

Model Clauses for Australian Skills Guarantee Procurement Connected Policy

Version 1.1

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INTRODUCTION

The model clauses contained in this document can be included by Commonwealth entities in approach to market, contract or standing offer arrangement documentation, as relevant, to give effect to the requirements of the Australian Skills Guarantee Procurement Connected Policy.

Some of the model clauses have been drafted for the purposes of meeting the mandatory requirements for non-corporate Commonwealth entities set out in the Australian Skills Guarantee Procurement Connected Policy. Other model clauses have been drafted to address optional matters set out in the Australian Skills Guarantee Procurement Connected Policy. The explanatory text in relation to these model clauses notes that they are 'optional clauses' and 'may be used'.

Commonwealth entities are able to modify and adapt these clauses to ensure consistency with their approach to market, contract or panel arrangement documentation, provided that the requirements of the Australian Skills Guarantee Procurement Connected Policy are met.

For a copy of and information about the Australian Skills Guarantee Procurement Connected Policy go to: <https://www.dewr.gov.au/australian-skills-guarantee>.

Commonwealth entities and tenderers should refer to the Australian Skills Guarantee Procurement Connected Policy to ensure that all requirements of that policy are met and for further information on how the policy applies.

Further guidance is available at <https://www.dewr.gov.au/resources/australian-skills-guarantee> and in the Australian Skills Guarantee – Guidance for Using the Model Clauses for Commonwealth Contracting Agencies available on the Australian Skills Guarantee Operational Resources and Stakeholder Engagement GovTEAMS community.

1. Approach to market clauses for a Major Construction Project

Clauses A to E below are appropriate for inclusion in Approach to Market documentation for a Major Construction Project. Terms such as 'Tender', 'Tenderer' and 'Customer' should be amended to reflect the terminology used in your Approach to Market documentation.

A. Australian Skills Guarantee Procurement Connected Policy

A.1 Definitions

Note to drafter: Insert the below definitions in the appropriate section of your Approach to Market documentation.

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| ANZSCO | means the Australian and New Zealand Standard Classification of Occupations. |
| Apprentice | (also known as a Trainee or an Australian Apprentice) means a person who is: <ul style="list-style-type: none">a. employed under a Training Contract that has been registered with, and validated by, their State/Territory Training Authority;b. undertaking paid work and structured training which comprises both on and off the job training;c. undertaking a negotiated training program that involves obtaining a nationally recognised qualification; andd. either directly employed by the supplier or sub-contractors, or indirectly employed through a Group Training Organisation to work on the Major Construction Project. |
| Australian Skills Guarantee Procurement Connected Policy | means the policy available on the Australian Skills Guarantee website available at: https://www.dewr.gov.au/australian-skills-guarantee , as amended from time to time. |
| Australian Skills Guarantee Targets | means the: <ul style="list-style-type: none">a. Overarching Apprentice Targetb. Overarching Apprentice Target for Women; andc. Trade-specific Apprentice Target for Women. |

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| Group Training Organisation | means an organisation that employs Apprentices under a Training Contract and places them with a Host Employer. The Group Training Organisation undertakes the employer responsibilities for the quality and continuation of the Apprentices' employment and training, including payment of Apprentices' wages. The Group Training Organisation also manages the additional care and support necessary to achieve the successful completion of the Training Contract. |
| Host Employer | means an employer who hires an Apprentice through a Group Training Organisation. |
| Labour Hours | means the number of hours a person worked on the Services. This may include: <ul style="list-style-type: none"> a. hours worked On-Site; b. hours worked Off-Site, provided that in circumstances where Off-Site hours are to be split between multiple projects, the sum of the reported hours must not be greater than the total hours the person worked Off-Site. |
| Major Construction Project | means procurements with an estimated individual value of \$10 million and above (GST inclusive) using one of the United Nations Standard Products and Services Codes (UNSPSCs) specified in Appendix C of the Australian Skills Guarantee Procurement Connected Policy. |
| Off-Site | refers to Labour Hours undertaken not at the physical location/s of the Services to deliver inputs for the Services, or to undertake Apprentice education and training contributing to their qualification and the Services. |
| On-Site | refers to Labour Hours undertaken face-to-face by an Apprentice at the physical location/s of the Services. |
| Overarching Apprentice Target | is a target for suppliers of Major Construction Projects that requires a minimum of 10% of all Labour Hours spent on the Major |

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| | Construction Project are undertaken by Apprentices. Performance against this target will be calculated using Labour Hours, not headcount. |
| Overarching Apprentice Target for Women | is a target for suppliers of Major Construction Projects that requires a minimum percentage of all Apprentice Labour Hours spent on the Major Construction Project must be undertaken by Women. Both Trade and non-Trade Apprentices can be counted towards this target. Performance against this target will be calculated using Labour Hours, not headcount. Table 1 of the Australian Skills Guarantee Procurement Connected Policy provides further information on the level of the target and the annual increase. |
| State/Territory Training Authority | refers to the state and territory government departments responsible for apprenticeships and traineeships within their states or territories. This includes overseeing Training Contracts, Group Training Organisations and providing information and support throughout the apprenticeship process. |
| Trade | means sub-major occupations that are classified as 'Technicians and Trades Workers' using ANZSCO. |
| Trade Apprentice | is a person who: <ul style="list-style-type: none"> a. is classified as an Apprentice; and b. works in a role that is classified as a Trade. |
| Trade-specific Apprentice Target for Women | is a target for suppliers of Major Construction Projects that requires a minimum percentage of Trade Apprentice Labour Hours spent on the Major Construction Project must be undertaken by Women. Women working in a Trade would be eligible to be counted towards this Trade-specific Apprentice Target for Women and the Overarching Apprentice Target for Women. Performance against this target will be calculated using Labour Hours, not headcount. Table 1 of the Australian Skills Guarantee Procurement Connected Policy provides further |

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| | information on the level of the target and the annual increase. |
| Training Contract | means a legally binding agreement between an employer and Apprentice administered under state/territory legislation. |
| Women | means people, who regardless of their sex assigned at birth, identify as a woman irrespective of age. Woman has a corresponding meaning. |
| Worker or Employee | means a person who is paid to work for an organisation for more than one hour in a week. |

B. Australian Skills Guarantee Procurement Connected Policy - Major Construction Project

- B.1 Tenderers should note that the Australian Skills Guarantee Procurement Connected Policy applies to this Approach to Market. The Australian Skills Guarantee Procurement Connected Policy aims to address gender segregation and acute skills shortages by introducing the Australian Skills Guarantee Targets. This Approach to Market is for a Major Construction Project for the purposes of the Australian Skills Guarantee Procurement Connected Policy.
- B.2 In accordance with the Australian Skills Guarantee Procurement Connected Policy, the Tenderer should in its Tender:
- a. identify the total estimated Labour Hours required for completion of the Major Construction Project;
 - b. identify the percentage of Labour Hours to be undertaken by Apprentices;
 - c. identify the percentage of all Apprentice Labour Hours to be undertaken by Women Apprentices (including annual increases for multi-year projects);
 - d. identify the percentage of all Trade Apprentice Labour Hours to be undertaken by Women Trade Apprentices (including annual increases for multi-year projects); and
 - e. include a declaration that it is able to meet the Australian Skills Guarantee Targets in the delivery of any resultant contract for this procurement.

C. Evaluation criterion

Note to Drafter: Insert the below paragraph C.1 in the appropriate section of your Approach to Market documentation. Drafters should also consider whether other changes to the Approach to Market documentation are appropriate to facilitate

evaluation of compliance with the Australian Skills Guarantee Procurement Connected Policy. It is a matter for each agency how to evaluate the below matters for example, as part of existing evaluation criteria, as a standalone criterion or as part of overall value for money/risk. Agencies should have regard to the extent to which a Tenderer is able to demonstrate it will meet the Australian Skills Guarantee Targets and adjust Tenderer's scores against the relevant evaluation criteria accordingly. Agencies can access information on supplier past performance against the Australian Skills Guarantee Targets through the online tool accessible through the [Apprenticeship Data Management System](#).

- C.1 In evaluating Tenders, the Customer will take into consideration:
- a. the Tenderer's past performance and reporting in accordance with the Australian Skills Guarantee Procurement Connected Policy (if any); and
 - b. the extent to which the Tenderer demonstrates it will meet the Australian Skills Guarantee Targets in the delivery of any resultant contract for this procurement.

Note to Tenderers: A Tenderer that has no past experience with any Australian Skills Guarantee Targets will not be disadvantaged by this alone.

D. Tender Response Forms - Tenderer declaration/deed poll

Note to drafter: Insert the below paragraph in the Tenderer declaration/deed poll (as applicable) tender response form. Drafters should amend the wording below as appropriate to reflect the terminology of the Tenderer declaration/deed poll.

- D.1 The Tenderer declares that it is able to meet the Australian Skills Guarantee Targets as set out in its Tender in the delivery of any resultant contract for this procurement, as required by the Australian Skills Guarantee Procurement Connected Policy.

E. Tender Response Forms

Note to drafter: Insert the below paragraphs in the service delivery tender response form or capability tender response form (or other appropriate tender response form). This may depend on how agencies propose to consider Tenderer compliance with the Australian Skills Guarantee Procurement Connected Policy, for example, whether as part of existing evaluation criteria as to service delivery or capability, as a new standalone evaluation criterion or as part of overall value for money. Refer also to supplementary guidance on procurements partly delivered overseas available at: <https://www.dewr.gov.au/resources/australian-skills-guarantee>.

- E.1 In accordance with the Australian Skills Guarantee Procurement Connected Policy, the Tenderer should identify:
- a. the total estimated Labour Hours required for completion of the Major Construction Project;

- b. the percentage of Labour Hours to be undertaken by Apprentices;
- c. the percentage of all Apprentice Labour Hours to be undertaken by Women Apprentices (including annual increases for multi-year projects); and
- d. the percentage of all Trade Apprentice Labour Hours to be undertaken by Women as Trade Apprentices (including annual increases for multi-year projects).

Note to Tenderers: Tenderers should specify where Labour Hours will be performed both overseas and in Australia and provide the above information at E.1.b to E.1.d in relation to the Australian Labour Hours.

2. Contract clauses for a Major Construction Project

Clauses A to C below are appropriate for inclusion in the contract terms for a Major Construction Project. For panel/standing offer arrangements, the clauses below may be included in the standard contract terms to be applied to contracts made under the relevant deed of standing offer together with optional clause A.1. If optional clause A.1 is included, no specific clauses are required to be included in the overarching deed of standing offer terms but the relevant Work Order issued by the Customer/buying agency should identify whether the Australian Skills Guarantee Procurement Connected Policy applies to the particular contract. Refer to sections 9 and 10 of this document below and the Australian Skills Guarantee – Guidance for Using the Model Clauses for Commonwealth Contracting Agencies available on the Australian Skills Guarantee Operational Resources and Stakeholder Engagement GovTEAMS community.

