

Skilled Local Jobs Bill 2011

CONTENTS

1.	Short title	2
2.	Commencement	2
3.	Terms used	2
4.	Skilled work provisions to be in Government agreements for major projects	3
5.	Skilled work agreements for major projects where no Government agreement	3
6.	Principles applying to the negotiation of skilled work provisions, agreements	4
7.	Skilled work provisions	4
8.	Skilled work agreements to be tabled in Parliament	6
9.	Annual reporting	6

Defined Terms

Western Australia

LEGISLATIVE ASSEMBLY

(Introduced by Hon. Mr. Eric Ripper, MLA)

Skilled Local Jobs Bill 2011

A Bill for

**An Act to provide for agreements about skilled work requirements
for major projects in this State.**

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Skilled Local Jobs Act 2011*.

3 **2. Commencement**

4 This Act comes into operation as follows —

- 5 (a) sections 1 and 2 — on the day on which this Act
6 receives the Royal Assent;
7 (b) the rest of the Act — on the day after that day.

8 **3. Terms used**

9 In this Act —

10 **commencement day** means the day on which the *Skilled Local*
11 *Jobs Act 2011* section 3 comes into operation;

12 **Government agreement** means any of the following —

- 13 (a) an agreement of a kind mentioned in paragraph (a) of
14 the definition of **Government agreement** in the
15 *Government Agreements Act 1979* section 2 about a
16 major project;
17 (b) a variation of a kind mentioned in paragraph (b) of the
18 definition of **Government agreement** in the *Government*
19 *Agreements Act 1979* section 2 that will, in the
20 Minister's opinion, increase the carrying amount of a
21 major project by an amount exceeding \$200 million;

22 **major project** means a project that in the Minister's opinion is
23 likely to have a carrying amount exceeding \$200 million and
24 that is for —

- 25 (a) the taking of a non-renewable resource from its source
26 in any place within the jurisdiction of the State; or
27 (b) the processing of a non-renewable resource; or
28 (c) the construction of road, rail, pipeline or port
29 infrastructure for the primary purpose of transporting a
30 non-renewable resource; or

- 1 (d) the generation of electricity whether from renewable or
2 non-renewable resources, or the transmission of
3 electricity; or
 - 4 (e) any other purpose that, in the Minister's opinion, is to be
5 taken to be a major project for the purposes of this Act;
- 6 **Minister** means the Minister to whom the administration of the
7 *Government Agreements Act 1979* is committed;
- 8 **project**, in relation to a Government agreement or a skilled work
9 agreement, means the project that is the subject of the
10 agreement;
- 11 **services** means engineering, manufacturing, fabrication or
12 construction services and includes —
- 13 (a) design and drafting services relating to engineering,
14 manufacturing, fabrication or construction; and
 - 15 (b) making specific components;
- 16 **skilled work agreement** means an agreement required under
17 section 5;
- 18 **skilled work provisions** means the provisions set out in
19 section 7.
- 20 **4. Skilled work provisions to be in Government agreements for**
21 **major projects**
- 22 The Minister must ensure that each Government agreement that
23 comes into operation on or after commencement day contains
24 skilled work provisions.
- 25 **5. Skilled work agreements for major projects where no**
26 **Government agreement**
- 27 (1) The Minister must, on behalf of the State, enter into
28 negotiations with the proponents of each major project for a
29 skilled work agreement in relation to the project.
 - 30 (2) Subsection (1) applies only if the services for the project are to
31 begin on or after commencement day.

s. 6

- 1 (3) Subsection (1) does not apply if the project is already the
2 subject of a Government agreement that contains skilled work
3 provisions about the project as required under section 4.
- 4 (4) A skilled work agreement must contain skilled work provisions.
- 5 (5) The Minister must use his or her best endeavours to ensure that
6 a skilled work agreement takes effect before the services for the
7 project begin.

