



Rollers Australia Pty Ltd

Indigenous Affairs Management Plan

January 2019

Version	Author	Review	Date
Version 1d	A Hudson	S Phillis	10/1/2019



**RECONCILIATION
ACTION PLAN**

REFLECT

Reflect Reconciliation Action Plan January 2019 – January 2020

Rollers Australia Pty Ltd

“As a small business we want to show our commitment to reconciliation by any means possible. We are excited by the steps we have already taken and focussed on our future pathways” Julian O’Neil Managing Director

Our business

The core business of Rollers Australia is a hire and rental company that specialises in compaction equipment, water trucks and mobile site amenities across New South Wales, Queensland, ACT and Victoria. We offer unmatched personal service in our industry and pride ourselves on supplying government and private sectors with reliable equipment and specialist training while maintaining a value for money option. We employ 13 fulltime staff members in total and varied amounts of casual operators and depot staff. We currently employ one Aboriginal staff member however the majority of our casual employees that we hire for operator work are Aboriginal and Torres Strait Islander peoples. Our companies reach is national as we supply Victoria, New South Wales, ACT and Queensland currently with a view to expand over time. We have 6 offices over New South Wales and Queensland at Tamworth, Double Bay, Wagga Wagga, Orange, Roma and Emerald with satellite locations across Sydney and Goulburn areas

Our RAP

As a part of our partnership with Supply Nation it has been noted that we need to implement a RAP and possibly an IAMP (Indigenous Affairs Management Plan) as a part of our continuing commitments to reconciliation. This process has been started by the formation of the RAP working group. Steve Phillis- General Manager and Adrian Hudson- Operations manager have been assigned to the RAP working group. We intend to implement our RAP by starting small. We would firstly like to get cultural awareness training for all staff, equip all of our sites and offices with recognition of Traditional Owners plaques, incorporate Acknowledgment of Country into our operator training packages and compaction talks

Before becoming a member of Supply Nation, we have always attempted to engage Aboriginal and Torres Strait Islander peoples as operators and casual staff from the region where the work is. We have found over the years that the local knowledge of the people and land puts him/her ahead of the competition as most of our work is in remote western areas. We consider ourselves a market leader in the hire industry and our customer base expects the best from our fulltime and casual staff so we hand pick the correct person for each job we are providing equipment and personnel to. We are currently working with Aboriginal Employment Strategy at Dubbo with the offer to train (free of charge) all members of their employment scheme to give them the skills they need as operators and jobsite staff

Our partnerships/current activities

In October 2018, we conducted a review of cultural learning needs and made a commitment to undertake cultural awareness training for all staff members

We have always recognised National Reconciliation and NAIDOC Weeks internally. Where our Aboriginal and Torres Strait Islander staff wish to take time for organised functions or gatherings, we allow this without taking any leave entitlements. As our staff base is limited at every depot we have found that a group email and calendar entries is the best platform to ensure that we recognise the important reflection of NAIDOC Week and National Reconciliation Week.

Relationships			
Action	Deliverable	Timeline	Responsibility
1. Establish and strengthen mutually beneficial relationships with Aboriginal and Torres Strait Islander stakeholders and organisations.	<ul style="list-style-type: none"> Identify Aboriginal and Torres Strait Islander stakeholders and organisations within our local area or sphere of influence. 	February 2019	General Manager, Operations Manager
	<ul style="list-style-type: none"> Research best practice and principles that support partnerships with Aboriginal and Torres Strait Islander stakeholders and organisations. 	February 2019	General Manager
	<ul style="list-style-type: none"> Circulate Reconciliation Australia's NRW resources and reconciliation materials to our staff. 	27 May – 3 June 2019	Operations Manager
	<ul style="list-style-type: none"> RAP Working Group members to participate in an external NRW event. 	27 May – 3 June 2019	General Manager
	<ul style="list-style-type: none"> Encourage and support staff and senior leaders to participate in at least one external event to recognise and celebrate NRW. 	27 May – 3 June 2019	General Manager, Operations Manager
	3. Promote reconciliation through our sphere of influence.	<ul style="list-style-type: none"> Communicate our commitment to reconciliation to all staff. 	Refresh statement June 2019
<ul style="list-style-type: none"> Identify external stakeholders that our organisation can engage with on our reconciliation journey. 		March 2019	General Manager, Operations Manager
<ul style="list-style-type: none"> Identify RAP and other like-minded organisations that we could approach to collaborate with on our reconciliation journey. 		March 2019	General Manager, Operations Manager
4. Promote positive race relations through anti-discrimination strategies.	<ul style="list-style-type: none"> Research best practice and policies in areas of race relations and anti-discrimination. 	February 2019	Operations Manager
	<ul style="list-style-type: none"> Conduct a review of HR policies and procedures to identify existing anti-discrimination provisions, and future needs 	February 2019	Operations Manger