A. Australian Skills Guarantee Targets

Note to drafter: Insert the below clauses A to C in the contract terms for a Major Construction Project. Clause A.1 is optional for use in panel arrangements. Terms such as 'Supplier', 'Contract', 'Work Order', 'Services', 'Customer' should be amended to reflect the terminology used in your contract terms.

- A.1 [Clauses A, B and C apply to the extent that the Work Order states that the Australian Skills Guarantee Procurement Connected Policy applies to a contract between the Supplier and the Customer for the provision of the Services.]
- A.2 In clauses A, B and C:
- | | |
|------------------------------------|---|
| ANZSCO | means the Australian and New Zealand Standard Classification of Occupations. |
| Apprentice | (also known as a Trainee or an Australian Apprentice) means a person who is: <ol style="list-style-type: none">employed under a Training Contract that has been registered with, and validated by, the relevant State/Territory Training Authority;undertaking paid work and structured training which commonly comprises both on and off the job training;undertaking a negotiated training program that involves obtaining a nationally recognised qualification; andeither directly employed by the Supplier or Sub-contractors, or indirectly employed through a Group Training Organisation to work on the Services. |
| Australian Skills Guarantee | means the policy available on the Australian Skills Guarantee website available at: |

| | |
|--|--|
| Procurement Connected Policy | https://www.dewr.gov.au/australian-skills-guarantee , as amended from time to time. |
| Australian Skills Guarantee Targets | means the: <ul style="list-style-type: none"> a. Overarching Apprentice Target; b. Overarching Apprentice Target for Women; and c. Trade-specific Apprentice Target for Women. |
| Group Training Organisation | means an organisation that employs Apprentices under a Training Contract and places them with a Host Employer. The Group Training Organisation undertakes the employer responsibilities for the quality and continuation of the Apprentices' employment and training, including payment of Apprentices' wages. The Group Training Organisation also manages the additional care and support necessary to achieve the successful completion of the Training Contract. |
| Host Employer | means an employer who hires an Apprentice through a Group Training Organisation. |
| Labour Hours | means the number of hours a person worked on the Services. This may include: <ul style="list-style-type: none"> a. hours worked On-Site; b. hours worked Off-Site, <p>provided that in circumstances where Off-Site hours are to be split between multiple projects, the sum of the reported hours must not be greater than the total hours the person worked Off-Site.</p> |
| Off-Site | refers to Labour Hours undertaken not at the physical location/s of the Services to deliver inputs to the Services, or to undertake Apprentice education and training contributing to their qualification and the Services. |
| On-Site | refers to Labour Hours undertaken face-to-face by an Apprentice at the physical location/s of the Services. |
| Overarching Apprentice Target | means a minimum of 10% of all Labour Hours spent on the Services must be undertaken by Apprentices. |
| Overarching Apprentice Target for Women | means the minimum targets specified in the table below of all Apprentice Labour Hours that must be undertaken by Women Apprentices during the relevant contract period: |

| Contract period | Targets |
|-----------------------------|----------------|
| 1 July 2024 to 30 June 2025 | 6% |
| 1 July 2025 to 30 June 2026 | 7% |
| 1 July 2026 to 30 June 2027 | 8% |
| 1 July 2027 to 30 June 2028 | 9% |
| 1 July 2028 to 30 June 2029 | 10% |
| 1 July 2029 to 30 June 2030 | 11% |
| 1 July 2030 onwards | 12% |

Skills Guarantee Information means Skills Guarantee Reports or other documents or information provided by the Supplier in connection with its obligations under Clause A.

Skills Guarantee Report means a report submitted by the Supplier to the Customer on its performance against the Australian Skills Guarantee Targets.

Skills Guarantee Online Reporting System means the online tool accessed through the Apprenticeship Data Management System (ADMS) used by the Supplier to report on its performance against the Australian Skills Guarantee Targets at <https://adms.australianapprenticeships.gov.au/adms/sign-in>.

Trade-specific Apprentice Target for Women means the minimum targets specified in the table below of all Trade Apprentice Labour Hours that must be undertaken by Women as Trade Apprentices during the relevant contract period:

| Contract period | Targets |
|------------------------|----------------|
|------------------------|----------------|

| | |
|-----------------------------|-----|
| 1 July 2024 to 30 June 2025 | 4% |
| 1 July 2025 to 30 June 2026 | 5% |
| 1 July 2026 to 30 June 2027 | 6% |
| 1 July 2027 to 30 June 2028 | 7% |
| 1 July 2028 to 30 June 2029 | 8% |
| 1 July 2029 to 30 June 2030 | 9% |
| 1 July 2030 onwards | 10% |

- Trade** means sub-major occupations that are classified as ‘Technicians and Trades Workers’ using ANZSCO.
- Trade Apprentice** is a person who:
- is classified as an Apprentice; and
 - works in a role that is classified as a Trade.
- Training Contract** means a legally binding agreement between an employer and Apprentice administered under state/territory legislation.
- Women** means people who, regardless of their sex assigned at birth, identify as a woman irrespective of age. **Woman** has a corresponding meaning.
- Worker or Employee** means a person who is paid to work for an organisation for more than one hour in a week.

- A.3 The Supplier must meet the Australian Skills Guarantee Targets in its performance of the Services under this Contract, as calculated in accordance with the Australian Skills Guarantee Procurement Connected Policy.
- A.4 Clause A.3 does not limit and must not be construed as limiting the Supplier’s responsibility to provide the Services in accordance with and otherwise comply with the requirements of this Contract.

- A.5 The Supplier must submit a Skills Guarantee Report, in accordance with the reporting requirements of the Australian Skills Guarantee Procurement Connected Policy.
- A.6 Without limiting clause A.5, a Skills Guarantee Report:
- a. must be submitted within 10 Business Days after the end of every quarter during the Term, reporting on performance against the Australian Skills Guarantee Targets during the preceding quarter; and
 - b. must be submitted within 10 Business Days after the end of every financial year during the Term, reporting on performance against the Australian Skills Guarantee Targets during the preceding financial year; and
 - c. must be submitted within 10 Business Days after the end of the Term, reporting on performance against the Australian Skills Guarantee Targets during the Term; and
 - d. must be submitted using the Skills Guarantee Online Reporting System or such other form approved by the Customer.
- A.7 If the Supplier did not meet one or more of the Australian Skills Guarantee Targets during the relevant reporting period, the Supplier must include details of the non-compliance in the relevant Skills Guarantee Report.

B. Right to use Skills Guarantee Information

- B.1 The Supplier consents to the Customer using and providing a copy of Skills Guarantee Information to the Department of Employment and Workplace Relations, for the purposes of:
- a. meeting the objectives and requirements of the Australian Skills Guarantee Procurement Connected Policy;
 - b. evaluation and monitoring;
 - c. policy research and development; and
 - d. administration of the Australian Skills Guarantee Procurement Connected Policy.
- B.2 The Supplier acknowledges that Skills Guarantee Information may also be used and disclosed as may be otherwise authorised or required by law.
- B.3 By submitting Skills Guarantee Information to the Customer, which includes personal information of Apprentices within the meaning of the Privacy Act, the Supplier warrants and represents that:
- a. it has made its Apprentices aware that their personal information will be collected by the Supplier, and disclosed to

the Customer and the Department of Employment and Workplace Relations for use in the manner contemplated in this clause B and as set out in more detail at <https://www.dewr.gov.au/australian-skills-guarantee/resources/australian-skills-guarantee-privacy-notice>; and

- b. it has obtained all necessary consents from its Apprentices in accordance with relevant privacy laws to the collection, use and disclosure of their personal information in the manner contemplated by this clause B. The Supplier will provide evidence of such consents to the Customer on request.

- B.4 The Supplier agrees that high level aggregated data on the Supplier's performance against the Australian Skills Guarantee Targets may be recorded in a central repository that is able to be accessed by Commonwealth entities for the purposes of evaluation of an offer by the Supplier to provide goods and/or services to a Commonwealth entity.

C. Customer's rights

- C.1 If the Customer considers, in its absolute discretion at any time during the term of this Contract, that it has concerns in relation to the Supplier's ability to meet the Australian Skills Guarantee Targets, the Customer may direct the Supplier to provide additional information and implement strategies to ensure it meets the Australian Skills Guarantee Targets.
- C.2 The Supplier must comply with all reasonable directions issued by the Customer under clause C.1.

Note to drafter: Clause C.3 is optional and may be included should the Customer wish to include express rights to terminate the contract in the event of Supplier non-compliance with reasonable directions issued by the Customer. This clause may require further adjustment for consistency with terminology used in the contract and the existing termination clauses.

- C.3 Without limiting its other rights under the Contract or at law, a failure by the Supplier to comply with its obligations under clause C.2 will be a breach of this Contract, and the Customer may terminate this Contract in accordance with clause **[insert termination for default clause reference]**.

3. Approach to market clauses for a Flagship Construction Project

Clauses A to F below are appropriate for inclusion in Approach to Market documentation for a Flagship Construction Project. Terms such as 'Tender', 'Tenderer' and 'Customer' should be amended to reflect the terminology used in the relevant Approach to Market.

A. Australian Skills Guarantee Procurement Connected Policy

A.1 Definitions

Note to drafter: Insert the below definitions in the appropriate section of your Approach to Market documentation.

| | |
|---|---|
| ANZSCO | means the Australian and New Zealand Standard Classification of Occupations. |
| Apprentice | (also known as a Trainee or an Australian Apprentice) means a person who is: <ul style="list-style-type: none">a. employed under a Training Contract that has been registered with, and validated by, the relevant State/Territory Training Authority;b. undertaking paid work and structured training which commonly comprises both on and off the job training;c. undertaking a negotiated training program that involves obtaining a nationally recognised qualification; andd. either directly employed by the Supplier or Sub-contractors, or indirectly employed through a Group Training Organisation to work on the Flagship Construction Project. |
| Australian Skills Guarantee Procurement Connected Policy | means the policy available on the Australian Skills Guarantee website available at: https://www.dewr.gov.au/australian-skills-guarantee , as amended from time to time. |
| Australian Skills Guarantee Targets | means: <ul style="list-style-type: none">a. Overarching Apprentice Target;b. an Apprentice Target for Women that is higher than the Overarching Apprentice Target for Women specified for Major Construction Projects; and |

- c. a Trade-specific Apprentice Target for Women that is higher than the Trade-specific Apprentice Target for Women for Major Construction Projects.

