



Electrical Trades Union

***Secure Australian Jobs Code
Consultation***

February 2026

ACKNOWLEDGEMENT 2

INTRODUCTION 2

Recommendations:.....3

ISSUE 1: KEY REQUIREMENTS OF THE SECURE JOBS CODE 7

A two-gate system: pre-assessment certificates and weighted tender conditions 7

Contracting for safe, secure and well-paid jobs 8

 The Secure Jobs Certificate..... 8

 The Secure Jobs Plan 9

 Secure Jobs 10

 Ensuring agreements are genuinely agreed 11

 Investing in the future workforce 11

 Increasing the number of women in male-dominated industries..... 12

 First Nations workforce outcomes..... 14

Contract Conditions 14

 Example of contract conditions 1: obligation to engage subcontractors on terms that meet same-job same-pay requirements..... 15

 Example of contract conditions 2: Portable entitlements, redundancy trusts, and income protection 15

Industry Conditions on Major, Strategic projects 16

Identification and implementation of complementary policies..... 16

ISSUE 2: APPLICATION OF THE SECURE JOBS CODE 17

Application of the Code to subcontractors..... 17

Industry specific requirements: and the application to construction 17

 Preventing phoenixing..... 19

Scope of the Code 21

Financial Thresholds 22

ISSUE 3: IMPLEMENTATION..... 22

 Secure Jobs Authority and Commissioner 22

 Industry Advisory Groups 23

ISSUE 4: COMPLIANCE AND ENFORCEMENT 25

**APPENDIX 1: CLASSIFICATION OF NON-COMPLIANCE AND POSSIBLE SANCTIONS
 IN THE ACT’S SECURE LOCAL JOBS CODE 27**

27 February 2026

Acknowledgement

In the spirit of reconciliation, the ETU acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all First Nations peoples today.

Introduction

The Electrical Trades Union of Australia ('the ETU')¹ is the principal union for electrical and electrotechnology tradespeople and apprentices in Australia, representing well over seventy thousand workers around the country. Our members are employed on Commonwealth funded and financed projects across the country – from Capacity Investment Scheme (CIS) backed renewable energy and storage projects, to Rewiring the Nation financed transmission projects, and major defence projects.

Our members have reported several issues on government procured or financed projects, including:

1. Non-payment of superannuation
2. Non-payment or underpayment of wages
3. Unsafe working conditions

In addition to instances of non-compliance, the ETU has numerous examples where wages and conditions are well below industry-norms and/or where employers are failing to employ apprentices, including projects that are intended to deliver the government's decarbonisation and emissions reduction targets. This has resulted in a loss of social licence for these projects. More critically, it is actively putting federal and state government's ability to deliver on priority policy areas and targets at risk, by compounding existing, critical workforce shortages.

The ETU welcomes this consultation as step in the right direction in delivering on commitments made by the federal government to establish a *Secure Australian Jobs Code* (SAJC) as part of its *Buy Australia Plan*, to "prioritise secure work in government contracts and ensure that government purchasing power is being used to support businesses that engage in fair, equivalent and ethical and sustainable practices".² The SAJC is an important component to ensure the efficient use of government spending and financing, insofar as it will ensure that government money will support the delivery of a broad set of government policies and objectives, beyond the delivery of the tender itself. These requirements are not ancillary to the

¹ Being a division of the CEPU, a trade union registered under the *Fair Work (Registered Organisations) Act 2009* (Cth).

² Treasury, 2023, *Working Futures: The Australian Government's White Paper on Jobs and Opportunities*, <https://treasury.gov.au/sites/default/files/2023-09/p2023-447996-09-roadmap.pdf>, p. 249.

government's policy agenda, they are facultative of it. In particular, absent strong efforts to attract, train, and retain the skilled workforce, government simply will not achieve its policy objectives.

At a high level, the ETU supports the principles proposed for the Code, specifically that suppliers be required to demonstrate that they:

- support safe and secure jobs that are well paid and have good conditions
- support addressing skills shortages and gender segregation in industries
- support freedom of association and representation in the workplace
- ensure a safe and healthy workplace, for example, by demonstrating achievement of industry performance standards in relation to WHS
- ensure that enterprise agreements used on government-funded projects are genuinely agreed
- ensure that subcontractors and suppliers are paid on time and in full for work delivered.

The following submission is based on the ETU's experience of similar codes and procurement policies already in existence in Australian states and territories, and a review of best practice regimes in overseas jurisdictions. The union has been actively involved in the drafting and implementing of similar codes at a state and territory level.

In this submission, the ETU recommends adopting a “two-gate system” like that already in place in the ACT. This includes a requirement that suppliers (and their contractors and subcontractors) hold a Secure Jobs Certificate as a pre-requisite for submitting a tender, and that targeted Code requirements are embedded in each tender through the requirement that potential suppliers submit a Secure Jobs Plan. As discussed below, this ensures that only compliant corporate entities will be able to tender for government projects and ensures consistency of assessment across government departments and other contracting entities (e.g. special investment vehicles).

Furthermore, the ETU is proposing that the government introduce multiple thresholds that increase Code requirements in proportion to the value of the contract. In particular, the ETU advocates for a ‘major strategic projects’ classification that applies to projects over a pre-determined threshold in strategic or priority government sectors. Strategic, major projects should be required to demonstrate that they are delivering industry-conditions to workers employed on the project, ensuring that they remain competitive and can attract the labour force needed to delivery on government priorities.

Recommendations:

Key requirements of the Secure Jobs Code

Recommendation 1: the government should adopt a two-gate system to deliver the objectives of the Code. This should include – at a minimum – tenderers to hold a Secure Jobs Certificate

and produce a Secure Jobs Plan as a requirement to tender. Plan requirements should be determined in consultation with the relevant Industry Advisory Group (IAG) and be proportionate to the value of the tender.

Recommendation 2: suppliers should be required to obtain and maintain a Secure Jobs Certificate as a pre-requisite for tendering for Commonwealth government funded and financed projects.

Recommendation 3: the suppliers must be required to ensure that all subcontractors and labour hire providers hold current Secure Jobs Certificates. The Certificate must cover the length of the contract, if not, the supplier must ensure that expiring certificates are renewed. Where a certificate is not renewed, the supplier should terminate the contract with that subcontractor.

Recommendation 4: the use of labour hire arrangements by suppliers and subcontractors should be restricted wherever possible. Such total engagements must not reduce the level of non-labour hire jobs below the sector benchmark, set initially at 20% higher than the sector average or as advised by JSA for the sector based on ABS benchmarks.

Recommendation 5: suppliers should be required to report on the employment mix as part of regular reporting on the contract. The employment mix should reflect workers employed by all entities working on site.

Recommendation 6: suppliers should be required through a Secure Jobs Plan to commit to being party to an enterprise agreement in respect of each employee engaged to work on the project throughout the contract period that covers the relevant unions. That commitment should extend to engaging subcontractors only on the basis that the subcontractor is also party to an enterprise agreement in respect of each employee engaged to work on the project throughout the contract period that covers relevant unions.