Respect			
Action	Deliverable	Timeline	Responsibility
5. Increase understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, histories, knowledge and rights through cultural learning.	<ul style="list-style-type: none"> Develop a business case for increasing understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, histories, knowledge and rights within our organisation. Investigate opportunities to work with local Traditional Owners and/or Aboriginal and Torres Strait Islander consultants and providers to deliver cultural awareness training. 	February 2019	General Manager
6. Demonstrate respect to Aboriginal and Torres Strait Islander peoples by observing cultural protocols.	<ul style="list-style-type: none"> Develop an understanding of the local Traditional Owners or Custodians of the lands and waters within our organisation's operational area. Increase staff's understanding of the purpose and significance behind cultural protocols, including Acknowledgement of Country and Welcome to Country protocols. 	February 2019	General Manager
7. Build respect for Aboriginal and Torres Strait Islander cultures and histories by celebrating NAIDOC Week.	<ul style="list-style-type: none"> Raise awareness and share information amongst our staff about the meaning of NAIDOC Week. Introduce our staff to NAIDOC Week by promoting external events in our local area. RAP Working Group to participate in an external NAIDOC Week event. Engage a Supply Nation certified company to create the plaques Invite stakeholders and local community members to attend the unveiling of the plaques 	July 2019	Operations Manager, General Manager
8. Organise and display Acknowledgement of Country plaques		July 2019	Operations Manager
		First week in July, 2019	Operations Manager
		February 2019	Operations Manager
		February 2019	Operations Manager

Opportunities			
Action	Deliverable	Timeline	Responsibility
8. Improve employment outcomes by increasing Aboriginal and Torres Strait Islander recruitment, retention and professional development.	<ul style="list-style-type: none"> Develop a business case for Aboriginal and Torres Strait Islander employment within our organisation. Build understanding of current Aboriginal and Torres Strait Islander staffing to inform future employment and professional development opportunities. 	<p>June 2019</p> <p>February 2019</p>	<p>General Manager</p> <p>General Manger</p>
9. Increase Aboriginal and Torres Strait Islander supplier diversity to support improved economic and social outcomes.	<ul style="list-style-type: none"> Develop a business case for procurement from Aboriginal and Torres Strait Islander owned businesses. 	<p>Ongoing (Supply Nation) Monitor Progress July 2019</p> <p>July 2019</p>	<p>General Manager, Operations Manager</p> <p>General Manger, Operations Manger</p>
	<ul style="list-style-type: none"> Develop and communicate to staff a list of Aboriginal and Torres Strait Islander owned businesses that can be used to procure goods and services 		

Governance			
Action	Deliverable	Timeline	Responsibility
10. Maintain an effective RAP Working Group (RWG) to drive governance of the RAP.	<ul style="list-style-type: none"> Ensure RWG meet twice yearly to monitor and report on RAP implementation. 	June 2019, December 2019	Operations Manager, General Manager
	<ul style="list-style-type: none"> Draft a Terms of Reference for the RWG. 	June 2019	General Manager
	<ul style="list-style-type: none"> Establish Aboriginal and Torres Strait Islander representation on the RWG. 	December 2019	General Manager
11. Provide appropriate support for effective implementation of RAP commitments.	<ul style="list-style-type: none"> Define resource needs for RAP implementation. Engage senior leaders in the delivery of RAP commitments. 	July 2019	Operations Manager
	<ul style="list-style-type: none"> Define appropriate systems and capability to track, measure and report on RAP commitments. 	February 2019	General Manager
12. Build accountability and transparency through reporting RAP achievements, challenges and learnings both internally and externally.	<ul style="list-style-type: none"> Complete and submit the annual RAP Impact Measurement Questionnaire to Reconciliation Australia. 	30 September, 2019	Operations Manager
13. Continue our reconciliation journey by developing our next RAP.	<ul style="list-style-type: none"> Register via Reconciliation Australia's website to begin developing our next RAP. 	September 2019	Operations Manager