Flagship Construction Project

means procurements with an estimated individual value of \$100 million and above (GST inclusive) using one of the United Nations Standard Products and Services Codes (UNSPSCs) specified in **Appendix C** of the Australian Skills Guarantee Procurement Connected Policy.

Gender Equality Action Plan

means the plan outlining the Tenderer's recruitment and retention strategies to ensure the Australian Skills Guarantee Targets applicable to Women are achieved and sustained, as required for Flagship Construction Projects in accordance with the Australian Skills Guarantee Procurement Connected Policy.

Group Training Organisation

means an organisation that employs Apprentices under a Training Contract and places them with a Host Employer. The Group Training Organisation undertakes the employer responsibilities for the quality and continuation of the Apprentices' employment and training, including payment of Apprentices' wages. The Group Training Organisation also manages the additional care and support necessary to achieve the successful completion of the Training Contract.

Host Employer

means an employer who hires an Apprentice through a Group Training Organisation.

Labour Hours

means the number of hours a person worked on the Services. This may include:

- a. hours worked On-Site;
- b. hours worked Off-Site,

provided that in circumstances where Off-Site hours are to be split between multiple projects, the sum of the reported hours must not be greater than the total hours the person worked Off-Site.

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| Major Construction Project | means procurements with an estimated individual value of \$10 million and above (GST inclusive) using one of the United Nations Standard Products and Services Codes (UNSPSCs) specified in Appendix C of the Australian Skills Guarantee Procurement Connected Policy. |
| Off-Site | refers to Labour Hours undertaken not at the physical location/s of the Services to deliver inputs for the Services, or to undertake Apprentice education and training contributing to their qualification and the Services. |
| On-Site | refers to Labour Hours undertaken face-to-face by an Apprentice at the physical location/s of the Services. |
| Overarching Apprentice Target | is a target for suppliers of Major Construction Projects that requires a minimum of 10% of all Labour Hours spent on the Major Construction Project are undertaken by Apprentices. Performance against this target will be calculated using Labour Hours, not headcount. |
| Overarching Apprentice Target for Women (for Major Construction Projects) | is a target for suppliers of Major Construction Projects that requires a minimum percentage of all Apprentice Labour Hours spent on the Major Construction Project must be undertaken by Women. Both Trade and non-Trade Apprentices can be counted towards this target. Performance against this target will be calculated using Labour Hours, not headcount. Table 1 of the Australian Skills Guarantee Procurement Connected Policy provides further information on the level of the target and the annual increase. |
| State/Territory Training Authority | refers to the state and territory government departments responsible for apprenticeships and traineeships within their states or territories. This includes overseeing Training Contracts, Group Training Organisations and providing information and support throughout the apprenticeship process. |

| | |
|---|---|
| Trade | means sub-major occupations that are classified as Technicians and Trades Workers using ANZSCO. |
| Trade Apprentice | is a person who: <ul style="list-style-type: none"> a. is classified as an Apprentice; and b. works in a role that is classified as a Trade. |
| Trade-specific Apprentice Target for Women (for Major Construction Projects) | is a target for suppliers of Major Construction Projects that requires a minimum percentage of Trade Apprentice Labour Hours spent on the Major Construction Project must be undertaken by Women. Women working in Trades would be eligible to be counted towards this Trade-specific Apprentice Target for Women and the Overarching Apprentice Target for Women. Performance against this target will be calculated using Labour Hours, not headcount. Table 1 of the Australian Skills Guarantee Procurement Connected Policy provides further information on the level of the target and the annual increase. |
| Training Contract | means a legally binding agreement between an employer and Apprentice administered under state/territory legislation. |
| Women | means people who, regardless of their sex assigned at birth, identify as a woman irrespective of age. Woman has a corresponding meaning. |
| Worker or Employee | means a person who is paid to work for an organisation for more than one hour in a week. |

B. Australian Skills Guarantee Procurement Connected Policy – Flagship Construction Project

- B.1 Tenderers should note that the Australian Skills Guarantee Procurement Connected Policy applies to this Approach to Market. The Australian Skills Guarantee Procurement Connected Policy aims to address gender segregation and acute skills shortages by introducing the Australian Skills Guarantee Targets. This Approach to Market is for a Flagship Construction Project for the purposes of the Australian Skills Guarantee Procurement Connected Policy.

- B.2 In accordance with the Australian Skills Guarantee Procurement Connected Policy, the Tenderer should, in its Tender:
- a. identify the total estimated Labour Hours required for completion of the Flagship Construction Project;
 - b. identify:
 - i. the percentage of Labour Hours to be undertaken by Apprentices;
 - ii. a target specifying the proposed percentage of all Apprentice Labour Hours to be undertaken by Women Apprentices in each financial year of the Flagship Construction Project, (including annual increases for multi-year projects) which should be higher than the equivalent Overarching Apprentice Target for Women specified for Major Construction Projects; and
 - iii. a target specifying the proposed percentage of all Trade Apprentice Labour Hours to be undertaken by Women Trade Apprentices in each financial year of the Flagship Construction Project, (including annual increases for multi-year projects) which should be higher than the equivalent Trade-specific Apprentice Target for Women specified for Major Construction Projects;
 - c. include a declaration that it is able to meet or exceed the targets as set out in its Tender Response and comply with its Gender Equality Action Plan in the delivery of any resultant contract for this procurement; and
 - d. include a copy of its Gender Equality Action Plan that covers this Approach to Market.

C. Evaluation criterion

Note to Drafter: Insert the below paragraph C.1 in the appropriate section of your Approach to Market documentation. Drafters should also consider whether it would be appropriate to make other changes to the Approach to Market documentation to facilitate evaluation of compliance with the Australian Skills Guarantee Procurement Connected Policy. It is a matter for each agency how to evaluate the below matters for example, as part of existing evaluation criteria, as a standalone criterion or as part of overall value for money/risk. Agencies should have regard to the extent to which a Tenderer is able to demonstrate it will meet the Australian Skills Guarantee Targets and adjust Tenderer's scores against the relevant evaluation criteria accordingly. Agencies can access information on supplier past performance against the Australian Skills Guarantee Targets through the online tool accessible through the [Apprenticeship Data Management System](#).

- C.1 In evaluating Tenders, the Customer will take into consideration:

- a. the Tenderer's past performance and reporting in accordance with the Australian Skills Guarantee Procurement Connected Policy (if any);
- b. the extent to which the Tenderer demonstrates it will:
 - i. meet or exceed the Australian Skills Guarantee Targets as set out in its Tender, as required by the Australian Skills Guarantee Procurement Connected Policy; and
 - ii. comply with its Gender Equality Action Plan,
 in the delivery of any resultant contract for this procurement;

Note to Tenderers: A Tenderer that has no past experience with any Australian Skills Guarantee Targets will not be disadvantaged by this alone.

D. Tender Response Forms - Tenderer declaration/deed poll

Note to drafter: Insert the below paragraph in the Tenderer declaration/deed poll (as applicable) tender response form. Drafters should amend the wording below as appropriate to reflect the terminology of the Tenderer declaration/deed poll.

- D.1 The Tenderer declares that:
 - a. it is able to meet or exceed the Australian Skills Guarantee Targets as set out in its Tender; and
 - b. it will comply with its Gender Equality Action Plan,
 in the delivery of any resultant contract for this procurement, as required by the Australian Skills Guarantee Procurement Connected Policy.

E. Tender Response Forms

Note to drafter: Insert the below paragraphs in the service delivery tender response form or capability tender response form (or other appropriate tender response form). This may depend on how agencies propose to consider Tenderer compliance with the Australian Skills Guarantee Procurement Connected Policy, for example, whether as part of existing evaluation criteria as to service delivery or capability, as a new standalone evaluation criterion or as part of overall value for money. Refer also to supplementary guidance on procurements partly delivered overseas available at: <https://www.dewr.gov.au/resources/australian-skills-guarantee>.

- E.1 In accordance with the Australian Skills Guarantee Procurement Connected Policy, the Tenderer should identify:
 - a. the total estimated Labour Hours required for completion of the Flagship Construction Project;
 - b. the percentage of Labour Hours to be undertaken by Apprentices;

- c. the percentage of all Apprentice Labour Hours to be undertaken by Women Apprentices in each financial year of the Flagship Construction Project, (including annual increases for multi-year projects), which should be higher than the equivalent Overarching Apprentice Target for Women for Major Construction Projects; and
- d. the percentage of all Trade Apprentice Labour Hours to be undertaken by Women as Trade Apprentices in each financial year of the Flagship Construction Project, (including annual increases for multi-year projects), which should be higher than the equivalent Trade-specific Apprentice Target for Women for Major Construction Projects.

Note to Tenderers: Tenderers should specify where Labour Hours will be performed both overseas and in Australia and provide the above information at E.1.b to E.1.d in relation to the Australian Labour Hours.

F. Tender Response Form - Template Gender Equality Action Plan

Note to drafter: Include a new Tender Response Form and template Gender Equality Action Plan as follows. The successful Tenderer's Gender Equality Action Plan will form part of its resultant contract.

- F.1 Each Tenderer must submit with its Tender a Gender Equality Action Plan that addresses the requirements of the Australian Skills Guarantee Procurement Connected Policy.
- F.2 A suggested format for the Gender Equality Action Plan is set out at: <https://www.dewr.gov.au/resources/australian-skills-guarantee>.

4. Contract clauses for a Flagship Construction Project

Clauses A to D below are appropriate for inclusion in the contract terms for a Flagship Construction Project. For panel/standing offer arrangements, the below clauses may be included in the standard contract terms to be applied to contracts made under the relevant deed of standing offer together with optional clause A.1. If optional clause A.1 is included, no specific clauses are required to be included in the overarching deed of standing offer terms but the relevant Work Order issued by the Customer/buying agency should identify whether the Australian Skills Guarantee Procurement Connected Policy applies to the particular contract. Refer to sections 9 and 10 of this document below and the Australian Skills Guarantee – Guidance for Using the Model Clauses for Commonwealth Contracting Agencies available on the Australian Skills Guarantee Operational Resources and Stakeholder Engagement GovTEAMS community.

A. **Australian Skills Guarantee Targets**

Note to drafter: Insert the below clauses A.2 to A.7 in the contract terms for a Flagship Construction Project. Clause A.1 is optional for use in panel arrangements. Terms such as ‘Supplier’, ‘Contract’, ‘Work Order’, ‘Services’, ‘Customer’ should be amended to reflect the terminology used in your contract terms.

A.1 [Clauses A to D apply to the extent that the Work Order states that the Australian Skills Guarantee Procurement Connected Policy applies to a contract between the Supplier and the Customer for the provision of the Services.]