Recommendation 7: the Australian Skills Guarantee (ASG) should be extended to all government procurement and financing covered by the SAJC. Companies should be required to outline how they will meet ASG requirements as part of their Secure Jobs Plan. ASG requirements should be included as contract conditions, with reporting frequency and detail determined by the ASG.

Recommendation 8: the federal government should apply appropriately designed targets for women apprentices as a condition of Commonwealth funding, these should be aligned with the ASG where possible, on the advice of Industry Advisory Groups. Suppliers should be required to outline how they intend to meet these targets in their Secure Jobs Plan.

Recommendation 9: contracts in male-dominated industries must include requirements that employers provide suitable PPE, bathrooms, and changerooms that are suitable for women at

all worksites.

Recommendation 10: the Secure Jobs Certificate should include requirements that the entity is not breach of the Workplace Gender Equality Act 2012 and Sex Discrimination Act 1984 as amended by the Respect at Work Act.

Recommendation 11: the federal government should work with the First Nations Clean Energy Network to implement the relevant recommendations in their Powering First Nations Jobs in Clean Energy report in the design of the Secure Jobs Code requirements.

Recommendation 12: details of the Plan should be translated into contract conditions, with measurable reporting metrics, to ensure enforceability of tender proposals.

Recommendation 13: develop standard Code contract conditions that reflect generally applicable, measurable, Code criteria, including engagement of only pre-certified subcontractors and principles of same-job-same-pay for the engagement of labour-hire.

Recommendation 14: in industries where project-based employment is common and workers are routinely demobilised at the end of a project, suppliers and their subcontractors should be required to provide workers with portable entitlements, and payments into income protection and redundancy trust programs to an industry standard.

Recommendation 15: the Secure Jobs Authority should be tasked with identifying structural impediments to meeting the objectives of the SAJC and provide advice to government on what other supports are required for these objectives to be met.

Application of the Secure Jobs Code

Recommendation 16: suppliers should be required to only contract with subcontractors who hold a Secure Jobs Certificate.

Recommendation 17: Code requirements should attach to all contracting entities in the supply chain. Associated reporting should capture the workforce employed by subcontractors and labour hire agencies.

Recommendation 18: contractors and subcontractors should be required to hold a Secure Jobs Certificate to perform work on Code-covered projects.

Recommendation 19: the Commonwealth should require suppliers to engage subcontractors for delivery of the Code-covered projects only on terms that transfer the obligation to provide minimum employment conditions down the chain of subcontractors.

Recommendation 20: the Code should include specific anti-phoenixing measures, similar to those included in the proposed NSW debarment or UK procurement regimes. Where entities

have their Certificates suspended or revoked, this should be extended to include all other entities where officers of the suspended company also hold an officer role.

Recommendation 21: the Code should not be limited to directly funded federal projects. The Code should – at a minimum – include public private partnerships and other forms of joint venture, and Special Investment Vehicles (SIVs).

Implementation

Recommendation 22: the federal government should establish a Secure Jobs Code Authority that would have responsibility for overseeing the implementation of the Code. The Authority should be led by the Secure Jobs Commissioner who would provide advice to government on the implementation of the code and the need for additional, complementary policy mechanisms required to deliver on the objectives of the Code.

Recommendation 23: Tripartite industry advisory groups should be established to advise government on adapting the Code to the diverse needs and dynamics of specific industries. The IAG would should also oversee the implementation of the Code and advise on complementary policy settings that would facilitate the implementation of the Code and meeting its overall objectives.

Compliance and Enforcement

Recommendation 24: the federal government should introduce a demerit system, following the ACT's Secure Local Jobs Code, that imposes infringement points for non-compliance, with these points proportionate to the seriousness, duration, and repetitiveness of the behaviour. Where an entity loses all points, their Certificate is suspended or revoked and they are prevented from tendering for Commonwealth projects for a period of time.

Recommendation 25: historic non-compliance with the Code should be taken into account in assessing future tenders. This should include taking an holistic approach to a suppliers' 'capacity to deliver' and also suspending suppliers from tendering for failing to remedy breaches of their Code related contract conditions.

Issue 1: Key requirements of the Secure Jobs Code

How should a Secure Jobs Code operate to promote and prioritise safe, secure and well-paid jobs? What requirements should (or should not) be included?

What might the minimum expectations for each of the proposed requirements be?

What other factors need to be considered with respect to these requirements?

How can the Secure Jobs Code best promote fair and harmonious workplaces, including in relation to agreement making?

How should a Secure Jobs Code operate to promote inclusive job creation and workforce capability and capacity?

How might domestic capability and local supply chains be considered as part of the Secure Jobs Code?

A two-gate system: pre-assessment certificates and weighted tender conditions

In line with leading state-based procurement policies, the ETU recommends that the SAJC should establish a two-gate system that will require companies to demonstrate their compliance with industrial legislation prior to being allowed to tender. As discussed in detail below, this involves:

- Gate 1: Pre-assessment “Secure Jobs” Certificate (Certificate): the Certificate measures an entities compliance with industrial and WHS law (as a minimum). It would be a requirement of all federal government tenders over a specific threshold. The Certificate approvals and monitoring process would be centralised to provide consistency of approach across all government projects.
- Gate 2: Secure Jobs Plan (Plan) as tender requirement: potential suppliers would be required to submit a Plan as part of any tender, which would then be assessed as part of the tender. As we discuss below, the Plans should be developed in consultation with the relevant Industry Advisory Group (IAG) and include weighted metrics that are specific to the industry or sector. In addition, requirements would be proportionate to the value of the project.³
- Contract conditions: details of the Plan should be translated into contract conditions to ensure enforceability. This approach has been successfully used in the CIS to ensure that social commitments are delivered by proponents, and a failure to deliver on social licence commitments is considered a breach of contract.

As discussed below, in the case of major strategic projects, the federal government should also put in place ambitious workforce requirements that require contracting entities to demonstrate

³ See for example, threshold requirements used in the Australian Skills Guarantee or the Australian Industry Participation Plan (AIPP).

that they meet leading industry conditions for safety and working conditions, including wages.

Recommendation: the government should adopt a two-gate system to deliver the objectives of the Code. This should include – at a minimum – tenderers to hold a Secure Jobs Certificate and produce a Secure Jobs Plan as a requirement to tender. Plan requirements should be determined in consultation with the relevant Industry Advisory Group (IAG) and be proportionate to the value of the tender.

Contracting for safe, secure and well-paid jobs

The Secure Jobs Certificate

Suppliers should be required to obtain and maintain a Secure Jobs Certificate as a pre-requisite for tendering for Commonwealth government funded and financed projects. They should, furthermore, be required to only contract with certified subcontractors for the delivery of those projects.

