominated by the tenderer or contractor to undertake communication with the Aboriginal community should have experience in working with Aboriginal people. This may necessitate the contractor contacting the Department of Aboriginal Affairs for advice on protocols.

Identifying opportunities in the supply chain

It is important to identify opportunities for Aboriginal employment with potential subcontractors, including design subcontracts, and suppliers that are not Aboriginal-owned, where the subcontract documentation includes reference to the *Aboriginal Participation in Construction Guidelines*.

Identified subcontractor and supplier opportunities should be included in the initial and subsequent issues of the Aboriginal Participation Plan.

Action and Resource Plan

Following discussions with the community and subcontractors, the tenderer and contractor should be in a position to develop a plan of the expected number of subcontractors and/or apprentices and others who can be employed on a project on either a part-time or full-time basis.

The following is an example of a table used to depict the number of Aboriginal people planned to participate in a project at Wollongong:

Number of Aboriginal people	Full-time equivalent duration	Opportunity	Location of Aboriginal person/enterprise
1	2 months	Mainstream employment of a design draftsman to undertake design development.	Wollongong
4	1 month	Traineeships in the area of horticulture, and project programming.	Nowra
3	3 months	Apprenticeships in plastering and plumbing	Sydney
6	2 months	Mainstream employment in an electrical subcontractor firm.	Wollongong
1	2 weeks	Employment of a site environmental officer.	Albion Park

Table 1

Examples of Key Performance Indicators

Agencies are encouraged to include some or all of the following performance indicators in the reporting requirements for successful tenderers on all projects requiring Aboriginal participation.

1. Percentage of Aboriginal people employed as a proportion of total employment by the enterprise and on the project.
2. Number of Aboriginal people employed by enterprises working on the project.
3. Percentage of contracts and/or subcontracts awarded to Aboriginal enterprises as a proportion of the total contracts awarded for the project.
4. Number of contracts and/or subcontracts awarded to Aboriginal enterprises working on the project.

5. Total dollar value of contracts and/or subcontracts awarded to Aboriginal enterprises working on the project.
6. Number of public meetings about the project held with local Aboriginal community stakeholders.
7. Number of apprenticeships, cadetships and/or traineeships for Aboriginal people created by the enterprise and/or on the project.*
8. Length of time that individual apprentices, cadets and/or trainees of Aboriginal people were employed by the enterprise and/or on the project.*
9. Number and type of opportunities for employment, training and business development for Aboriginal people and/or enterprises that extend beyond the project.

* having regard to the requirements of the NSW Government *Training Management Guidelines* available from the Procurement section of the Department of Commerce website at: www.commerce.nsw.gov.au

Contractor monitoring and recording results

During the course of the contract, the contractor is required to keep a record of the Aboriginal workforce actually engaged on the project to monitor progress with respect to the key performance indicators used. The basic numbers may be reported using a table similar to the following. This should include subcontractor, subconsultant and supplier opportunities as obtained.

Number of Aboriginal people	Full-time equivalent duration	Period employed	Work undertaken	Subcontractor/Subconsultant/Supplier (if applicable)
1	2 months	2/2007 – 4/2007	design draftsman	
2	2 months	4/2007- 6/2007	labourer	
3	1 month	6/2007	Traineeships in the area of horticulture.	
5	3 months	6/2007 – 12/2007	Apprenticeships in plastering and plumbing	
2	2 months	10/2007 – 12/2007	electrical subcontractor	
1	2 weeks	4/2007 – 8/2007	Employment of a site environmental officer.	

Table 2

Training outcomes

Specific training for Aboriginal people on the project should be recorded according to the instructions provided in the NSW Government *Training Management Guidelines*.

Appendix C

Template for an Aboriginal Participation Plan

Prepared by the New South Wales Government

Template for an:

ABORIGINAL PARTICIPATION PLAN

[CONTRACTOR'S ADDRESS BLOCK]

[DATE]

NAME OF PROJECT:

ABORIGINAL PARTICIPATION CATEGORY:

CONTRACTING AGENCY & PROJECT NO:

CONTRACT NO.:

NAME OF PROJECT MANAGER *[or person responsible for implementation and monitoring of the Plan]:*

AUTHORITY FOR INITIAL ISSUE:

This Aboriginal Participation Plan is issued with the authority of *[insert name]*, *[insert senior management title]* of *[insert company name]* on *[insert date]*.

PLAN ISSUE STATUS AND AUTHORISATION:

Issue No.	Date	Amendment	Name of Contract/Project Manager	Signature

Template for an:

ABORIGINAL PARTICIPATION PLAN

CONTRACTOR'S EXISTING ABORIGINAL EMPLOYMENT

Please provide details of the contractor's existing Aboriginal workforce.

Position Title	Period of Employment	Permanent or Temporary?	Full-time, Part-time or Casual?