A.2 In clauses A to D:

- | | |
|------------------------------------|--|
| ANZSCO | means the Australian and New Zealand Standard Classification of Occupations. |
| Apprentice | means a person who is: <ol style="list-style-type: none">employed under a Training Contract that has been registered with, and validated by, the relevant State/Territory Training Authority;undertaking paid work and structured training which commonly comprises both on and off the job training;undertaking a negotiated training program that involves obtaining a nationally recognised qualification; andeither directly employed by the Supplier or Sub-contractors, or indirectly employed through a Group Training Organisation to work on the Services. |
| Australian Skills Guarantee | means the policy available on the Australian Skills Guarantee website available at: |

| | |
|--|--|
| Procurement Connected Policy | https://www.dewr.gov.au/australian-skills-guarantee , as amended from time to time. |
| Australian Skills Guarantee Targets | means the: <ul style="list-style-type: none"> a. Overarching Apprentice Target; b. Overarching Apprentice Target for Women; and c. Trade-specific Apprentice Target for Women. |
| Gender Equality Action Plan | means the plan in Schedule [A] (Gender Equality Action Plan) to this Contract. |
| Group Training Organisation | means an organisation that employs Apprentices under a Training Contract and places them with a Host Employer. The Group Training Organisation undertakes the employer responsibilities for the quality and continuation of the Apprentices' employment and training, including payment of Apprentices' wages. The Group Training Organisation also manages the additional care and support necessary to achieve the successful completion of the Training Contract. |
| Host Employer | means an employer who hires an Apprentice through a Group Training Organisation. |
| Labour Hours | means the number of hours a person worked on the Services. This may include: <ul style="list-style-type: none"> a. hours worked On-Site; b. hours worked Off-Site, <p>provided that in circumstances where Off-Site hours are to be split between multiple projects, the sum of the reported hours must not be greater than the total hours the person worked Off-Site.</p> |
| Off-Site | refers to Labour Hours undertaken not at the physical location/s of the Services to deliver inputs for the Services, or to undertake Apprentice education and training contributing to their qualification and the Services. |
| On-Site | refers to Labour Hours undertaken face-to-face by an Apprentice at the physical location/s of the Services. |
| Overarching Apprentice Target | means a minimum of 10% of all Labour Hours spent on the Services must be undertaken by Apprentices. |
| Overarching Apprentice | Note to drafter: Insert the text below and amend the table to include the agreed target percentage for each |

Target for Women

year of the Term of the Contract. Delete the rows/columns that do not apply as appropriate.

means the percentages specified in the table below of all Apprenticeship Labour Hours that must be undertaken by Women Apprentices during the relevant contract period:

| Contract period | Targets |
|-----------------------------|----------------|
| 1 July 2024 to 30 June 2025 | [insert] |
| 1 July 2025 to 30 June 2026 | [insert] |
| 1 July 2026 to 30 June 2027 | [insert] |
| 1 July 2027 to 30 June 2028 | [insert] |
| 1 July 2028 to 30 June 2029 | [insert] |
| 1 July 2029 to 30 June 2030 | [insert] |
| 1 July 2030 onwards | [insert] |

Skills Guarantee Information

means Skills Guarantee Reports or other documents or information provided by the Supplier in connection with its obligations under Clause A.

Skills Guarantee Report

means a report submitted by the Supplier to the Customer on its performance against the Australian Skills Guarantee Targets.

Skills Guarantee Online Reporting System

means the online tool accessed through the Apprenticeship Data Management System (ADMS) used by the Supplier to report on its performance against the Australian Skills Guarantee Targets at <https://adms.australianapprenticeships.gov.au/adms/sign-in>.

Trade-specific Apprenticeship Target for Women

Note to drafter: Insert the text below and amend the table to include the agreed target percentage for each year of the Term of the Contract. Delete the rows/columns that do not apply as appropriate.

means the percentages specified in the table below of all Trade Apprentice Labour Hours that must be undertaken by Women as Trade Apprentices during the relevant contract period:

| Contract period | Targets |
|-----------------------------|----------------|
| 1 July 2024 to 30 June 2025 | [insert] |
| 1 July 2025 to 30 June 2026 | [insert] |
| 1 July 2026 to 30 June 2027 | [insert] |
| 1 July 2027 to 30 June 2028 | [insert] |
| 1 July 2028 to 30 June 2029 | [insert] |
| 1 July 2029 to 30 June 2030 | [insert] |
| 1 July 2030 onwards | [insert] |

- Trade** means sub-major occupations that are classified as 'Technicians and Trades Workers' using ANZSCO.
- Trade Apprentice** is a person who:
- is classified as an Apprentice; and
 - works in a role that is classified as a Trade.
- Training Contract** means a legally binding agreement between an employer and Apprentice administered under state/territory legislation.
- Women** means people who, regardless of their sex assigned at birth, identify as a woman irrespective of age. **Woman** has a corresponding meaning.
- Worker or Employee** means a person who is paid to work for an organisation for more than one hour in a week.

A.3 The Supplier must meet the Australian Skills Guarantee Targets in its performance of the Services under this Contract, as calculated in

accordance with the Australian Skills Guarantee Procurement Connected Policy.

- A.4 Clause A.3 does not limit and must not be construed as limiting the Supplier's responsibility to provide the Services in accordance with and otherwise comply with the requirements of this Contract.
- A.5 The Supplier must submit a Skills Guarantee Report, in accordance with the reporting requirements of the Australian Skills Guarantee Procurement Connected Policy.
- A.6 Without limiting clause A.5, a Skills Guarantee Report:
- a. must be submitted within 10 Business Days after the end of every quarter during the Term, reporting on performance against the Australian Skills Guarantee Targets during the preceding quarter; and
 - b. must be submitted within 10 Business Days after the end of every financial year during the Term, reporting on performance against the Australian Skills Guarantee Targets during the preceding financial year; and
 - c. must be submitted within 10 Business Days after the end of the Term, reporting on performance against the Australian Skills Guarantee Targets during the Term; and
 - d. must be submitted using the Skills Guarantee Online Reporting System or such other form approved by the Customer.
- A.7 If the Supplier did not meet one or more of the Australian Skills Guarantee Targets during the relevant reporting period, the Supplier must include details of the non-compliance in the relevant Skills Guarantee Report.

B. Gender Equality Action Plan

- B.1 Without limiting clause A.3, the Supplier must comply with the Gender Equality Action Plan.
- B.2 The Gender Equality Action Plan must not be construed as limiting the Supplier's responsibility to provide the Services in accordance with and otherwise comply with the requirements of this Contract.
- B.3 Without limiting clause A.5 to A.7, the Supplier must, in its Skills Guarantee Reports, report to the Customer on its compliance with the Gender Equality Action Plan, in accordance with the requirements of the Australian Skills Guarantee Procurement Connected Policy.

C. Right to use Skills Guarantee Information

- C.1 The Supplier consents to the Customer using and providing a copy of Skills Guarantee Information to the Department of Employment and Workplace Relations, for the purposes of:
- a. meeting the objectives and requirements of the Australian Skills Guarantee Procurement Connected Policy;
 - b. evaluation and monitoring; and
 - c. policy research and development; and
 - d. administration of the Australian Skills Guarantee.
- C.2 The Supplier notes that Skills Guarantee Information may also be used and disclosed as may be otherwise authorised or required by law.
- C.3 By submitting Skills Guarantee Information to the Customer, which may include personal information within the meaning of the Privacy Act, the Supplier warrants and represents that:
- a. it has made its Apprentices aware that their personal information will be collected by the Supplier, and disclosed to the Customer and the Department of Employment and Workplace Relations for use in the manner contemplated in this clause B and as set out in more detail at <https://www.dewr.gov.au/australian-skills-guarantee/resources/australian-skills-guarantee-privacy-notice>; and
 - b. it has obtained all necessary consents from its Apprentices in accordance with relevant privacy laws to the collection, use and disclosure of their personal information in the manner contemplated by this clause C. The Supplier will provide evidence of such consents to the Customer on request.
- C.4 The Supplier agrees that high level aggregated data on the Supplier's performance against the Australian Skills Guarantee Targets may be recorded in a central repository that is able to be accessed by Commonwealth entities for the purposes of evaluation of an offer by the Supplier to provide goods and/or services to a Commonwealth entity.

D. Customer's rights

- D.1 If the Customer considers, in its absolute discretion at any time during the term of this Contract, that it has concerns in relation to the Supplier's ability to meet the Australian Skills Guarantee Targets, the Customer may direct the Supplier to provide additional

information and implement strategies to ensure it meets the Australian Skills Guarantee Targets.

- D.2 The Supplier must comply with all reasonable directions issued by the Customer under clause D.1.

Note to drafter: Clause D.3 is optional and may be included should the Customer wish to include express rights to terminate the contract in the event of Supplier non-compliance with reasonable directions issued by the Customer. This clause may require further adjustment for consistency with terminology used in the contract and the existing termination clauses.

- D.3 Without limiting its other rights under the Contract or at law, a failure by the Supplier to comply with its obligations under clause D.2 will be a breach of this Contract, and the Customer may terminate this Contract in accordance with clause [insert termination for default clause reference].

Schedule [A] to Contract – Gender Equality Action Plan

Note to Tenderer: Gender Equality Action Plan submitted as part of your tender response will be included here

5. Approach to market clauses for a Major ICT Project

Clauses A to E below are appropriate for inclusion in Approach to Market documentation for a Major ICT Project where you have determined it is reasonable to apply targets to the relevant Major ICT Project based on the nature of the services being procured. Terms such as 'Tender', 'Tenderer' and 'Customer' should be amended to reflect the terminology used in the relevant Approach to Market.

A. Australian Skills Guarantee Procurement Connected Policy

A.1 Definitions

Note to drafter: Insert the below definitions in the appropriate section of your Approach to Market documentation.