The Certificate should, at a minimum, measure compliance with industrial and WHS legislation. It may also include other metrics to deliver on a broader range of government priorities. The ETU has only focused on industrial, WHS, and modern slavery legislation in this submission. To demonstrate compliance, the ETU proposes that applicants be required to demonstrate that they have:

- no prior conviction, adverse penalty order, adverse finding of contravention, or admission of contravention of the Fair Work Act 2009 (Cth) in the previous 5 years;
- no current Super Guarantee shortfall; and no Super Guarantee Charge applied in the previous 5 years.
- no record of contravention of an enforceable undertaking given to the Fair Work Ombudsman;
- no prior conviction, adverse penalty order, adverse finding of contravention, or admission of contravention of the WHS Acts / OHS Act, or safety provisions of the OSMI Act, OPGGS Act, or OEI Act.
- no ongoing proceedings for alleged contravention, or unresolved notice or direction (including provisional improvement notices) issued of the WHS Acts / OHS Act, or safety provisions of the OSMI Act, OPGGS Act, or OEI Act.
- no failure to comply with the *Modern Slavery Act 2018* (Cth).

In addition, entities should be required to demonstrate compliance with Fair Work protections of freedom of association, union representation, and good faith approaches to collective bargaining. Applicants should be required to demonstrate that they have:

- no prior conviction, adverse penalty order, adverse finding of contravention, or admission of contravention of general protections provisions of the Fair Work Act 2009 (Cth);

- no adverse determination or order relating to a failure to bargain in a manner consistent with the good faith bargaining provisions of the Fair Work Act, in the previous 5 years.

Wherever possible, the Certificate criteria should reward applicants for taking proactive steps to remedy contraventions – so that pre-assessment does not become an incentive to discourage reporting and early resolution of non-compliant conduct. The Government may wish to consider reducing the period for which an applicant must demonstrate no contravention of the FW Act by the period of any enforceable undertaking made to the Fair Work Ombudsman about the contravening conduct, with which the applicant is compliant.

Recommendation: Suppliers should be required to obtain and maintain a Secure Jobs Certificate as a pre-requisite for tendering for Commonwealth government funded and financed projects.

Recommendation: the suppliers must be required to ensure that all subcontractors and labour hire providers hold current Secure Jobs Certificates. The Certificate must cover the length of the contract, if not, the supplier must ensure that expiring certificates are renewed. Where a certificate is not renewed, the supplier should terminate the contract with that subcontractor.

The Secure Jobs Plan

The ETU supports a requirement that potential suppliers are required to submit a Secure Jobs Plan as part of tenders over a specific threshold. The Plan would include weighted metrics that would be assessed as part of the tender, which would be developed by the relevant Department taking into account the advice of the relevant industry group, and which would request information on how a potential supplier intends to deliver on the objectives of the code, including:

- secure jobs
- train the future workforce
- increases in the diversity of the workforce
- support the diversity of the workforce
- local content

Plan requirements would be proportionate to the value of the project.⁴ Both the NSW Renewable Energy Sector Board and the Victorian Fair Jobs Code Plan provide examples of how plans are required in government tenders and targeted to the specific needs of the industry and

⁴ See for example, threshold requirements used in the Australian Skills Guarantee, Australian Industry Participation Plan (AIPP), or Victorian Fair Jobs Code.

the value of the tender.⁵

Secure Jobs

The ETU supports requirements that suppliers and their subcontractors must only engage workers on labour hire arrangements as a last resort to meet extraordinary and short-term operational requirements.

Such a requirement can be operationalised through the tender process, by setting a percentage of direct, non-labour hire employment as a portion of total employment on the project and requiring that companies outline how they will meet these requirements in the project.

The ambition of those targets should be measured against a benchmark for secure employment in a given occupation or industry, informed by advice from Jobs and Skills Australia (JSA) and the relevant Jobs and Skills Councils (JSCs), and ABS data relevant to that industry. JSA should review this benchmark on an annual basis with a view to curtailing the use of labour hire over time.

Where a company is unable to meet the JSA Secure Jobs benchmark, they should be required to outline why they are unable to meet the benchmark, and the steps that they will take to provide secure conditions over the life of the project. This information will be taken into account when assessing the tender against other tenders. The NSW RESB provides an example of this approach.

As part of their Secure Jobs Plan, companies should be required to outline how they will meet overall Secure Jobs benchmarks as part of the tender process. Both the NSW RESB and the Victorian Fair Jobs Code include plan requirements.

Recommendation: the use of labour hire arrangements by suppliers and subcontractors should be restricted wherever possible. Such total engagements must not reduce the level of non-labour hire jobs below the sector benchmark as advised by JSA for the sector based on ABS benchmarks.

Recommendation: suppliers should be required to report on the employment mix as part of regular reporting on the contract. The employment mix should reflect workers employed by all entities working on site.

⁵ <https://www.buyingfor.vic.gov.au/prepare-fair-jobs-code-plan> ;
<https://www.energy.nsw.gov.au/sites/default/files/2022-09/nsw-renewable-energy-sector-board-plan.pdf>

Ensuring agreements are genuinely agreed

The best measure of genuinely agreed employment conditions is that a registered enterprise bargaining agreement (EBA) applies to workers on the project. Genuine agreement is a minimum threshold for Fair Work Commission approval and registration of agreements negotiated between employers and their employees. Genuine agreement can therefore be assumed, and reduced to a binary, where the supplier is covered by one or more EBAs that, taken together, would apply to all work by its employees on the contract.

The FW Act provides a model, in the form of ‘Greenfields’ agreements, for assurance of genuine agreement in circumstances where the supplier does not employ any relevant workers at assessment time. Greenfields agreements are negotiated between the employer and relevant unions where work has not begun on a project. The agreement of relevant unions provides some assurance that EBA conditions are in keeping with industry standards and that the interests of future employees are adequately represented in negotiations. To provide assurance that industry standards are met by the relevant instrument, Secure Jobs Plans should include a commitment that the EBAs cover relevant unions.

As we discuss below, the ETU supports an additional strategic, major projects thresholds that requires contracting entities to demonstrate that they meet leading industry conditions for safety and working conditions, including wages.

Recommendation: Suppliers should be required through a Secure Jobs Plan to commit to being party to an enterprise agreement in respect of each employee engaged to work on the project throughout the contract period that covers the relevant unions. That commitment should extend to engaging subcontractors only on the basis that the subcontractor is also party to an enterprise agreement in respect of each employee engaged to work on the project throughout the contract period that covers relevant unions.

Investing in the future workforce

Many occupations critical to delivering on Commonwealth government priorities are either already in shortage across the economy or facing significant future challenges. According to JSA’s *Clean Energy Generation* report, Australia faces a shortfall of 42,500 electricians by 2030, increasing to 117,000 by 2050, directly jeopardising Australia’s net zero commitments. This shortage is not new – with the electrical trades being in “temporary” shortage for over two decades.