Contact details

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Aboriginal Participation in Construction (APIC) Policy

June 2018



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1. Policy context

1.1. Purpose

The Aboriginal Participation in Construction (APIC) policy supports the NSW Government's framework Growing NSW's First Economy.

It meets the specific aims of increasing the number of Aboriginal people employed, and the number of Aboriginal owned businesses under the NSW Government plan for Aboriginal Affairs, **OCHRE** (Opportunity, Choice, Healing, Responsibility, Empowerment).

The APIC policy recognises that industry has a key role to play in broadening opportunities for Aboriginal people and that the NSW Government can use its relationship with business to deliver positive social outcomes.

1.2. Objective

The objective of the APIC policy is to create opportunities for Aboriginal owned businesses and encourage Aboriginal employment and training through the supply chain of NSW Government contracts.

1.3. Policy target

The NSW Government target for supporting employment opportunities is set at a whole-of-government level.

In conjunction with the **Aboriginal Procurement Policy**, the APIC policy will aim to support an estimated **3,000** full time equivalent employment opportunities for Aboriginal people through NSW Government procurement activities by **2021**.

2. Applying the APIC policy

The APIC policy applies to all NSW Government departments, statutory authorities, trusts and other government entities (collectively referred to as ‘agencies’).

State owned corporations are encouraged to adopt aspects of the APIC policy that are consistent with their corporate intent.

Construction projects for the purposes of the APIC policy include:

- construction related building maintenance and civil engineering
- construction related support activities, such as financial, advisory, architectural and professional services, where it is considered appropriate to achieve the APIC policy objective
- joint public/private sector
- those undertaken on land not owned by the government or where the built asset will be owned by a non-government entity.

2.1. Categories of construction projects covered by the APIC policy

On **1 July 2018** the APIC policy became mandatory for three categories of construction projects:

Category 1

Projects nominated by an agency that are primarily directed to one or more Aboriginal communities. This includes projects where an Aboriginal community is the sole or predominant beneficiary, a key user group or a predominant stakeholder.

Category 2

All other construction projects where the estimated value is over \$10 million.

Category 3

All other construction projects where the estimated value is over \$1 million.

It should be noted that all figures exclude GST.

2.2. Aboriginal participation requirement

Under the APIC policy a minimum of **1.5 per cent** of project spend must be dedicated to Aboriginal participation. Agencies are encouraged to set higher requirements where appropriate. Agencies are responsible for setting the project spend and Aboriginal participation requirements on each project.

Aboriginal participation must be directed towards eligible spend. Eligible spend includes Aboriginal employment, engagement of Aboriginal owned businesses, education and training, and engagement or consultation with Aboriginal organisations or businesses.

2.3. Exclusions from project spend

Exclusions from project spend are determined by agencies and may include:

- specialised capital equipment (e.g. tunnel exhaust fans, tunnel boring machines, batch plants) where no suitable Australian supplier exists in the market
- materials imported from overseas where no suitable Australian supplier exists in the market
- existing and/or new non-contract/project specific assets apportioned to the contract/project, where they are used in delivery of the contract/project
- property (i.e. acquisitions, indirect leasing costs, extra land, adjustments)
- non-construction related services.

The application of any exclusion is at the discretion of the agency.

2.4. Aboriginal owned businesses

An **Aboriginal owned business** is one that is considered to be an Aboriginal owned business through recognition by an appropriate organisation, such as:

- NSW Indigenous Chamber of Commerce
- an organisation representing Aboriginal owned businesses in another state or territory that is a member of the First Australians Chamber of Commerce and Industry
- Supply Nation.