- | | |
|-----------------------|--|
| Accredited VET | means vocational education and training developed when a training need is not covered by a Training Package Qualification, that is: <ul style="list-style-type: none">a. nationally recognised and delivered by a Registered Training Organisation following independent assessment by the Australian Skills Quality Authority (ASQA) or a state/territory regulator; orb. is listed on the National Training Register. |
| Apprentice | (also known as a Trainee or an Australian Apprentice) means a person who is: <ul style="list-style-type: none">a. employed under a Training Contract that has been registered with, and validated by, their State/Territory Training Authority;b. undertaking paid work and structured training which comprises both on and off the job training;c. undertaking a negotiated training program that involves obtaining a nationally recognised qualification; andd. either directly employed by the supplier or sub-contractors, or indirectly employed through a Group Training Organisation to work on the Services. |

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| Australian Qualifications Framework (AQF) | means the national policy for regulated qualifications in Australia's Higher Education, vocational education and training and school education. It provides for national recognition and consistent understanding of what defines each qualification type. |
| Australian Skills Quality Authority (ASQA) | means the national regulator for Australia's vocational education and training sector as established under the <i>National Vocational Education and Training Regulator Act 2011</i> (Cth). ASQA regulates courses and training providers to ensure national approved quality standards are met. |
| Australian Skills Guarantee Procurement Connected Policy | means the policy available on the Australian Skills Guarantee website available at: https://www.dewr.gov.au/australian-skills-guarantee , as amended from time to time. |
| Australian Skills Guarantee Targets | means the Learning Worker Target and Learning Worker Target for Women. |
| Group Training Organisation | means an organisation that employs Apprentices under a Training Contract and places them with a Host Employer. The Group Training Organisation undertakes the employer responsibilities for the quality and continuation of the Apprentices' employment and training, including payment of Apprentices' wages. The Group Training Organisation also manages the additional care and support necessary to achieve the successful completion of the Training Contract. |
| Higher Education | (also known as tertiary education) means the AQF levels of education and training ranging from level 5-10, including diplomas, advanced diplomas, associate degrees, bachelor's degrees (including honours), graduate certificates, graduate diplomas, master's degrees, doctoral degrees and higher doctoral degrees. |
| Host Employer | means an employer who hires an Apprentice through a Group Training Organisation. |
| ICT | means the information and communication technology services under the UNSPSC subset codes specified in Appendix D in |

scope for the Australian Skills Guarantee Procurement Connected Policy.

ICT Cadet

means a person who is:

- a. working on a Major ICT Project;
- b. in paid employment in an entry-level role; and
- c. undertaking academic study through either Accredited VET or Higher Education towards a qualification under the AQF,

where the employer has formally committed to providing the Employee with on-the-job training and support to complete the specific course of academic study.

Labour Hours

means the number of hours a person worked on the Services. This may include:

- a. hours worked On-Site;
- b. hours worked Off-Site,

provided that in circumstances where Off-Site hours are to be split between multiple projects, the sum of the reported hours must not be greater than the total hours the person worked Off-Site.

Learning Worker

means:

- a. a person who, while employed on a Major ICT Project, is an Apprentice or an ICT Cadet; or
- b. a Worker who, while employed on a Major ICT Project, is currently undertaking Accredited VET and/or Higher Education relevant to the employment and skills needs of the employer while employed on the Major ICT Project; or
- c. a Worker who, while employed on a Major ICT Project, is currently undertaking or successfully completes a Microcredential relevant to the employment and skills needs of the employer while employed on the Major ICT Project.

| | |
|---|--|
| Learning Worker Target | means a target for Suppliers of Major ICT Projects that requires a minimum of 5% of all estimated Labour Hours spent on the Major ICT Project to be undertaken by Learning Workers. |
| Learning Worker Target for Women | means a target for Suppliers of Major ICT Projects that requires a minimum percentage of all Learning Worker Labour Hours spent on the Major ICT Project to be undertaken by Women. See Table 2 at Section 4.5.8 of the Australian Skills Guarantee Procurement Connected Policy for further information on the level of the target and the annual increase. |
| Major ICT Project | means procurements with an estimated individual value of \$10 million and above (GST inclusive) using one of the United Nations Standard Products and Services Code (UNSPSC) subset codes specified in Appendix D of the Australian Skills Guarantee Procurement Connected Policy. |
| Microcredential/s | <p>means</p> <ul style="list-style-type: none"> a. a certification of assessed learning or competency with an AQF award qualification, that is additional, alternate, complementary to or a component part of an AQF qualification and is listed on the National Training Register; or b. an industry or vendor certification which is recognised within the ICT industry. <p>Microcredentials may be delivered as a stand-alone qualification, or they can complement vocational education and training or Higher Education. The Microcredential must have clear learning outcomes. It must also stipulate the industry or vendor certification, or credit recognition certified by a Registered Training Organisation, education institution or professional body.</p> |
| National Training Register | means Australia's national training register at Training.gov.au that includes nationally recognised training and Registered Training Organisations approved to deliver nationally |

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| | recognised training, referred to in section 216 of the <i>National Vocational Education and Training Regulator Act 2011</i> (Cth). |
| Off-Site | refers to Labour Hours undertaken not at the physical location/s of the Services to deliver inputs for the Services, or to undertake Learning Worker education and training contributing to their qualification and the Services. |
| On-Site | refers to Labour Hours undertaken face-to-face by a Learning Worker at the physical location/s of the Services. |
| Training Contract | means a legally binding agreement between an employer and Apprentice administered under state/territory legislation. |
| Women | means people who, regardless of their sex assigned at birth, identify as a woman irrespective of age. Woman has a corresponding meaning. |
| Worker or Employee | means a person who is paid to work for an organisation for more than one hour in a week. |

B. Australian Skills Guarantee Procurement Connected Policy – Major ICT Project

- B.1 Tenderers should note that the Australian Skills Guarantee Procurement Connected Policy applies to this Approach to Market. The Australian Skills Guarantee Procurement Connected Policy aims to address gender segregation and acute skills shortages by introducing the Australian Skills Guarantee Targets. This Approach to Market is for a Major ICT Project for the purposes of the Australian Skills Guarantee Procurement Connected Policy.
- B.2 In accordance with the Australian Skills Guarantee Procurement Connected Policy, the Tenderer should, in its Tender:
- a. identify the total estimated Labour Hours required for completion of the Major ICT Project;
 - b. identify the percentage of Labour Hours to be undertaken by Learning Workers;
 - c. identify the percentage of Learning Worker Labour Hours to be undertaken by Learning Workers who are Women (including annual increases for multi-year projects); and

- d. include a declaration that it is able to meet the Australian Skills Guarantee Targets as set out in its Tender, in the delivery of any resultant contract for this procurement.

C. Evaluation criterion

Note to Drafter: Insert the below paragraph C.1 in the appropriate section of your Approach to Market documentation. Drafters should also consider whether it would be appropriate to make other changes to the Approach to Market documentation to facilitate evaluation of compliance with the Australian Skills Guarantee Procurement Connected Policy. It is a matter for each agency how to evaluate the below matters for example, as part of existing evaluation criteria, as a standalone criterion or as part of overall value for money/risk. Agencies should have regard to the extent to which a Tenderer is able to demonstrate it will meet the Australian Skills Guarantee Targets and adjust Tenderer's scores against the relevant evaluation criteria accordingly. Agencies can access information on supplier past performance against the Australian Skills Guarantee Targets through the online tool accessible through the [Apprenticeship Data Management System](#).

- C.1 In evaluating Tenders, the Customer will take into consideration:
 - a. the Tenderer's past performance and reporting in accordance with the Australian Skills Guarantee Procurement Connected Policy (if any); and
 - b. the extent to which the Tenderer demonstrates it will meet the Australian Skills Guarantee Targets in the delivery of any resultant contract for this procurement.

Note to Tenderers: A Tenderer that has no past experience with any Australian Skills Guarantee Targets will not be disadvantaged by this alone.

D. Tender Response Forms - Tenderer declaration/deed poll

Note to drafter: Insert the below paragraph in the Tenderer declaration/deed poll (as applicable) tender response form. Drafters should amend the wording below as appropriate to reflect the terminology of the Tenderer declaration/deed poll.

- D.1 The Tenderer declares that it is able to meet the Australian Skills Guarantee Targets as set out in its Tender in the delivery of any resultant contract for this procurement, as required by the Australian Skills Guarantee Procurement Connected Policy.

E. Tender Response Forms

Note to drafter: Insert the below paragraphs in the service delivery tender response form or capability tender response form (or other appropriate tender response form). This may depend on how agencies propose to consider Tenderer compliance with the Australian Skills Guarantee Procurement Connected Policy, for example, whether as part of existing evaluation criteria as to service delivery or capability, as a new standalone evaluation criterion or as part of overall value for money. Refer

also to supplementary guidance on procurements partly delivered overseas available at: <https://www.dewr.gov.au/resources/australian-skills-guarantee>.

- E.1 In accordance with the Australian Skills Guarantee Procurement Connected Policy, the Tenderer should identify:
- a. the total estimated Labour Hours required for completion of the Major ICT Project;
 - b. the percentage of Labour Hours to be undertaken by Learning Workers; and
 - c. the percentage of Learning Worker Labour Hours to be undertaken by Women Learning Workers (including annual increases for multi-year projects).

Note to Tenderers: Tenderers should specify where Labours Hours will be performed both overseas and in Australia and provide the above information at E.1.b to E.1.d in relation to the Australian Labour Hours.

6. Contract clauses for a Major ICT Project

Clauses A to C below are appropriate for inclusion in the contract terms for a Major ICT Project. For panel/standing offer arrangements, the below clauses may be inserted into the standard contract terms to be applied to contracts made under the relevant deed of standing offer together with optional clause A.1. If optional clause A.1 is included, no specific clauses are required to be included in the panel deed terms but the relevant Work Order issued by the Customer/buying agency should identify whether the Australian Skills Guarantee Procurement Connected Policy applies to the particular contract. Refer to sections 9 and 10 of this document below and the Australian Skills Guarantee – Guidance for Using the Model Clauses for Commonwealth Contracting Agencies available on the Australian Skills Guarantee Operational Resources and Stakeholder Engagement GovTEAMS community.

A. Australian Skills Guarantee Targets

Note to drafter: Insert the below clauses A.2 to A.7 in the contract terms for a Major ICT Project. Clause A.1 is optional for use in panel arrangements. Terms such as 'Supplier', 'Contract', 'Work Order', 'Services', 'Customer' should be amended to reflect the terminology used in your contract terms.

A.1 [Clauses A, B and C apply to the extent that the Work Order states that the Australian Skills Guarantee Procurement Connected Policy applies to a contract between the Supplier and the Buyer for the provision of the Services.]

A.2 In clauses A, B and C:

Accredited VET means vocational education and training developed when a training need is not covered by a Training Package Qualification, that is:

- a. nationally recognised and delivered by a Registered Training Organisation following independent assessment by the Australian Skills Quality Authority (ASQA) or a state/territory regulator; or
- b. is listed on the National Training Register.