The constraint is not simply attracting more young people into trades; it is capacity in training centres, the number of trainers – and most significantly for this consultation - the willingness and ability of employers to take on apprentices at scale.

The ETU has long advocated for minimum apprentice ratios to be attached to government funded and financed projects, to ensure that companies (and their subcontractors) that are delivered projects and services for government are actively involved in training the workforce of

the future and ensuring the longevity of their sectors.

The choice is stark – government can choose to investment in the sustainability and longevity of their programs, by requiring that all government tenders require suppliers to contribute to the training of the future workforce during their construction, operation and decommissioning phases. Or government can exacerbate existing workforce shortages, through extensive government procurement and financing programs that fail to mandate that apprentices and trainees are employed on projects.

The Australian Skills Guarantee already provides ratios of apprentices and trainees, and how these minimum apprentice requirements may be delivered through either the primary entity or in collaboration with their key contractors. These apprentices may be employed directly by contractors or via the use of group training organisations (GTOs). ASG requirements must be extended to all government projects. A failure to do this will effectively be forcing entities in the building and construction industry to train trades people for clean energy, manufacturing and other industries, as well as their own.

Recommendation: The Australian Skills Guarantee (ASG) should be extended to all government procurement and financing covered by the SAJC. Companies should be required to outline how they will meet ASG requirements as part of their Secure Jobs Plan. ASG requirements should be included as contract conditions, with reporting frequency and detail determined by the ASG.

Increasing the number of women in male-dominated industries

Women make up just 2% of the electrical workforce, a percentage that has remained stubbornly low for years. In recent years, the number of women enrolled as electrical apprentices and trainees has risen to 5.25%.⁶ This has occurred through targeted programs, developed by the ETU working together with employers and informed by the experiences and advice of ETU women.

Our research and our members' experiences make clear that changes to the incentives system and associated non-financial services and supports alone are insufficient to increase women's participation in the electrical trades. There are several systemic cultural and practical barriers for women in the workforce which desperately need to be addressed.

A 2022 Essential Media survey (see appendix 1) of electrical apprentices found that:

- 23% of female apprentices considered quitting due to work and culture, and women are 53% more likely to consider quitting due to culture than men.
- men are 50% more likely to have regular contact with their AASN than women, and

⁶ Standing Committee on Employment, Education and Training (2024), [Inquiry into the Perceptions and Shared Status of Vocational Education and Training](#).

women are 10% more likely to have never received any support from their AASN.

- 40% of women in electrical trades don't have access to gendered amenities at work, and only half report consistent access to sanitary bins.⁷

When women are supported and mentored through their apprenticeship, over 90% go on to long term employment in the sector.

The ETU has written numerous submissions to government about the important and positive role that gender targets have in boosting women's participation in the electrical trades and other VET careers.⁸ However targets need to be properly calibrated to ensure that they are met by employing and training women in high-skill pathways and not only those positions that may be easiest to fill for the sake of ticking a box.⁹

Where targets are properly calibrated, and have the support of employers, the ETU has seen unprecedented increases in the percentages of women employed on site. initiatives in QLD between the ETU and Energy Queensland have seen the percentage of women in annual apprentice intakes in the electricity supply industry rise above the 5.2% average, with the 2024 intake sitting close to 50%.

Finally, while the ETU supports the introduction of women specific targets for apprenticeships, as part of any tendering process, contracting entities must also be required to demonstrate how they provide a safe and positive work environment, thereby complying with requirements under the Respect @ Work Act.

The *Workplace Gender Equality Act 2012* and *Sex Discrimination Act 1984* as amended by the Respect at Work Act provide measurable indicators that may result in demerit or loss of certification. Reasonable measures include an unresolved compliance notice issued under the *Sex Discrimination Act 1984*; *contravention of the Sex Discrimination Act 1984*; adverse findings by the Human Rights Commission out of an inquiry into systemic unlawful discrimination; contravention of Part 3-5A (Prohibiting sexual harassment in connection of work) of the *Fair Work Act 2009* ; and being named under s.19D of the *Workplace Gender Equality Act 2012* for failure to comply with that Act.

Recommendation: the federal government should apply appropriately designed targets for women apprentices as a condition of Commonwealth funding, these should be aligned with the ASG where possible, on the advice of Industry Advisory Groups. Suppliers should be required to outline how they intend to meet these targets in their Secure Jobs Plan.

⁷ See also: https://www.etunational.asn.au/wp-content/uploads/2022/03/2108_ETU-Women_Nowhere-to-Go_Report_Draft02_WEB.pdf

⁸ ETU (2021), [Nowhere to Go](#).

⁹ ETU (2022), [Submission to the Australian Skills Guarantee Discussion Paper](#).

Recommendation: Contracts in male-dominated industries must include requirements that employers provide suitable PPE, bathrooms, and changerooms that are suitable for women at all worksites.

Recommendation: The Secure Jobs Certificate should include requirements that the entity is not breach of the *Workplace Gender Equality Act 2012* and *Sex Discrimination Act 1984* as amended by the *Respect at Work Act*.

First Nations workforce outcomes

The ETU participated in establishing and supporting the work of the First Nations Clean Energy Network (FNCEN). The FNCEN is a network of First Nations people, community organisations, land councils, unions, academics, industry groups, technical advisors, legal experts, renewables companies and others, working in partnership to ensure that First Nations communities share in the benefits of the clean energy boom.

The FNCEN recently published a reporting *Powering First Nations Jobs in Clean Energy*, which makes several recommendations regarding how to increase access to training, create employment and develop career paths in clean energy for First Nations Australians.¹⁰ The report includes twelve recommendations cross climate, energy and industry policy to be taken by Federal and state/territory governments, industry and training organisations – including mandating minimum Indigenous Procurement Policy and Australian Skills Guarantee compliance in Capacity Investment Scheme merit criteria, and reviewing ARENA’s and the Clean Energy Finance Corporation’s procurement guidelines to incorporate employment and training targets for First Nations.

Recommendation: the federal government should work with the First Nations Clean Energy Network to implement the relevant recommendations in their *Powering First Nations Jobs in Clean Energy* report in the design of the Secure Jobs Code requirements.

Contract Conditions

Contract conditions can be an effective vehicle for extending commitments at tender about the engagement of workers on casual, fixed-term and/or labour hire arrangements down the chain of subcontractors.

Details of the Plan should be translated into contract conditions to ensure enforceability. This approach has been successfully used in the Capacity Investment Scheme (CIS) to ensure that social licence merit criteria are delivered by proponents, with a failure to deliver on proposed merit criteria is considered a breach of contract.

Contract conditions that would support secure and well-paid jobs include:

¹⁰ FNCEN (2024), [Powering First Nations Jobs in Clean Energy](#).