8 **6. Principles applying to the negotiation of skilled work**
9 **provisions, agreements**

10 In negotiating the skilled work provisions of a Government
11 agreement or a skilled work agreement, the Minister —

- 12 (a) must use his or her best endeavours to promote the
13 development and long-term viability of services in the
14 State with a view to the creation and expansion of a
15 skilled workforce in the State for the project and for
16 future work in the State; and
- 17 (b) must have regard to the current and likely economic
18 conditions and capabilities and capacities of services in
19 the State; and
- 20 (c) may seek, and have regard to, the advice or information
21 of any person on a matter that, in the opinion of the
22 Minister, is relevant to a duty that the Minister has under
23 paragraph (a) or (b).

24 **7. Skilled work provisions**

25 The provisions that are required under sections 4 and 5(4) are
26 provisions about the following matters —

- 27 (a) which of the services that are required for the project
28 will be carried out in the State (the *WA services*);
- 29 (b) in which region of the State (as described in the
30 *Regional Development Commissions Act 1993*
31 Schedule 1) each of the WA services will be carried out;

-
- 1 (c) the number and type of skilled work positions that are
2 required to carry out the WA services;
- 3 (d) the number and type of apprenticeships and other trainee
4 positions that are required to train people for the skilled
5 work positions that are required to carry out the WA
6 services;
- 7 (e) the number of person-hours for each type of skilled
8 work position that it will take to carry out the WA
9 services;
- 10 (f) which of the services that are required for the project
11 will not be carried out in the State;
- 12 (g) why each of the services mentioned in paragraph (f) will
13 not be carried out in the State;
- 14 (h) the monetary amount to be invested in research and
15 development programmes to be conducted in the State in
16 relation to the project;
- 17 (i) whether Australian standards and specifications will be
18 used when requesting proposals and tenders in relation
19 to the project and if not —
- 20 (i) why Australian standards and specifications will
21 not be used; and
- 22 (ii) identification of the standards and specifications
23 to be used;
- 24 (j) in relation to a project involving the fabrication of steel
25 products —
- 26 (i) the total amount of steel products to be produced
27 overall, expressed in tonnage; and
- 28 (ii) the total amount of steel products to be produced
29 in the State, expressed in tonnage;
- 30 (k) the amount, or method of assessing the amount, of
31 money payable to the State or other persons in the event
32 of a breach of a provision of the agreement about a
33 matter mentioned in paragraph (a), (b), (c), (d), (e), (h)
34 or (j);

s. 8

- 1 (l) the provision of alternative work opportunities of a
2 value equal to that of the number of skilled work
3 positions that are not made available in the event of a
4 breach of a provision of the agreement about a matter
5 mentioned in paragraph (c);
6 (m) dispute resolution arrangements;
7 (n) the monitoring and evaluation of the extent to which the
8 provisions of the agreement about a matter mentioned in
9 paragraph (a), (b), (c), (d), (e), (h), (j), (k) or (l) are
10 implemented.

11 **8. Skilled work agreements to be tabled in Parliament**

- 12 (1) The Minister must cause a copy of each skilled work agreement
13 to be laid before each House of Parliament within 5 days after
14 the agreement is executed but —
15 (a) if at the commencement of that period, a House of
16 Parliament is not sitting; and
17 (b) the Minister is of the opinion that the House will not sit
18 during that period,
19 the Minister must transmit a copy of the document to the Clerk
20 of that House.
21 (2) A copy of a document transmitted to the Clerk of a House is
22 taken to have been laid before that House.
23 (3) The laying of a copy of a document that is taken to have
24 occurred under subsection (2) is to be recorded in the Minutes,
25 or Votes and Proceedings, of the House on the first sitting day
26 of the House after the Clerk received the copy.

27 **9. Annual reporting**

28 The accountable authority of the department of the Public
29 Service principally assisting in the administration of the
30 *Government Agreements Act 1979* must include in the annual
31 report submitted under the *Financial Management Act 2006*

- 1 Part 5 a report on the extent to which the following provisions
2 have been complied with —
- 3 (a) the skilled work provisions contained in each
4 Government agreement;
- 5 (b) the provisions of each skilled work agreement.

=====

Defined Terms

Defined Terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined Term	Provision(s)
commencement day	3
Government agreement	3
major project	3
Minister	3
project	3
services	3
skilled work agreement	3
skilled work provisions	3
WA services	7