Apprentice

means a person who is:

- a. employed under a Training Contract that has been registered with, and validated by, the relevant State/Territory Training Authority;
- b. undertaking paid work and structured training which commonly comprises both on and off the job training;
- c. undertaking a negotiated training program that involves obtaining a nationally recognised qualification; and

- d. either directly employed by the Supplier or Sub-contractors, or indirectly employed through a Group Training Organisation to work on the Services.

| | |
|---|--|
| Australian Qualifications Framework (AQF) | means the national policy for regulated qualifications in Australia's Higher Education, vocational education and training and school education. It provides for national recognition and consistent understanding of what defines each qualification type. |
| Australian Skills Guarantee Procurement Connected Policy | means the policy available on the Australian Skills Guarantee website available at: https://www.dewr.gov.au/australian-skills-guarantee , as amended from time to time. |
| Australian Skills Guarantee Targets | means the Learning Worker Target and Learning Worker Target for Women. |
| Australian Skills Quality Authority (ASQA) | means the national regulator for Australia's vocational education and training sector as established under the <i>National Vocational Education and Training Regulator Act 2011</i> (Cth). ASQA regulates courses and training providers to ensure national approved quality standards are met. |
| Group Training Organisation | means an organisation that employs Apprentices under a Training Contract and places them with a Host Employer. The Group Training Organisation undertakes the employer responsibilities for the quality and continuation of the Apprentices' employment and training, including payment of Apprentices' wages. The Group Training Organisation also manages the additional care and support necessary to achieve the successful completion of the Training Contract. |
| Higher Education | (also known as tertiary education) means the AQF levels of education and training ranging from level 5-10, including diplomas, advanced diplomas, associate degrees, bachelor's degrees (including honours), graduate certificates, graduate diplomas, master's degrees, doctoral degrees and higher doctoral degrees. |
| Host Employer | means an employer who hires an Apprentice through a Group Training Organisation. |
| ICT Cadet | means a person who is: <ul style="list-style-type: none"> a. working on the Services; b. employed in an entry-level role; and |

- c. undertaking academic study through either the Accredited VET or Higher Education towards a qualification under the Australian Qualification Framework,

where the employer has formally committed to providing the Employee with on-the-job training and support to complete the specific course of academic study.

Labour Hours means the number of hours a person worked on the Services. This may include:

- a. hours worked On-Site;
- b. hours worked Off-Site,

provided that in circumstances where Off-Site hours are to be split between multiple projects, the sum of the reported hours must not be greater than the total hours the person worked Off-Site.

Learning Worker means:

- a. a person who, while employed on a Major ICT Project, is an Apprentice or an ICT Cadet; or
- b. a Worker who, while employed on a Major ICT Project, is currently undertaking Accredited VET and/or Higher Education relevant to the employment and skills needs of the employer while employed on the relevant Major ICT Project; or
- c. a Worker who, while employed on a Major ICT Project, is currently undertaking or successfully completes a Microcredential relevant to the employment and skills needs of the employer while employed on the Major ICT Project.

Learning Worker Target means a target for Suppliers of Major ICT Projects that requires a minimum of 5% of all estimated Labour Hours spent on the Major ICT Project to be undertaken by Learning Workers.

Learning Worker Target for Women (for Major ICT Projects) is a target for Suppliers of Major ICT Projects that requires a minimum percentage of all Learning Worker Labour Hours spent on the Major ICT Project to be undertaken by Women. See Table 2 at Section 4.5.8 of the Australian Skills Guarantee Procurement Connected Policy for further information on the level of the target and the annual increase.

Major ICT Project are those procurements with an estimated individual value of \$10 million and above (GST inclusive) using one of the United Nations Standard Products and Services

Code (UNSPSC) subset codes specified in Appendix D of the Australian Skills Guarantee Procurement Connected Policy.

- Microcredential/s** means
- a. a certification of assessed learning or competency with an AQF award qualification, that is additional, alternate, complementary to or a component part of an AQF qualification and is listed on the National Training Register; or
 - b. an industry or vendor certification which is recognised within the ICT industry.

Microcredentials may be delivered as a stand-alone qualification, or they can complement vocational education and training or Higher Education. The Microcredential must have clear learning outcomes. It must also stipulate the industry or vendor certification, or credit recognition certified by a Registered Training Organisation, education institution or professional body.

Off-Site refers to Labour Hours undertaken not at the physical location/s of the Services to deliver inputs for the Services, or to undertake Learning Worker education and training contributing to their qualification and the Services.

On-Site refers to Labour Hours undertaken face-to-face by a Learning Worker at the physical location/s of the Services.

Skills Guarantee Report means a report submitted by the Supplier to the Customer on its performance against the Australian Skills Guarantee Targets.

Skills Guarantee Online Reporting System means the online tool accessed through the Apprenticeship Data Management System (ADMS) used by the Supplier to report on its performance against the Australian Skills Guarantee Targets at <https://adms.australianapprenticeships.gov.au/adms/sign-in>.

Training Contract means a legally binding agreement between an employer and Apprentice administered under state/territory legislation.

Women means people who, regardless of their sex assigned at birth, identify as a woman irrespective of age. **Woman** has a corresponding meaning.

Worker or Employee means a person who is paid to work for an organisation for more than one hour in a week.

- A.3 The Supplier must meet the Australian Skills Guarantee Targets in its performance of the Services under this Contract, as calculated in accordance with the Australian Skills Guarantee Procurement Connected Policy.
- A.4 Clause A.3 does not limit and must not be construed as limiting the Supplier's responsibility to provide the Services in accordance with and otherwise comply with the requirements of this Contract.
- A.5 The Supplier must submit a Skills Guarantee Report, in accordance with the reporting requirements of the Australian Skills Guarantee Procurement Connected Policy.
- A.6 Without limiting clause A.5, a Skills Guarantee Report:
- a. must be submitted within 10 Business Days after the end of every quarter during the Term, reporting on performance against the Australian Skills Guarantee Targets during the preceding quarter;
 - b. must be submitted within 10 Business Days after the end of every financial year during the Term, reporting on performance against the Australian Skills Guarantee Targets during the preceding financial year;
 - c. must be submitted within 10 Business Days after the end of the Term, reporting on performance against the Australian Skills Guarantee Targets during the Term; and
 - d. must be submitted using the Skills Guarantee Online Reporting System, or such other form approved by the Customer.
- A.7 If the Supplier did not meet one or more of the Australian Skills Guarantee Targets during the relevant reporting period, the Supplier must include details of the non-compliance in the relevant Skills Guarantee Report.

B. Right to use Skills Guarantee Information

- B.1 The Supplier consents to the Customer using and providing a copy of Skills Guarantee Information to the Department of Employment and Workplace Relations, for the purposes of:
- a. meeting the objectives and requirements of the Australian Skills Guarantee Procurement Connected Policy;
 - b. evaluation and monitoring;
 - c. policy research and development; and
 - d. administration of the Australian Skills Guarantee.

- B.2 The Supplier notes that Skills Guarantee Information may also be used and disclosed as may be otherwise authorised or required by law.
- B.3 By submitting Skills Guarantee Information to the Customer, which may include personal information within the meaning of the Privacy Act, the Supplier warrants and represents that:
- a. it has made its Learning Workers aware that their personal information will be collected by the Supplier, and disclosed to the Customer and the Department of Employment and Workplace Relations for use in the manner contemplated in this clause B and as set out in more detail at <https://www.dewr.gov.au/australian-skills-guarantee/resources/australian-skills-guarantee-privacy-notice>; and
 - b. it has obtained all necessary consents from its Learning Workers in accordance with relevant privacy laws to the collection, use and disclosure of their personal information in the manner contemplated by this clause B. The Supplier will provide evidence of such consents to the Customer on request.
- B.4 The Supplier agrees that high level aggregated data on the Supplier's performance against the Australian Skills Guarantee Targets may be recorded in a central repository that is able to be accessed by Commonwealth entities for the purposes of evaluation of an offer by the Supplier to provide goods and/or services to a Commonwealth entity.

C. Customer's rights

- C.1 If the Customer considers, in its absolute discretion at any time during the term of this Contract, that it has concerns in relation to the Supplier's ability to meet the Australian Skills Guarantee Targets, the Customer may direct the Supplier to provide additional information and implement strategies to ensure it meets the Australian Skills Guarantee Targets.
- C.2 The Supplier must comply with all reasonable directions issued by the Customer under clause C.1.

Note to drafter: Clause C.3 is optional and may be included should the Customer wish to include express rights to terminate the contract in the event of Supplier non-compliance with reasonable directions issued by the Customer. This clause may require further adjustment for consistency with terminology used in the contract and the existing termination clauses.

- C.3 Without limiting its other rights under the Contract or at law, a failure by the Supplier to comply with its obligations under clause C.2 will be a breach of this Contract, and the Customer may terminate this

Contract in accordance with clause [insert termination for default clause reference].

7. Approach to market clauses for a High-Value ICT Project

Clauses A to E below are appropriate for inclusion in Approach to Market documentation for a High-Value ICT Project where you have determined it is reasonable to apply targets to the relevant High-Value ICT Project based on the nature of the services being procured. Terms such as 'Tender', 'Tenderer' and 'Customer' should be amended to reflect the terminology used in the relevant Approach to Market.

A. Australian Skills Guarantee Procurement Connected Policy

A.1 Definitions

Note to drafter: Insert the below definitions in the appropriate section of your Approach to Market documentation.

- | | |
|-----------------------|--|
| Accredited VET | means vocational education and training developed when a training need is not covered by a Training Package Qualification, that is: <ul style="list-style-type: none">a. nationally recognised and delivered by a Registered Training Organisation following independent assessment by the Australian Skills Quality Authority (ASQA) or a state/territory regulator; orb. is listed on the National Training Register. |
| Apprentice | (also known as a Trainee or an Australian Apprentice) means a person who is: <ul style="list-style-type: none">a. employed under a Training Contract that has been registered with, and validated by, their State/Territory Training Authority;b. undertaking paid work and structured training which comprises both on and off the job training;c. undertaking a negotiated training program that involves obtaining a nationally recognised qualification; andd. either directly employed by the supplier or sub-contractors, or indirectly employed through a Group Training Organisation to work on the Services. |

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| Australian Qualifications Framework (AQF) | means the national policy for regulated qualifications in Australia's Higher Education, vocational education and training and school education. It provides for national recognition and consistent understanding of what defines each qualification type. |
| Australian Skills Guarantee Procurement Connected Policy | means the policy available on the Australian Skills Guarantee website available at: https://www.dewr.gov.au/australian-skills-guarantee , as amended from time to time. |
| Australian Skills Guarantee Targets | means: <ul style="list-style-type: none"> a. the Learning Worker Target; and b. the Learning Worker High-Value Target. |
| Australian Skills Quality Authority (ASQA) | means the national regulator for Australia's vocational education and training sector as established under the <i>National Vocational Education and Training Regulator Act 2011</i> (Cth). ASQA regulates courses and training providers to ensure national approved quality standards are met. |
| Group Training Organisation | means an organisation that employs Apprentices under a Training Contract and places them with a Host Employer. The Group Training Organisation undertakes the employer responsibilities for the quality and continuation of the Apprentices' employment and training, including payment of Apprentices' wages. The Group Training Organisation also manages the additional care and support necessary to achieve the successful completion of the Training Contract. |
| Higher Education | (also known as tertiary education) means the AQF levels of education and training ranging from level 5-10, including diplomas, advanced diplomas, associate degrees, bachelor's degrees (including honours), graduate certificates, graduate diplomas, master's degrees, doctoral degrees and higher doctoral degrees. |
| High-Value ICT Projects | means those procurements with an estimated individual value of \$50 million and above (GST inclusive) using one of the |