- Limitation on the engagement of labour-hire except where there is a genuine operational need that cannot be met through direct employment.
- Requirement to maintain direct employment ratios within a tolerance of the target set at tender through the Secure Jobs Plan, and to report ratios on a quarterly basis.
- Engagement of labour-hire, including apprentices engaged through Group Training Organisations (GTOs), only on a same-job-same-pay basis.
- Restriction of the pool of eligible subcontractors to those who are pre-certified.

Regulation may then impose penalties for breach of the Secure Jobs Plan on the principal supplier, in the expectation that suppliers will generally have a remedy against any subcontractor whose breach of the subordinate contract incurred the penalty.

Recommendation: details of the Plan should be translated into contract conditions, with measurable reporting metrics, to ensure enforceability of tender proposals.

Recommendation: develop standard Code contract conditions that reflect generally applicable, measurable, Code criteria, including engagement of only pre-certified subcontractors and principles of same-job-same-pay for the engagement of labour-hire.

[Example of contract conditions 1: obligation to engage subcontractors on terms that meet same-job same-pay requirements.](#)

Contract conditions should include a general obligation to engage subcontractors – including individual contractors - only on terms that support the commitment to same-job-same-pay and meeting the overall target for direct-hire workers on the contract. In practical terms, this supports the use of back-to-back contracts that make subcontractors responsible to the supplier for achieving targets in the Secure Jobs Plan.

[Example of contract conditions 2: Portable entitlements, redundancy trusts, and income protection](#)

An example of industry-specific contract conditions that might be imposed following a tender assessment, would be a requirement that suppliers and subcontractors in sectors characterised by short-term project-based employment, to provide portable entitlements, payments into income protection and redundancy trust programs to an industry standard.

This is the case in industries such as construction, where project-based employment is common and workers are routinely demobilised at the end of a project. In these sectors, unions have won provisions that provide workers with the material experience of secure careers – namely in the form of income protection and redundancy trusts that allow workers to accrue entitlements across projects.

For certification of suppliers and pre-certified subcontractors, such conditions can be established on the face of the EBA that applies to the relevant workers at the assessment time.

Recommendation: in industries where project-based employment is common and workers are routinely demobilised at the end of a project, suppliers and their subcontractors should be required to provide workers with portable entitlements, and payments into income protection and redundancy trust programs to an industry standard.

Industry Conditions on Major, Strategic projects

Finally, for major projects in strategic sectors, the government should put in place ambitious workforce requirements that require contracting entities to demonstrate that they meet leading industry conditions for safety and working conditions, including wages. This will ensure that these projects are able to attract highly qualified workers that can deliver the project on time. The ETU has seen examples of government funded or financed sites that are unable to attract a stable workforce because they fail to offer competitive rates – this ultimately threatens the long-term delivery of government priority projects and programs.

This may include introducing additional provisions for major, strategic projects that would seek to identify whether EBAs deliver industry conditions in the classifications covered by the EBA. Australia maintains one of the best industrial relations architectures in the world in the form of the Fair Work Commission (FWC). In our proposal, compliance with this provision would be dependent on the entity being issued with a certificate of compliance by the FWC.

The FWC would issue a certificate when:

- a. The entity has irrevocably submitted to arbitration; or
- b. The entity is relevantly covered by an enterprise agreement that complies industry terms and conditions, as determined by the FWC.

In issuing a certificate, the FWC would take into account factors including:

- a. current industry terms and conditions;
- b. access to portability of entitlements;
- c. the promotion of gender equality;
- d. the promotion of employment opportunities for Aboriginals and Torres Strait Islanders; and
- e. continuing education pathways for workers, especially in promoting apprenticeships, traineeships, and cadetships.

Introducing a mechanism that would determine and require prevailing, industry conditions for receipt of government support, would bring this program in line with similar programs that have been successfully adopted in Canada and the USA.

Identification and implementation of complementary policies

Finally, it is important to note that while the Code is a critical tool, it will not meet its own objectives without complementary government policies that address broader structural impediments to achieving secure work and training apprentices.

For example, a shortage of VET places means that there are currently significant delays in apprentices starting training after being employed. An ETU survey reports that almost 10% of apprentices did not start training for over 12 months after signing their employment contract.

As we discuss below, the SAJC Authority should be tasked with monitoring structural issues that are impeding code implementation and providing advice to government regarding additional supports and programs that are required to deliver on the objectives of the Code.

Recommendation: the Secure Jobs Authority should be tasked with identifying structural impediments to meeting the objectives of the SAJC and provide advice to government on what other supports are required for these objectives to be met.

Issue 2: Application of the Secure Jobs Code

Application of the Code to subcontractors

Should the Secure Jobs Code apply to subcontractors? If so, what should this threshold be?

The ETU supports the extension of code requirements to contractors, to ensure that the supplier cannot undermine the objectives of the SAJC by contracting entities that are not compliant with the Code. Under the ACT *Secure Local Jobs Code* (SLJC), the head contractor is required to ensure that all subcontractors hold an SLJC Certificate. This approach should be adopted in the federal SAJC and require all contractors to hold a pre-assessment certificate to work on projects covered by the code.

Furthermore, code requirements that attach to a specific project rather than the supplier (e.g. the requirement to meet ASG apprentice ratios) should apply across the whole subcontracting chain. As we discuss below using the example of the construction industry, in some industries the supplier is not the major employer on site, and any workforce requirements that only attach to the head contractor would result in excluding a significant majority of the workforce.

Recommendation: suppliers should be required to only contract with subcontractors who hold a Secure Jobs Certificate.

Recommendation: Code requirements should attach to all contracting entities in the supply chain. Associated reporting should capture the workforce employed by subcontractors and labour hire agencies.

Industry specific requirements: and the application to construction

Should the Secure Jobs Code apply specific rules in the building and construction sector?

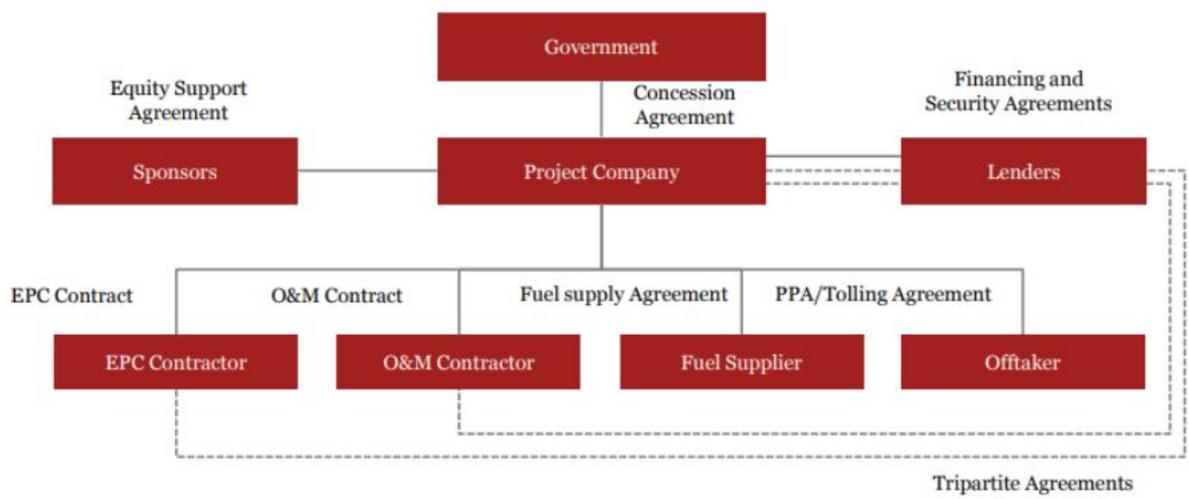
As discussed above, the ETU advocates for the Secure Jobs Plan to include sector specific targets and weighted metrics, to ensure that the application of the Code is targeted to the

specific procuring arrangements in particular sector. These targeted requirements should be developed in consultation with an industry advisory group, that includes representatives from government, employers and unions.