The NSW Procurement Board is working with Aboriginal organisations to establish a central register of Aboriginal owned businesses, to be made available for NSW Government agencies.

3. NSW Government agencies

Under the APIC policy agencies must:

- apply a minimum 1.5 per cent of project spend for Aboriginal participation to relevant construction projects
- monitor supplier compliance and reporting requirements, and assess and validate reports
- apply any further measures approved by the NSW Procurement Board in support of the APIC policy objective
- ensure all suppliers are aware of, and comply with, their obligations under the APIC policy
- provide APIC policy guidance and support during the tender and project life cycle to suppliers, Aboriginal owned businesses and local Aboriginal communities in the geographic location where the project will take place
- ensure contracts include supplier obligations under the APIC policy, including fully allocating the percentage for Aboriginal participation to eligible spend types, and where suppliers are unable to achieve this, distribution of the balance to the APIC policy's list of approved bodies.

Agencies may apply additional measures to achieve the APIC policy objective, such as:

- directly negotiating with suitably qualified Aboriginal owned businesses that can demonstrate value for money and delivery of quality construction goods and services for procurements valued **up to \$250,000**
- running a closed tender with prequalified Aboriginal owned businesses that can demonstrate value for money and delivery of quality construction goods and services for procurements valued **up to \$1 million**
- increasing the percentage for Aboriginal participation
- introducing incentives to recognise suppliers where they exceed policy requirements, and consequences for suppliers unable to fully allocate to eligible spend by distributing any remainder of eligible spend to approved bodies.

Agencies must apply the minimum 1.5 per cent of project spend for Aboriginal participation to relevant construction projects

4. NSW Government suppliers

The NSW Government values the contribution that the business community is making towards increasing Aboriginal participation in the economy. The government is committed to working with suppliers to create opportunities for Aboriginal owned businesses and to support employment and training of Aboriginal people.

Suppliers to NSW Government for Category 1, 2 and 3 construction projects are required to comply with the requirements in this APIC policy and additional requirements set by agencies and the NSW Procurement Board in support of the policy objective.

Suppliers are encouraged to engage with local Aboriginal communities, Aboriginal organisations or Aboriginal industry bodies to support achievement of Aboriginal participation requirements by supporting identification and engagement of Aboriginal employees or Aboriginal owned businesses.

Suppliers must allocate the minimum 1.5 per cent, or a higher percentage as agreed with the contracting agency, of project spend to eligible spend.

4.1. Eligible spend for Aboriginal participation

Suppliers must allocate the minimum **1.5 per cent**, or a higher percentage as agreed with the contracting agency, of project spend to eligible spend.

Eligible spend may be distributed from the date of the contract award and up to project completion.

Eligible spend does not include donations or gifts to public benevolent institutions unless programs have been pre-approved by the contracting agency and identified as programs specifically designed to generate capability and employment of Aboriginal people for future construction projects.

Expenses must not to be duplicated in different types of eligible spend, for example the same costs related to trainees and apprentices for a project cannot be included as costs in both employment and education.

There are four types of eligible spend for Aboriginal participation:

4.1.1. Employment

- Aboriginal employees (including apprentices, trainees and office support roles) by suppliers and subcontractors engaged on projects.
- Aboriginal employees supporting Aboriginal participation requirements for the project (reasonable percentage of salary correlating to time allocated to individual projects).
- Labour hire.

4.1.2. Engagement of Aboriginal owned businesses

Engagement of Aboriginal owned businesses to provide related goods and services to the project, such as:

- raw materials and plant
- cleaning and maintenance services
- on-site food and beverage services
- professional services such as design consultancy, insurance, work health and safety, cultural awareness training and Aboriginal cultural heritage assessments.

4.1.3. Education / training

- Expenses for training of Aboriginal employees engaged in the planning, design and delivery of the project.
- Expenses paid for by the supplier for the development and delivery of Aboriginal education programs and courses to its employees.