Template for an:

ABORIGINAL PARTICIPATION PLAN

COMMUNICATIONS STRATEGY WITH ABORIGINAL COMMUNITY

1. *What contact has the contractor made with the contracting agency and/or the Department of Aboriginal Affairs to ascertain the capacity of the local community to provide skilled tradespeople and/or trainees and apprentices for the project?*
2. *Does the person/s nominated by the contractor to undertake communication with the Aboriginal community have experience in working with Aboriginal people? Please provide details.*
3. *How will the contractor communicate with the local Aboriginal community to ascertain the availability of potential Aboriginal workers, including subcontractors, labourers, cadets and apprentices?*
4. *Has the contractor identified opportunities for non-construction involvement by Aboriginal people on the project, such as providing food to a remote site, cleaning of the site, or training for construction workers on culturally significant issues related to the site? Please provide details.*
5. *Has the contractor made arrangements to meet with interested local Aboriginal tradespeople and subcontractors to ascertain their skill level, project experience and availability for the project? Please provide details.*

Template for an:

ABORIGINAL PARTICIPATION PLAN

IDENTIFYING OPPORTUNITIES IN THE SUPPLY CHAIN:

If the subcontract documentation includes reference to the Aboriginal Participation in Construction Guidelines, has the contractor made efforts to identify opportunities for Aboriginal employment with potential subcontractors, including design subcontracts, and suppliers that are not Aboriginal-owned? Please provide details.

NB: *Identified subcontractor and supplier opportunities should be included in the initial or subsequent issues of the Aboriginal Participation Plan.*

ACTION AND RESOURCE PLAN:

Please provide details of the expected number of subcontractors and/or apprentices and others who can be employed on the project on either a part-time or full-time basis, as well as the expected duration of the work allocated, the nature of the work opportunity (including the anticipated period during which the work will be undertaken), and the location of the Aboriginal person or enterprise.

Number of Aboriginal people	Full-time equivalent duration	Opportunity	Location of Aboriginal person/enterprise

Template for an:

ABORIGINAL PARTICIPATION PLAN

CONTRACTOR MONITORING AND RECORDING RESULTS:

The table below provides an example of the format to be followed by the contractor to record the Aboriginal workforce actually engaged on the project. The final reporting format should incorporate the Key Performance Indicators identified by the contracting agency for the project.

Number of Aboriginal people	Full-time equivalent duration	Period employed	Work undertaken	Subcontractor/Subconsultant/Supplier (if applicable)

TRAINING OUTCOMES:

Specific training for Aboriginal people on the project should be recorded according to the instructions provided in the NSW Government Training Management Guidelines.

Appendix D

Template for a Management Statement of Support for Aboriginal Participation

Prepared by the New South Wales Government

Template for:

MANAGEMENT STATEMENT OF SUPPORT

[CONTRACTOR'S ADDRESS BLOCK]

[DATE]

NAME OF PROJECT:

CONTRACT NO.:

ABORIGINAL PARTICIPATION CATEGORY:

We, the undersigned, being the senior management of *[insert company name]* are committed to creating and extending opportunities for Aboriginal people and enterprises through undertaking this contract.

We have examined the *[insert name of contracting agency]* requirements for Aboriginal participation on this project, and are confident that we have sufficient expertise and have allocated the appropriately qualified personnel to develop, implement and monitor an Aboriginal Participation Plan for this project.

[Insert company name] is committed to valuing workplace diversity, incorporating Aboriginal participation as a core function in the company's project management processes, and maintaining Aboriginal cultural awareness in the workplace.

[NAMES AND POSITIONS OF SIGNATORIES]

CEO

PROJECT MANAGER

OTHER RELEVANT SENIOR MANAGEMENT

Appendix E

Template for a Statement of Opportunities for Aboriginal Participation

Prepared by the New South Wales Government

Template for:**STATEMENT OF OPPORTUNITIES FOR ABORIGINAL PARTICIPATION**

[CONTRACTOR'S ADDRESS BLOCK]

[DATE]

NAME OF PROJECT:

CONTRACT NO.:

ABORIGINAL PARTICIPATION CATEGORY:

TRADE OR PROFESSION	NUMBER & TYPE OF POSITIONS ALLOCATED	PHASE OF PROJECT	TRAINING, MENTORING OR PROFESSIONAL DEVELOPMENT REQUIRED
Architect Draftsperson	1 graduate position 1 traineeship	Design Phase	Mentoring of both positions by senior architect and lead draftsperson.
Project Manager	1 traineeship	Construction Phases 1-5	Trainee to undertake Project Management course (4 weeks) with X provider. Mentoring on the job by Project Manager X during project.
Plumbing	1 apprentice 2 qualified plumbers	Construction Phase 1	Apprentice to undertake TAFE Certificate X during project.
Carpentry	4 apprentices	Construction Phases 1-4	Apprentices to undertake TAFE Certificate X during project.
Plastering	3 qualified plasterers	Construction Phase 4	Not applicable
Painting	1 apprentice	Construction Phase 5	Apprentice to undertake TAFE Certificate X during project.