In this section, we highlight targeted approaches that might be applied in the building and construction industry, including the extension of code requirements to subcontractors and contractors, and the adoption of anti-phoenixing measures.

The contract structure in the construction sector is characterised by its reliance and focus on strict risk allocation, standardised and tiered subcontracts, and incorporation of regulatory compliance into contract terms. For major procurements in the construction sector, it is common to see a tiered Engineering, Procurement and Construction (EPC) model, in which the supplier takes on full responsibility for delivery of the project and engages various subcontractors for delivery of the construction phase. The subcontractors in turn deliver their scope of work on the project through some combination of direct-hire employment, labour hire, and a further tier of subcontractors of specialised work and supplementary labour. At each level of contract, it is standard for the principal contractor to transfer its responsibilities within the scope of the subcontract to the subcontractor. A chain of back-to-back contracts pass on liability to deliver on conditions in the supply contract to the lowest tier of subcontractor.

The diagram below illustrates the basic contractual structure of a project-financed power project using an EPC contract. The detailed contractual structure will vary from project to project, however most projects have the basic structure illustrated below.



In the typical construction contract structure, there are practical and regulatory barriers to achieving the objects of the Code and the Buy Australia Plan through application of the code to the Supplier alone. The supplier will rarely be the employer of workers engaged in the construction phase, meaning that it is critical that all subcontractors on a government financed

or funded project are also required to have a Secure Jobs Certificate. Furthermore, suppliers should be required to report on the entirety of the workforce employed on a government funded or financed project – not just their direct employees. This approach is already taken in analogous Victorian and ACT procurement schemes, and in reporting required to demonstrate ASG compliance.

Recommendation: contractors and subcontractors should be required to hold a Secure Jobs Certificate to perform work on Code-covered projects.

The construction sector regularly makes use of indirect models of employment, including labour hire and subcontracting of supplementary labour to meet genuinely short-term labour demand. However, it is critical that indirect models of employment are not used to undercut wages and conditions on a project and are not used to avoid secure employment.

As discussed above, as part of the Secure Jobs Plan, potential suppliers should be required to outline the workforce mix on Code-covered projects. This should include the number of permanent, direct employees and indirect workers – whether employed through labour hire agencies or subcontractors.

To ensure that these arrangements, the Commonwealth should include require suppliers to transfer the obligation to provide minimum employment conditions, including portability of entitlements, down the chain of subcontractors. For first and second-tier construction contractors, it is already common practice to incorporate supplementary labour clauses in enterprise agreements and contracts that require the contractor to ensure that labour hire workers and employees of specialist subcontractors receive minimum employment conditions set by the head contractor’s employment instruments. Those provisions are mirrored by contract conditions between the contractor and subcontractor, so that they become enforceable by the contractor – effectively transferring liability to the subcontractor.

Recommendation: the Commonwealth should require suppliers to engage subcontractors for delivery of the Code-covered projects only on terms that transfer the obligation to provide minimum employment conditions down the chain of subcontractors.

Preventing phoenixing

Phoenixing is particularly prevalent in the construction sector and in industries that utilise labour hire arrangements. Phoenixing takes advantage of the corporate veil to avoid liabilities, by establishing a new company with no liabilities and no record of misconduct through which to continue business. The ATO estimates the economic impact of illegal phoenix activity to be \$4.89bn annually, including \$155m annually in unpaid employee entitlements, and \$1.44 bn in

costs to the government.¹¹ The extent of the phoenixing problem for the construction sector is perhaps a feature of the higher insolvency risk of construction contractors, concentrated at lower tiers of the sub-contracting chain.¹² Phoenixing is a risk to effective SAJC provisions in any sector, given that it expunges or obscures the record of suppliers and their subcontractors. The Commonwealth may want to consider introduction of provisions that pierce the corporate veil for SAJC assessments so that they are not avoided by phoenixing activity.

In contrast to 'whitelist' schemes that seek to certify entities that are then allowed to tender for government projects, debarment schemes operate by blacklisting companies that breach government requirements.

The NSW government is currently consulting on a debarment regime that would include explicit anti-phoenixing provisions, which extend debarment to associated entities.¹³ Minister Houssos has stated that "debarment actions will also apply to any subsequent 'phoenix' operations, such as when a company is liquidated and another is started to continue business activities without debt". The proposed scheme allows for either companies or individuals to be debarred, by including the concept of a "principal officer". The definition of a PO includes:

- A director or secretary of a corporation
- A partner in a partnership
- A trustee of a trust
- Senior managers as specified under the Corporations Act 2001 (Cth).

If a principal officer is debarred, then every new corporation in which they hold a new officer role will also be debarred. Debarment of the original entity lasts for up to 5 years, depending on the severity of the misconduct, debarment of new entities with a debarred PO last only as long as that individual is a PO. The proposed scheme would also prohibit suppliers to government who contract with debarred suppliers.

The debarment regime is proposed to operate in conjunction with the NSW **prequalification scheme** in construction - a freshly formed (i.e. phoenix) entity would not have the performance history and the past statements to allow it to meet the thresholds re financial statements and

¹¹ ATO, *Illegal Phoenix Activity* [Online] <https://www.ato.gov.au/about-ato/tax-avoidance/the-fight-against-tax-crime/our-focus/illegal-phoenix-activity>

¹² Coggins, J., Teng, B. and Rameezdeen, R. 2016. Construction insolvency in Australia: reining in the beast, *Construction Economics and Building*, 16(3), 38-56. DOI: <http://dx.doi.org/10.5130/AJCEB.v16i3.5113>, p. 40.

¹³ <https://www.publicworks.nsw.gov.au/services/whole-of-government-contracts/NSW-Government-construction-prequalification-schemes-and-procurement-lists>

performance history.¹⁴

Similarly, the UK procurement regime uses a combination of certification and debarment approaches, with measures that are aimed at preventing phoenixing. While this regime does not explicitly use the term “phoenixing” but does include a “connected persons” framework. The Act defines “connected persons” as follows, with category (d) explicitly aimed at addressing phoenixing:

- persons with significant influence or control over the supplier, including for example majority shareholders;
- directors and shadow directors;
- parent and subsidiary companies;
- predecessor companies (companies which have become insolvent and ceased to trade and the business has effectively been transferred to the supplier); and
- other persons who can reasonably be considered to stand in an equivalent position to the above categories.