Eligible training and education activities are to be pre-approved by the contracting agency and provided by Registered Training Organisations and / or TAFE NSW.

4.1.4. Engagement / consultation

Expenses approved by the contracting agency for the engagement of Aboriginal organisations or Aboriginal industry bodies directly related to supporting achievement of policy requirements by identifying and engaging Aboriginal employees or Aboriginal owned businesses.

4.1.5. Achieving the full allocation for Aboriginal participation

The full allocation for Aboriginal participation must be distributed to eligible spend types. Where suppliers are unable to achieve this, they must distribute the remainder to the APIC policy's list of approved bodies:

- Master Builders Association
- Literacy for Life Foundation.

Approved bodies support programs to improve capability and employment outcomes for Aboriginal people for future construction projects.

The allocation for Aboriginal participation from suppliers to the approved bodies and the distribution of these funds by the approved bodies is monitored by the NSW Procurement Board.

4.2. Reporting

The value of the construction project dictates reporting requirements. Suppliers must provide an **Aboriginal Participation Plan** specific to each project and report:

- **monthly** on progress towards the requirements in the Aboriginal Participation Plan on all projects **over \$10 million**.
- **quarterly** on progress towards the requirements in the Aboriginal Participation Plan on all projects **up to \$10 million**.

Aboriginal Participation Plans are part of the tender response and approved by the contracting agency. The requirements of the approved plan are to be entered in the APIC policy reporting portal and reported against as per the APIC policy reporting requirements.

A final **Aboriginal Participation Report** must be provided by suppliers through the APIC policy reporting portal at the completion of the construction project and identify if Aboriginal participation requirements were met.

The information from supplier plans and reports may be published and will be used for annual reviews of the APIC policy.

Where an Aboriginal owned business is awarded a construction contract, the Aboriginal owned business must provide regular reporting on the employment of Aboriginal people to contracting agencies. Where possible, the NSW Government will leverage the existing employee information available via Supply Nation and NSW Indigenous Chamber of Commerce or another appropriate organisation.

4.3. Requirements for Aboriginal owned businesses

Aboriginal owned businesses supplying directly to NSW Government are exempt from the 1.5 per cent of project spend requirement for Aboriginal participation, however the business must provide regular reporting on the employment of Aboriginal people within the business.

Aboriginal businesses must meet any additional measures applied by the contracting agency in support of the APIC policy objective.

5. Governance

5.1. NSW Procurement Board

The NSW Procurement Board is responsible for the administration, monitoring and reporting of the APIC policy. This includes:

- maintaining the website and publishing Aboriginal Participation Plans, progress reports and Aboriginal Participation Reports
- governance of the list of approved bodies
- conducting regular or ad-hoc audits and reviews of the APIC policy
- dealing with complaints about the application of the APIC policy via its established complaints handling procedures
- exempting specific projects or classes of projects and allocating specific requirements against individual contracts based on opportunity assessment and identification by geography, spend, market supply and capacity
- issuing directions to agencies, including use of standard form contract clauses, on projects subject to the APIC policy.

The NSW Procurement Board may delegate any of these functions to the Construction Leadership Group or the chair of the Procurement Board.

5.2. Annual review

The NSW Procurement Board will undertake an annual review of compliance with requirements and progress towards the target, in consultation with Aboriginal Affairs NSW, NSW Government agencies and industry. The APIC policy requirements, including the requirement for 1.5 per cent of project spend that must be dedicated to Aboriginal participation, will be assessed at each annual review.

5.3. Evaluation of the APIC policy

The outcomes of the APIC policy will be reviewed in accordance with the **NSW Government Program Evaluation Guidelines**. This outcome review will be undertaken in **2022**, 12 months after the NSW Government target is due to have been achieved.

The APIC policy is covered under the **OCHRE plan**.

The Deputy Ombudsman (Aboriginal programs) has a legislated function to independently monitor and assess the implementation of prescribed Aboriginal programs including OCHRE- the NSW Government's Aboriginal Affairs plan. This function is an integral part of the overall accountability framework for OCHRE.

6. Information and guidance

APIC policy information and guidance for agencies and suppliers is available on the **ProcurePoint** website.