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| | UNSPSC subset codes specified in Appendix D of the Australian Skills Guarantee Procurement Connected Policy. |
| Host Employer | means an employer who hires an Apprentice through a Group Training Organisation. |
| ICT | means the information and communication technology services under the UNSPSC subset codes specified in Appendix D in scope for the Australian Skills Guarantee Procurement Connected Policy. |
| ICT Cadet | means a person who is: <ul style="list-style-type: none"> a. working on a High-Value ICT Project; b. in paid employment in an entry-level role; and c. undertaking academic study through either Accredited VET or Higher Education towards a qualification under the AQF, where the employer has formally committed to providing the Employee with on-the-job training and support to complete the specific course of academic study. |
| Labour Hours | means the number of hours a person worked on the Services. This may include: <ul style="list-style-type: none"> a. hours worked On-Site; b. hours worked Off-Site, provided that in circumstances where Off-Site hours are to be split between multiple projects, the sum of the reported hours must not be greater than the total hours the person worked Off-Site. |
| Learning Worker | means: <ul style="list-style-type: none"> a. a person who, while employed on a High-Value ICT Project, is an Apprentice or an ICT Cadet; or b. a Worker who, while employed on a High-Value ICT Project, is currently undertaking Accredited VET and/or Higher Education relevant to the employment and skills needs of the employer while employed on the High-Value ICT Project; or |

- c. a Worker who, while employed on a High-Value ICT Project, is currently undertaking or successfully completes a Microcredential relevant to the employment and skills needs of the employer while employed on the High-Value ICT Project.

Learning Worker High-Value Target

means a target for Women that is higher than the Learning Worker Target for Women specified for Major ICT Projects.

Learning Worker Target

means a target for Suppliers of Major ICT Projects that requires a minimum of 5% of all estimated Labour Hours spent on the Major ICT Project to be undertaken by Learning Workers.

Learning Worker Target for Women (for Major ICT Projects)

means a target for Suppliers of Major ICT Projects that requires a minimum percentage of all Learning Worker Labour Hours spent on the Major ICT Project to be undertaken by Women. See Table 2 at Section 4.5.8 of the Australian Skills Guarantee Procurement Connected Policy for further information on the level of the target and the annual increase.

Microcredential

means

- a. a certification of assessed learning or competency with an AQF award qualification, that is additional, alternate, complementary to or a component part of an AQF qualification and is listed on the National Training Register; or
- b. an industry or vendor certification which is recognised within the ICT industry.

Microcredentials may be delivered as a stand-alone qualification, or they can complement vocational education and training or Higher Education. The Microcredential must have clear learning outcomes. It must also stipulate the industry or vendor certification, or credit recognition certified by a Registered Training Organisation, education institution or professional body.

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| National Training Register | means Australia’s national training register at Training.gov.au that includes nationally recognised training and Registered Training Organisations approved to deliver nationally recognised training, referred to in section 216 of the <i>National Vocational Education and Training Regulator Act 2011</i> (Cth). |
| Off-Site | refers to Labour Hours undertaken not at the physical location/s of the Services to deliver inputs for the Services, or to undertake Apprentice education and training contributing to their qualification and the Services. |
| On-Site | refers to Labour Hours undertaken face-to-face by an Apprentice at the physical location/s of the Services. |
| Training Contract | means a legally binding agreement between an employer and Apprentice administered under state/territory legislation. |
| Women | means people who, regardless of their sex assigned at birth, identify as a woman irrespective of age. Woman has a corresponding meaning. |
| Worker or Employee | means a person who is paid to work for an organisation for more than one hour in a week. |

B. Australian Skills Guarantee Procurement Connected Policy – High Value ICT Project

- B.1 Tenderers should note that the Australian Skills Guarantee Procurement Connected Policy applies to this Approach to Market. The Australian Skills Guarantee Procurement Connected Policy aims to address gender segregation and acute skills shortages by introducing the Australian Skills Guarantee Targets. This Approach to Market is for a High-Value ICT Project for the purposes of the Australian Skills Guarantee Procurement Connected Policy.
- B.2 In accordance with the Australian Skills Guarantee Procurement Connected Policy, the Tenderer should, in its Tender:
- a. identify:
 - i. the total estimated Labour Hours required for completion of the High-Value ICT Project;
 - ii. the percentage of Labour Hours to be undertaken by Learning Workers;

- iii. a target specifying the proposed percentage of Learning Worker Labour Hours to be undertaken by Women Learning Workers in each financial year of the High-Value ICT Project, (including annual increases for multi-year projects) which should be higher than the equivalent Learning Worker Target for Women specified for Major ICT Projects;
- b. include a declaration that it is able to meet or exceed the targets as set out in its Tender Response and comply with its Gender Equality Action Plan in the delivery of any resultant contract for this procurement; and
- c. include a copy of its Gender Equality Action Plan that covers this Approach to Market.

C. Evaluation criterion

Note to Drafter: Insert the below paragraph C.1 in the appropriate section of your Approach to Market documentation. Drafters should also consider whether it would be appropriate to make other changes to the Approach to Market documentation to facilitate evaluation of compliance with the Australian Skills Guarantee Procurement Connected Policy. It is a matter for each agency how to evaluate the below matters for example, as part of existing evaluation criteria, as a standalone criterion or as part of overall value for money/risk. Agencies should have regard to the extent to which a Tenderer is able to demonstrate it will meet the Australian Skills Guarantee Targets and adjust Tenderer's scores against the relevant evaluation criteria accordingly. Agencies can access information on supplier past performance against the Australian Skills Guarantee Targets through the online tool accessible through the [Apprenticeship Data Management System](#).

- C.1 In evaluating Tenders, the Customer will take into consideration:
- a. the Tenderer's past performance and reporting in accordance with the Australian Skills Guarantee Procurement Connected Policy (if any);
 - b. the extent to which the Tenderer demonstrates it will:
 - i. meet or exceed the Australian Skills Guarantee Targets as set out in its Tender, as required by the Australian Skills Guarantee Procurement Connected Policy; and
 - ii. comply with its Gender Equality Action Plan,
 in the delivery of any resultant contract for this procurement.

Note to Tenderers: A Tenderer that has no past experience with any Australian Skills Guarantee Targets will not be disadvantaged by this alone.

D. Tender Response Forms - Tenderer declaration/deed poll

Note to drafter: Insert the below paragraph in the Tenderer declaration/deed poll (as applicable) tender response form. Drafters should amend the wording below as appropriate to reflect the terminology of the Tenderer declaration/deed poll.

- D.1 The Tenderer declares that:
- a. it is able to meet or exceed the Australian Skills Guarantee Targets as set out in its Tender; and
 - b. it will comply with its Gender Equality Action Plan,
- in the delivery of any resultant contract for this procurement, as required by the Australian Skills Guarantee Procurement Connected Policy.

E. Tender Response Forms

Note to drafter: Insert the below paragraphs in the service delivery tender response form or capability tender response form (or other appropriate tender response form). This may depend on how agencies propose to consider Tenderer compliance with the Australian Skills Guarantee Procurement Connected Policy, for example, whether as part of existing evaluation criteria as to service delivery or capability, as a new standalone evaluation criterion or as part of overall value for money. Refer also to supplementary guidance on procurements partly delivered overseas available at: <https://www.dewr.gov.au/resources/australian-skills-guarantee>.

- E.1 In accordance with the Australian Skills Guarantee Procurement Connected Policy, the Tenderer should:
- a. identify:
 - i. the total estimated Labour Hours required for completion of the High Value ICT Project;
 - ii. the percentage of Labour Hours to be undertaken by Learning Workers;
 - iii. the percentage of Learning Worker Labour Hours to be undertaken by Women Learning Workers in each financial year of the High-Value ICT Project, (including annual increases for multi-year projects), which should be higher than the equivalent Learning Worker Target for Women for Major ICT Projects; and

Note to Tenderers: Tenderers should specify where Labour Hours will be performed both overseas and in Australia and provide the above information at E.1.b to E.1.d in relation to the Australian Labour Hours.

F. Tender Response Form - Template Gender Equality Action Plan

Note to drafter: Include a new Tender Response Form and template Gender Equality Action Plan. The successful Tenderer's Gender Equality Action Plan will form part of its resultant contract.

- F.1 Each Tenderer should submit with its Tender a Gender Equality Action Plan that addresses the requirements of the Australian Skills Guarantee Procurement Connected Policy.
- F.2 A suggested format for the Gender Equality Action Plan is set out at: <https://www.dewr.gov.au/resources/australian-skills-guarantee>.

8. Contract clauses for a High-Value ICT Project

Clauses A to D below are appropriate for inclusion in the contract terms for a High-Value ICT Project. For panel arrangements, the below clauses may be included in the standard contract terms to be applied to contracts made under the relevant deed of standing offer together with optional clause A.1. If optional clause A.1 is included, no specific clauses are required to be included in the overarching deed of standing offer terms but the relevant Work Order issued by the Customer/buying agency should identify whether the Australian Skills Guarantee Procurement Connected Policy applies to the particular contract. Refer to sections 9 and 10 of this document below and the Australian Skills Guarantee – Guidance for Using the Model Clauses for Commonwealth Contracting Agencies available on the Australian Skills Guarantee Operational Resources and Stakeholder Engagement GovTEAMS community.

A. Australian Skills Guarantee Targets

Note to drafter: Insert the below clauses A.2 to A.7 in the contract terms for a High-Value ICT Project. Clause A.1 is optional for use in panel arrangements. Terms such as ‘Supplier’, ‘Contract’, ‘Work Order’, ‘Services’, ‘Customer’ should be amended to reflect the terminology used in your contract terms.

A.1 [Clauses A to D apply to the extent that the Work Order states that the Australian Skills Guarantee Procurement Connected Policy applies to a contract between the Supplier and the Customer for the provision of the Services.]

A.2 In clauses A to D:

Accredited VET means vocational education and training developed when a training need is not covered by a Training Package Qualification, that is:

- a. nationally recognised and delivered by a Registered Training Organisation following independent assessment by the Australian Skills Quality Authority (ASQA) or a state/territory regulator; or
- b. is listed on the National Training Register.

Apprentice

means a person who is:

- a. employed under a Training Contract that has been registered with, and validated by, the relevant State/Territory Training Authority;
- b. undertaking paid work and structured training which commonly comprises both on and off the job training;
- c. undertaking a negotiated training program that involves obtaining a nationally recognised qualification; and

- d. either directly employed by the Supplier or Sub-contractors, or indirectly employed through a Group Training Organisation to work on the Services.

