

Australian Capital Territory

Government Procurement (Secure Local Jobs) Code 2020

Disallowable instrument DI2020–278

made under the

Government Procurement Act 2001, s 22M (1) (Secure local jobs code)

EXPLANATORY STATEMENT

This purpose of this disallowable instrument is to make minor and administrative changes to the Secure Local Jobs Code (the Code).

The revisions made to the Code under this instrument are to:

1. provide a definition of Related Entities under section 2;
2. require Code Certified Entities to comply with any conditions on their secure local jobs code certificate at section 7;
3. require Code Certified Entities to comply with any written request from the Registrar to provide a written declaration of their compliance with the Code within a prescribed timeframe at section 12;
4. provide Code Certified Entities clarity on the requirements to demonstrate compliance with the Code at section 15;
5. provide clarity on the requirements for issuance of a Secure Local Jobs Code certificate by the Registrar at section 17.

The purpose of the change and inclusion of the definition of ‘Related Entities’ under section 2 is to provide clarity for secure local jobs code certificate applicants. The definition is incorporated into section 17 of the Code (Application for Code Certification) requiring the Registrar to consider Related Entity compliance with Code obligations when issuing a Code certificate.

The purpose of the change to section 7 is to require Code certified entities to comply with any conditions on their secure local jobs code certificate. This clarification will ensure the policy intention of the Code, to provide optimal labour standards for all workers on territory-funded work, is achieved.

The purpose of the change to section 12 is to require Code certified entities to comply with any written request from the Registrar regarding the entity’s compliance with the Code. This clarification will ensure the policy intention of the Code, to provide optimal labour standards for all workers on territory-funded work, is achieved.

The purpose of the change to section 15 is to provide clarity on the matters and evidence required by the Registrar when considering a Code Certified Entities compliance against this section of the Code. This clarification will ensure the policy intention of the Code, to provide optimal labour standards for all workers on territory-funded work, is achieved.

The purpose of the change to section 17, application for Code certification, is to provide clarity on the matters to be considered by the Registrar when issuing a secure local jobs code certificate. This clarification will ensure the policy intention of the Code, to provide optimal labour standards for all workers on territory-funded work, is achieved.

This instrument revokes the *Government Procurement (Secure Local Jobs) Code 2019* (DI2019-47).

A RIS was prepared for the *Government Procurement (Secure Local Jobs) Code 2019* (DI2018-283) and supporting instruments in accordance with section 34 of the *Legislation Act 2001*. By virtue of section 36(e) of the *Legislation Act 2001*, a new RIS is not required because the changes are an amendment of a territory law that do not fundamentally affect the law's application or operation. Instead, the changes provide further clarity as to the law's application.