Contact details

NSW Procurement
Department of Finance, Services
and Innovation

 1800 679 289

 nswbuy@finance.nsw.gov.au

 www.procurepoint.nsw.gov.au



Aboriginal Participation in Construction FAQ

What is APiC?

The Aboriginal Participation in Construction (APiC) policy is an initiative from the NSW Government Procurement Board to support greater participation by Aboriginal people in government construction projects across NSW.

When does APiC come into effect?

The policy commenced on 1 May 2015, replacing the 2007 Aboriginal Participation in Construction Guidelines.

Which construction projects are covered by the policy?

APiC applies to all government construction projects within the three categories set out below. It also applies to construction projects that are being jointly delivered with the private sector.

Category 1	Projects nominated by an agency that are primarily directed to one or more Aboriginal communities. This includes projects where an Aboriginal community is the sole or predominant beneficiary, is a key user group or a predominant stakeholder.
Category 2	All other construction projects where the estimated value is over \$10 million.
Category 3	All other construction projects where the estimated value is over \$1 million.

How will the policy apply to Roads and Maritime Services projects?

From July 1 2016, most new contracts issued by Roads and Maritime will include a Target Project Spend (TPS) for Aboriginal participation.

What is a TPS?

A Target Project Spend (TPS) is an amount a contractor must spend on Aboriginal employment and education activities directly related to the project’s planning, design or delivery or costs indirectly related to the project that contribute to the education and employment goals outlined in Opportunity, Choice, Healing, Responsibility and Empowerment (OCHRE).

What is OCHRE?

OCHRE is the NSW Government’s plan to improve outcomes for Aboriginal people across all sectors of the community. More information on the plan can be found [here](#).

What specific Roads and Maritime contracts does APiC apply to?

From 1 July 2016, Roads and Maritime will apply the policy to:

- All projects nominated by Roads and Maritime that are primarily directed to one or more Aboriginal communities (Category 1 contracts as defined in the policy)
- D&C contracts
- GC21 (major construct-only) contracts
- C41 Minor Works.

The policy may also be applied to:

- Non-design related Construction Industry Professional Service Contracts, including panels C71 & C72, for Services valued at more than \$1 million where TPS is more than \$0
- Certain major supply contracts where the contract value is more than \$1 million and where TPS is more than \$0.

Roads and Maritime will also trial the policy to design related Professional Service Contracts including panels (C71 & C72) for Services valued at more than \$1 million for a twelve month period.

Are any contracts excluded from APiC?

Yes, the following contracts will be excluded from the policy:

- Roads and Maritime Non-Construction Industry Professional Service Contracts and panels, on the basis that the services are specialised
- Roads and Maritime utility adjustment work contracts on the basis that the utilities set their own panels
- Specific projects that are excluded under the Policy
- All Roads and Maritime multiple year Panel and Term Services arrangements executed before 1 June 2015.

How is a TPS calculated on Roads and Maritime contracts?

A TPS is calculated for different Roads and Maritime contracts as follows:

Type of contract	TPS calculation
Orders issued under the C72 PSC Panel Deed and the C41 Work-as-Ordered Contract	1.5% x (the value of the Order – Exclusions)
C41 Terms Services Contracts	1.5% x (Annual Notional Contract Sum – Annual Exclusions).
All other Contracts	1.5% x total estimated value = 1.5% x (Contract Value – Exclusions)

- **TPS** is excluding GST; subject to agreement by Roads and Maritime and the Contractor, the TPS can be re-set during the contract, when legitimate Exclusions were not captured prior to contract award.
- **Contract Value** means the value (exclusive of GST) at the time of contract award. Where the contract is being delivered under the umbrella project arrangement (eg Woolgoolga to Ballina), Roads and Maritime may determine that the TPS will be calculated at the project level, rather than at the contract level (i.e. TPS = 1.5% of the estimated Project Value – Project Exclusions).

How are Exclusions determined?

Exclusions are determined on a contract by contract basis (or project basis, where relevant), using the Roads and Maritime APiC Guidelines. A copy of these guidelines is available here.