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| Australian Qualifications Framework (AQF) | means the national policy for regulated qualifications in Australia’s Higher Education, vocational education and training and school education. It provides for national recognition and consistent understanding of what defines each qualification type. |
| Australian Skills Guarantee Procurement Connected Policy | means the policy available on the Australian Skills Guarantee website available at: https://www.dewr.gov.au/australian-skills-guarantee , as amended from time to time. |
| Australian Skills Guarantee Targets | means the: <ul style="list-style-type: none"> a. Learning Worker Target; b. Learning Worker High-Value Target. |
| Gender Equality Action Plan | means the plan in Schedule [A] (Gender Equality Action Plan) to this Contract. |
| Group Training Organisation | means an organisation that employs Apprentices under a Training Contract and places them with Host Employers. The Group Training Organisation undertakes the employer responsibilities for the quality and continuation of the Apprentices’ employment and training, including payment of Apprentices’ wages. The Group Training Organisation also manages the additional care and support necessary to achieve the successful completion of the Training Contract. |
| Host Employer | means an employer who hires an Apprentice through a Group Training Organisation. |
| ICT | means the information and communication technology services under the UNSPSC subset codes specified in Appendix D in scope for the Australian Skills Guarantee Procurement Connected Policy. |
| Labour Hours | means the number of hours a Worker worked on the Services. This may include: <ul style="list-style-type: none"> a. hours worked On-Site; b. hours worked Off-Site, <p>provided that in circumstances where Off-Site hours are to be split between multiple projects, the sum of the reported hours must not be greater than the total hours the person worked Off-Site.</p> |

Learning Worker Target means a minimum of 5% of all Labour Hours spent on the Services must be undertaken by Learning Workers.

Learning Worker High Value Target **Note to drafter:** Insert the text below and amend the table to include the agreed target percentage for each year of the Term of the Contract. Delete the rows/columns that do not apply as appropriate.

means the percentages specified in the table below of Learning Worker Labour Hours that must be undertaken by Women Learning Workers during the relevant contract period:

| Contract period | Targets |
|-----------------------------|----------------|
| 1 July 2024 to 30 June 2025 | [insert] |
| 1 July 2025 to 30 June 2026 | [insert] |
| 1 July 2026 to 30 June 2027 | [insert] |
| 1 July 2027 to 30 June 2028 | [insert] |
| 1 July 2028 to 30 June 2029 | [insert] |
| 1 July 2029 to 30 June 2030 | [insert] |
| 1 July 2030 onwards | [insert] |

Off-Site refers to Labour Hours undertaken not at the physical location/s of the Services to deliver inputs for the Services, or to undertake Apprentice education and training contributing to their qualification and the Services.

On-Site refers to Labour Hours undertaken face-to-face by an Apprentice at the physical location/s of the Services.

Skills Guarantee Information means Skills Guarantee Reports or other documents or information provided by the Supplier in connection with its obligations under Clause A.

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| Skills Guarantee Report | means a report submitted by the Supplier to the Customer on its performance against the Australian Skills Guarantee Targets. |
| Skills Guarantee Online Reporting System | means the online tool accessed through the Apprenticeship Data Management System (ADMS) used by the Supplier to report on its performance against the Australian Skills Guarantee Targets at https://adms.australianapprenticeships.gov.au/adms/sign-in . |
| Training Contract | means a legally binding agreement between an employer and Apprentice administered under state/territory legislation. |
| Women | means people who, regardless of their sex assigned at birth, identify as a woman irrespective of age. Woman has a corresponding meaning. |
| Worker or Employee | means a person who is paid to work for an organisation for more than one hour in a week. |

- A.3 The Supplier must meet the Australian Skills Guarantee Targets in its performance of the Services under this Contract, as calculated in accordance with the Australian Skills Guarantee Procurement Connected Policy.
- A.4 Clause A.3 does not limit and must not be construed as limiting the Supplier's responsibility to provide the Services in accordance with and otherwise comply with the requirements of this Contract.
- A.5 The Supplier must submit a Skills Guarantee Report, in accordance with the reporting requirements of the Australian Skills Guarantee Procurement Connected Policy.
- A.6 Without limiting clause A.5, a Skills Guarantee Report:
- a. must be submitted within 10 Business Days after the end of every quarter during the Term, reporting on performance against the Australian Skills Guarantee Targets during the preceding quarter; and
 - b. must be submitted within 10 Business Days after the end of every financial year during the Term, reporting on performance against the Australian Skills Guarantee Targets during the preceding financial year; and
 - c. must be submitted within 10 Business Days after the end of the Term, reporting on performance against the Australian Skills Guarantee Targets during the Term; and
 - d. must be submitted using the Skills Guarantee Online Reporting System or such other form approved by the Customer.

- A.7 If the Supplier did not meet one or more of the Australian Skills Guarantee Targets during the relevant reporting period, the Supplier must include details of the non-compliance in the relevant Skills Guarantee Report.

B. Gender Equality Action Plan

- B.1 Without limiting clause A.3, the Supplier must comply with the Gender Equality Action Plan.
- B.2 The Gender Equality Action Plan must not be construed as limiting the Supplier's responsibility to provide the Services in accordance with and otherwise comply with the requirements of this Contract.
- B.3 Without limiting clause A.5 to A.7, the Supplier must, in its Skills Guarantee Reports, report to the Customer on its compliance with the Gender Equality Action Plan, in accordance with the requirements of the Australian Skills Guarantee Procurement Connected Policy.

C. Right to use Skills Guarantee Information

- C.1 The Supplier consents to the Customer using and providing a copy of Skills Guarantee Information to the Department of Employment and Workplace Relations, for the purposes of:
- a. meeting the objectives and requirements of the Australian Skills Guarantee Procurement Connected Policy;
 - b. evaluation and monitoring; and
 - c. policy research and development; and
 - d. administration of the Australian Skills Guarantee.
- C.2 The Supplier notes that Skills Guarantee Information may also be used and disclosed as may be otherwise authorised or required by law.
- C.3 By submitting Skills Guarantee Information to the Customer, which may include personal information within the meaning of the Privacy Act, the Supplier warrants and represents that:
- a. it has made its Apprentices aware that their personal information will be collected by the Supplier, and disclosed to the Customer and the Department of Employment and Workplace Relations for use in the manner contemplated in this clause B and as set out in more detail at <https://www.dewr.gov.au/australian-skills-guarantee/resources/australian-skills-guarantee-privacy-notice>; and

- b. it has obtained all necessary consents from its Apprentices in accordance with relevant privacy laws to the collection, use and disclosure of their personal information in the manner contemplated by this clause C. The Supplier will provide evidence of such consents to the Customer on request.

- C.4 The Supplier agrees that high level aggregated data on the Supplier's performance against the Australian Skills Guarantee Targets may be recorded in a central repository that is able to be accessed by Commonwealth entities for the purposes of evaluation of an offer by the Supplier to provide goods and/or services to a Commonwealth entity.

D. Customer's rights

- D.1 If the Customer considers, in its absolute discretion at any time during the term of this Contract, that it has concerns in relation to the Supplier's ability to meet the Australian Skills Guarantee Targets, the Customer may direct the Supplier to provide additional information and implement strategies to ensure it meets the Australian Skills Guarantee Targets.
- D.2 The Supplier must comply with all reasonable directions issued by the Customer under clause D.1.

Note to drafter: Clause D.3 is optional and may be included should the Customer wish to include express rights to terminate the contract in the event of Supplier non-compliance with reasonable directions issued by the Customer. This clause may require further adjustment for consistency with terminology used in the contract and the existing termination clauses.

- D.3 Without limiting its other rights under the Contract or at law, a failure by the Supplier to comply with its obligations under clause D.2 will be a breach of this Contract, and the Customer may terminate this Contract in accordance with clause [insert termination for default clause reference].

Schedule [A] to Contract – Gender Equality Action Plan

Note to Tenderer: Gender Equality Action Plan submitted as part of your tender response will be included here

9. Approach to market for the establishment of a new panel arrangement or standing offer which may include procurements for Major Construction Projects, Flagship Construction Projects, Major ICT Projects or High-Value ICT Projects

A. Australian Skills Guarantee Procurement Connected Policy

A.1 In this clause A:

Australian Skills Guarantee Targets means the relevant workforce participation target requirements for a Major Construction Project, Flagship Construction Project, Major ICT Project or High-Value ICT Project, as those terms are defined in the Australian Skills Guarantee Procurement Connected Policy.

Australian Skills Guarantee Procurement Connected Policy means the policy available on the Australian Skills Guarantee website available at: <https://www.dewr.gov.au/australian-skills-guarantee>, as amended from time to time.

Note to drafter: The below clause should be adjusted as necessary depending on the scope of the procurement/panel arrangement.

A.2 Tenderers should note that the Australian Skills Guarantee Procurement Connected Policy applies to this Approach to Market and accordingly, the Australian Skills Guarantee Targets will apply to the delivery of any resultant contract made under the standing offer established by this Approach to Market, where the relevant thresholds are met.

B. Deed of Standing Offer terms - Australian Skills Guarantee Procurement Connected Policy

Note to drafter: The below clause is **optional** – if it is included, it may assist buyer agencies to request the provision of information and/or plans required by the Australian Skills Guarantee Procurement Connected Policy. However, this clause may not be required if the Deed of Standing Offer terms already provide broad scope for the buying agency to request information to be provided by the Supplier in response to a Request for Quote. Terms such as ‘Buyer’ and ‘Request for Quote’ should be amended to reflect the terminology used in your Deed of Standing Offer documentation.

B.1 The Supplier must comply with any requirements set out in a Customer’s Request for Quote and as notified by the Customer when responding to a Request for Quote including the provision of information and/or plans in accordance with the Australian Skills Guarantee Procurement Connected Policy.

C. Deed of Standing Offer – Schedule [X] - Standard contract terms

Note to drafter: Include the model contract clauses for a Major Construction Project, Flagship Construction Project, Major ICT Project, High-Value ICT Project (refer sections 2, 4, 6, and 8 of this document above) as appropriate in the relevant schedule of the Deed Of Standing Offer that sets out the standard contract terms for contracts made under the Deed of Standing Offer (eg Schedule 2 – Standard Contract Terms). The appropriate clause may depend on the scope of the procurement in question. Note that the optional clause A.1 should be included (refer sections 2, 4, 6, and 8 of this document above).

10. Procurements from existing panel arrangements established prior to 1 October 2025

For further guidance on panel arrangements, refer to the Australian Skills Guarantee – Guidance for Using the Model Clauses for Commonwealth Contracting Agencies available on the Australian Skills Guarantee Operational Resources and Stakeholder Engagement GovTEAMS community.