Following this, the Commonwealth may want to consider the introduction of a debarment regime that operates alongside the SAJC, which includes elements aimed at reducing the likelihood of phoenixing. This could be trialled in high-risk sectors, like construction, before being extended to all sectors across government procurement.

Recommendation: the Code should include specific anti-phoenixing measures, similar to those included in the proposed NSW debarment or UK procurement regimes. Where entities have their Certificates suspended or revoked, this should be extended to include all other entities where officers of the suspended company also hold an officer role.

Scope of the Code

What types of funding processes (e.g. procurement, grants, other indirectly funded work) should the Secure Jobs Code apply to? Why/why not?

The Code should not be limited to directly funded Federal projects. There are a wide range of projects where Commonwealth money is the ultimate source of funding and the Commonwealth is the beneficiary of the project, where the government is not the direct or only client. This includes but is not limited to:

- Direct Commonwealth funded construction
- Special Investment Vehicles (SIVs)
- Public Private Partnerships and other forms of joint venture

¹⁴ <https://www.publicworks.nsw.gov.au/services/whole-of-government-contracts/NSW-Government-construction-prequalification-schemes-and-procurement-lists>

- Commonwealth and State/Territory/local government co-funded projects
- Projects supported by Commonwealth underwriting, including the Entry Services Entry Mechanism (ESEM) or successor regime to the Capacity Investment Scheme (CIS)
- Public housing construction and build to rent construction under the National Rental Affordability Scheme (NRAS)
- Any construction for the benefit of the Commonwealth conducted under sale and leaseback or other diversified funding arrangements
- Fit out and other similar works for properties leased by the Commonwealth, including Commonwealth agencies and other independent but Commonwealth funded entities

Recommendation: the Code should not be limited to directly funded federal projects. The Code should – at a minimum – include public private partnerships and other forms of joint venture, and Special Investment Vehicles (SIVs).

Financial Thresholds

What financial threshold should apply to the Secure Jobs Code? Should the financial threshold vary across different industries and sectors?

The ETU supports the thresholds put forward by the Australian Council for Trades Union (ACTU) for the Secure Jobs Certificate. We advocate for higher thresholds to apply to the requirement to submit a Secure Jobs Plan, with the Plan requirements according to additional thresholds, and in proportion to the value of the contract. These thresholds should be aligned, where possible, to the thresholds used in other Commonwealth programs such as the ASG and Australian Industry Participation Plans (AIPPs).

Finally, the ETU supports the introduction of a ‘strategic, major projects’ classification that would see additional requirements placed on suppliers, including the requirement that they demonstrate that they are paying industry conditions on these worksites. Priority areas would be determined by the Prime Minister, the Finance Minister, and/or other relevant Minister(s).

Issue 3: Implementation

How should the Secure Jobs Code be implemented? What are the merits or otherwise of using procurement and grants processes to implement a Secure Jobs Code?

Secure Jobs Authority and Commissioner

As discussed above, the ETU supports the introduction of a two-gate system, that involves:

- pre-assessment certificate
- non-financial tender requirements (e.g. an SAJC plan)
- enforceable contract conditions

To oversee the implementation of this system, the ETU supports the ACTU proposal for the establishment of a Secure Jobs and Community Benefits Authority (Authority) that would work closely with the broader procurement team within the Department of Finance. The Authority is in line with approaches taken in the ACT and Victoria, whereby the Authority is responsible for:

- Assessing and issuing a Secure Jobs Certificate for entities wishing to secure government support and assessing and issuing certificates for any subcontractors to be employed on government projects.
- Overseeing any reporting requirements and reviewing ongoing compliance with the Certificate.
- Providing support for the Commonwealth Procurement Coordinator in considering any complaints by intended beneficiaries that related to the Code.
- Providing guidance and support for all stakeholders and relevant government officials and entities to aid with the effective implementation of the Jobs Code.

The Authority should be led by the Secure Jobs Commissioner (Commissioner), who would provide advice to government on how government tenders were delivering on the objectives of the Code, and where a gap is identified, what complementary policy mechanisms were needed to deliver on these objectives. For example, this may include identifying the need for more investment in training centres so that employers were able to meet mandated apprenticeship ratios.

Recommendation: the federal government should establish a Secure Jobs Code Authority that would have responsibility for overseeing the implementation of the Code. The Authority should be led by the Secure Jobs Commissioner who would provide advice to government on the implementation of the code and the need for additional, complementary policy mechanisms required to deliver on the objectives of the Code.

Industry Advisory Groups

In order to develop a SAJC that is robust enough to genuinely protect workers rights and entitlements, while also being tailored to the vast sectoral differences in funding models, procurement trends, and employment norms, the ETU advocates for the establishment of Industry Advisory Groups (IAGs) to guide the Secure Jobs and Community Benefits Advisory Council.

The IAGs would provide an opportunity for industry, unions and advocates to share their expertise on procurement policy development, emerging trends, sector-wide procurement matters and opportunities for improvement of government procurement activities. The IAGs would review and provide advice on the effective implementation of the Code in each sector.

The ETU recommends that IAGs are established for different industries, so that the application of the Code to tender requirements can be adapted to the specific needs of those industries and the relevant funding or financing instruments. Some industry sectors that might require an

Industry Advisory Group are:

- Building construction and maintenance
- General goods and services
- Information and communication technology
- Medical goods and services
- Social services
- Transport infrastructure services

The Victorian government's establishment of a local government advisory council, tasked with extending the Local Jobs Code to Local Government procurement, is an example of a targeted advisory council.

The NSW Renewable Energy Sector Board, tasked with developing up procurement rules and guidelines and monitoring tender outcomes for renewables projects, is an example of a successful, tripartite, industry-targeted advisory council.

Recommendation: Tripartite industry advisory groups should be established to advise government on adapting the Code to the diverse needs and dynamics of specific industries. The IAG would should also oversee the implementation of the Code and advise on complementary policy settings that would facilitate the implementation of the Code and meeting its overall objectives.

Issue 4: Compliance and Enforcement

How might compliance with a Secure Jobs Code be demonstrated, assessed, monitored and measured?

Who should be responsible for assessing compliance with and enforcing the Secure Jobs Code?

Which parties should be required to (or have standing to) notify the Commonwealth of non-compliance with the Secure Jobs Code?

How should non-compliance with the Secure Jobs Code be managed?

Is remedial action sufficient for minor non-compliance? Why/why not?

Is contract termination appropriate for egregious non-compliance?

What should a penalty regime look like?

What other compliance mechanisms should be considered and why?