Exclusions may include:

- Specialised capital equipment (eg tunnel exhaust fans, tunnel boring machines, batch plants) where no suitable Australian supplier exists in the market
- Materials imported from overseas where no suitable Australian supplier exists in the market
- Existing and/or new non-contract/project specific assets apportioned to the contract/project, where they are used in delivery of the contract/project
- Property ie acquisitions, indirect leasing costs, extra land, adjustments
- Non-construction related services.

Exclusions must be nominated in the tender submission by the Tenderer. Roads and Maritime will consider exclusions and confirm the TPS to the successful Contractor prior to contract award.

Hasn't Roads and Maritime previously included APiC targets in contracts?

Yes, Roads and Maritime has included an indicative TPS in its major forms of contract since 1 May 2015. The 1.5% target became a mandatory minimum across all government agencies on 1 July 2016.

What are the requirements to meet APiC targets?

Contractors must allocate at least 50% of the TPS to employment and education activities directly related to the project's planning, design or delivery. Contractors may allocate up to 50% of the TPS to expenses that are indirectly related to the project or that contribute to the education and employment goals outlined in OCHRE.

Contractors must also prepare an Aboriginal Participation Plan (APP) and regular Aboriginal Participation Reports (APR) to meet policy and Roads and Maritime requirements.

How does APiC apply to procurement and contracts currently being assessed?

APiC applies to all new tenders and those being assessed after 1 July 2016. Roads and Maritime tender and contract documents have been amended and now require the tenderer to:

- Provide evidence of its ability to meet the obligations of the policy and include APiC performance outcomes on other Roads and Maritime and/or NSW Government contracts that it has completed
- Nominate proposed exclusions for determining the TPS
- Include details of achieving targets in monthly progress reports (as appropriate)
- Report quarterly in accordance with the Department of Finance, Services and Innovation mandated form (as modified by Roads and Maritime).

Does the policy impact existing contracts?

No, ongoing Roads and Maritime contracts awarded before May 2015 need to comply with the 2007 Aboriginal Participation in Construction Guidelines.

Roads and Maritime Construct Only, Design and Construct and Minor contracts awarded after May 2015 but before July 2016 have an indicative TPS target of 1.5% of contract value.

The compulsory TPS included in Roads and Maritime contracts from 1 July 2016 will not be retrofitted to contracts awarded before 1 July 2016.

What is an Aboriginal Performance Plan? How does it apply to Roads and Maritime contracts?

An Aboriginal Participation Plan (APP) must be developed by the contractor to outline APiC initiatives that will be carried out during the project.

A draft APP may be requested by Roads and Maritime within 20 business days of contract award. The final APP must be submitted to Roads and Maritime within 60 days after contract award except in the case of C41 Term Services Contracts.

For C41 Term Services Contracts (including multiple year arrangements) a Contractor is able to provide an annual APP, rather than the APP for each engagement during the Term. The annual APP is to detail the initiatives that will be carried out for the next 12 months. The annual APP must be submitted to Roads and Maritime at least 30 days prior to the Term Services Contract award anniversary date.

What is an Aboriginal Participation Report? How does it apply to Roads and Maritime contracts?

An Aboriginal Participation Report (APR) must be prepared by the contractor to report on the initiatives outlined in the APP.

Roads and Maritime Contractors are required to submit an APR within the timeframe scheduled in the Contract.

How will not meeting the APiC requirements affect a Contractor?

Tenderers will be requested to provide evidence of their ability to meet the obligations of the Policy and include APiC performance outcomes on other Roads and Maritime and/or NSW Government contracts that they have completed. Roads and Maritime will consider contractors' demonstrated capacity to meet the obligations of the Policy when assessing tenders.

What resources are available to find Indigenous businesses in NSW?

Contractors are advised to contact the [NSW Indigenous Chamber of Commerce](#) or [Supply Nation](#) for more details regarding Aboriginal businesses in their area.

Where can I get a copy of the policy?

A copy of the APiC policy is available to view or download on the [ProcurePoint website](#).

Where can I find more information?

For more information, email APiC@rms.nsw.gov.au.