Should additional requirements apply to businesses and other entities with a history of non-compliance with matters covered by the Secure Jobs Code or those entities that have failed to meet obligations in previous government engagements?

The Authority must house a well-resourced compliance unit, that would be responsible for monitoring and acting on non-compliance with the Certificate. Non-compliance would be identified through their own audits of contracting entities and their contractors, regular reporting by procuring agencies regarding contract delivery, who would have an obligation to report any notice of suspected non-compliance to the Authority. Furthermore, any person with knowledge or reasonable suspicion of non-compliance should have standing to notify the Commonwealth and have that information considered by the Authority's compliance unit.

Compliance with the Secure Jobs Plan would be the joint responsibility of the Department of Finance and the Department overseeing the tender. Following the Capacity Investment Scheme (CIS) approach to embedding social licence merit criteria in CIS contracts, any proposals for meeting the Code that are included in a supplier's Secure Jobs Plan must be included in the contract so that they are both enforceable and included in regular reporting. Reporting frequency should be determined by the overall tender and contract requirements.

The two-gate system provides a mechanism for assessing prior performance and excluding non-compliant entities from tendering, by allowing for non-compliance with the Code to inform the suspension or revocation of an entity's Secure Jobs Certificate.

The ETU supports the introduction of a demerit system, similar to the ACT SLJC, that may impose infringement points for non-compliance, with these points proportionate to the seriousness, duration, and repetitiveness of the behaviour. Under the ACT's demerit system, a significant or severe instance of non-compliance may result in immediate suspension or revocation of a certification. Similarly, multiple but less severe instances of non-compliance may also lead to suspension or revocation of a certificate. See appendix 1 for a non-exhaustive list of examples of non-compliance and how infringement points may be applied under the ACT

model.¹⁵

To mitigate against the risk that the demerit system leads results in entities failing to report breaches, the ETU supports the introduction of penalties for failing to report breaches and other instance of non-compliance in a timely manner, alongside provisions that take into account steps that the entity has taken to remedy any breach. The UK procurement regime includes a ‘self-cleaning’ pathway to demonstrate that the circumstances that gave rise to the breach are no longer occurring. Access to the self-cleaning pathway should only be made available where entities have voluntarily disclosed the breach and are actively taking steps to remedy it. In all cases, the Authority should consider the severity of the breach in considering whether or not to suspend an entity where the breach has been remedied.

Furthermore, where suppliers fail to remedy breaches of the Code, they should be suspended from tendering for future Code-covered projects, for a period of time that is proportionate to the breach. The inclusion of Code requirements as contract conditions, as well as the demerit approach described above, could facilitate this approach. Under the ACT model, if a supplier loses their Certificate while they are contracted to deliver services to government, they are required to seek Ministerial approval to continue delivering the contract. If the Minister elects to cancel the contract and appoint a new contractor, the original contractor would be charged for the additional costs in appointing a new contractor to complete the tendered works.

Finally, the ETU supports a holistic approach to an assessment of a suppliers ‘ability to deliver’ that includes more than financial metrics, to include a potential supplier’s historic performance regarding Code obligations.

Recommendation: the federal government should introduce a demerit system, following the ACT’s *Secure Local Jobs Code*, that imposes infringement points for non-compliance, with these points proportionate to the seriousness, duration, and repetitiveness of the behaviour. Where an entity loses all points, their Certificate is suspended or revoked and they are prevented from tendering for Commonwealth projects for a period of time.

Recommendation: historic non-compliance with the Code should be taken into account in assessing future tenders. This should include taking an holistic approach to a suppliers’ ‘capacity to deliver’ and also suspending suppliers from tendering for failing to remedy breaches of their Code related contract conditions.

¹⁵ https://www.procurement.act.gov.au/__data/assets/pdf_file/0017/1346021/Secure-Local-Jobs-Complaints-and-Noncompliance-Guidelines_November-2018.pdf

Appendix 1: Classification of non-compliance and possible sanctions in the ACT's Secure Local Jobs Code

Classification and infringement points	Example of noncompliance	Possible sanctions
<p>Extreme – serious noncompliance</p> <p>100 points</p>	<p>Providing false or misleading information on a statutory declaration.</p> <p>Falsification or concealment of documents requested by the registrar under Section 22S of the Code.</p> <p>Failure to provide documents requested by the registrar under Section 22S of the Code. Intentional disregard for the law.</p>	<p>Immediate cancellation of Secure Local Jobs Code Certificate</p>
<p>Major – significant noncompliance with the Code</p> <p>50 points</p>	<p>Failure to notify the Territory within seven days of an adverse ruling against the Code Certified Entity by a relevant regulatory authority.</p> <p>Failure to meet the requirements of prescribed legislation and failure to inform the Territory within seven days of any actions being taken by a relevant regulatory authority.</p> <p>Failure to comply with orders, directions or decisions of any court, tribunal, board, commission or any other relevant authority.</p> <p>Repeated noncompliance with the Code obligations.</p> <p>Failure to disclose all associated entities.</p>	<p>Suspension of Secure Local Jobs Code Certificate.</p> <p>Reduction in period of current Secure Local Jobs Code Certificate.</p> <p>Increased audit regime during period of current Secure Local Jobs Code Certificate.</p> <p>Secure Local Jobs Code Certificate issued for a period less than the standard term on renewal (< 18 months)</p>
<p>Moderate – noncompliance with the Code</p> <p>20 points</p>	<p>Territory notified of action plan in place with relevant regulatory authority to address a failure to meet the requirements of prescribed legislation.</p> <p>Failure of Code Certified Entity to ensure that all subcontractors it engages on</p>	<p>Secure Local Jobs Code Certificate issued for a period less than the standard term on renewal (< 18 months).</p> <p>Increased audit regime during period of current Secure Local</p>

	<p>territory funded work are also a Code Certified Entity.</p> <p>Failure to meet obligations under the Code. Failure to meet commitments made in a Labour Relations, Training and Workplace Equity Plan.</p> <p>Increased or additional liability to Australian Taxation Office of Superannuation Guarantee.</p> <p>Failure to retain currency with workers compensation during the term of Secure Local Jobs Code Certificate or project.</p>	Jobs Code Certificate.
<p>Minor – noncompliance with admin requirements of the Code.</p> <p>5 points</p>	<p>Isolated incident of failure to deal with matters relating to industrial relations and/or employment obligations.</p> <p>For example, failure to provide payslips, pay appropriate overtime rates.</p>	<p>Increased audit regime during period of current Secure Local Jobs Code Certificate.</p> <p>Secure Local Jobs Code Certificate issued for a period less than the standard term on renewal (< 18 months)</p>
<p>No sanction imposed - during the course of the audit or investigation process the registrar made a determination to impose no sanctions on a Code Certified Entity</p>	<p>The complaint was found to lack substance or evidence.</p> <p>Exceptional circumstances beyond the Code Certified Entity’s control.</p>	