

Skills, Diversity, Aboriginal and Culture Requirements

AS AT AUGUST 2025

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Introduction

Construction is one of the most exciting and rewarding industries to work in today. The diversity of the projects and the skills required to deliver them make the industry unique and full of opportunity.

However, we know that our industry needs to do more to attract and retain its workforce. Infrastructure Australia's 2024 Market Capacity Report identified a shortage of 197,000 workers in the construction to meet demand in the Australian pipeline.

Transport for NSW is currently delivering a significant portfolio of projects across rail, road, active transport, fleet renewal and precinct development. Together with our industry and Trade Union partners we want to play our role in leveraging our investments to build the skills, capacity and capability of the NSW construction workforce.

Currently Transport for NSW applies a range of requirements mandated by Government policy to deliver improved workforce outcomes. These include the Infrastructure Skills Legacy Program (ISLP), Aboriginal Procurement Policy and other NSW Procurement Board Directions, in addition to place-based requirements, embedded within contracts with our delivery partners.

More recently Transport for NSW partnered with the Culture in Construction Taskforce (CICT) to trial the Culture Standard, a framework designed to improve the wellbeing and diversity of the construction industry workforce. Following this trial, Transport is exploring opportunities to apply the Culture Standard to future projects.

Simplified requirements

The final Skills, Diversity, Aboriginal and Culture Requirements (the 'Requirements') seeks to bring together existing NSW Government policy commitments with the Culture Standard into a single document.

Through this document we aim to provide industry and our people with 'one stop shop' where Transport for NSW's expectations are clear and consistent. This document will form the basis of Transport for NSW's construction transaction documents going forward.

While many of the Requirements are familiar to industry partners, the integration of the Culture Standard may be new to some organisations. The document is designed to assist understanding what to expect when bidding on and delivering Transport for NSW projects to achieve impactful outcomes at scale.

Industry feedback

To refine these Requirements, Transport for NSW launched a comprehensive engagement program to gather feedback from industry. In late June 2025, a webinar was held to introduce the draft. Following this, the draft was released for consultation along with a feedback form on the Transport Infrastructure Industry Portal.

A Skills, Diversity and Culture Roundtable was held on 24 July 2025, bringing together specialists from both Transport for NSW and industry. The group reviewed the document and discussed best practices for successful implementation.

Transport for NSW also collaborated with other NSW Government agencies for broader consistency and additional insights; and engaged with the Accessible Transport Advisory Committee (ATAC) for expert input on disability requirements.

What we heard

Understanding requirements



82%

of respondents reported a strong understanding

Prepared to meet requirements



50%

felt prepared to meet the requirements

Perception of change



95%

viewed the shift as positive

The feedback was invaluable to update the Requirements and will support implementation.

Industry stakeholders highlighted a range of likely benefits from implementing the Requirements including a more inclusive culture, improved mental health and well-being, enhanced productivity and stronger alignment with community expectations.

Other key themes included:

- **Smaller organisations** – may face challenges and additional costs to implement the requirements.
- **Project scope** – align the requirements with the project scope not only the project value.
- **Project location** – requirements should consider locational context, e.g. some regions may have limited workforce capacity.
- **Reporting** – the associated reporting obligations are complex and may be time consuming.
- **Flexibility** – for industry partners to adopt well-being and ‘Flexible Working’ measures that fit their business needs, and the project scope and context.
- **Resourcing** – support for dedicated specialist resourcing to ensure delivery of tangible outcomes.

Important aspects for successful implementation were identified and included:

- Consider **performance incentives** for meeting or exceeding the requirements.
- Ensure that tenderers’ approaches are meaningfully addressed as part of **tender evaluation**.
- Effective ‘**flow down**’ to subcontractors and suppliers – including targeted support for smaller organisations.
- Simplifying and **streamlining reporting processes**.
- Commit to monitoring and **checking compliance**.

A detailed list of industry feedback and Transport’s actions with timeframes is available in [Appendix B](#).

Next steps

Implementation of these Requirements will commence from late 2025.

Transport will continue to engage with industry to:

- Support implementation progress
- Gather ongoing feedback
- Update the Requirements as part of a continuous improvement approach

This collaborative process will ensure the Requirements remain practical, inclusive, and aligned with industry capability and workforce needs. We look forward to working in partnership with industry to implement these approaches to improve the culture and productivity of the workforce on our projects.

Introduction to the Requirements and Returnable Schedules

The Requirements are structured across the following categories:

1. Policy and General Requirements
2. Focus Areas and Requirement Groups
 - A. Aboriginal participation
 - B. Jobs
 - C. Skills
 - D. Workforce Culture
 - E. Workforce Diversity
 - F. Diverse Suppliers and Capability Building
3. Systems and Reporting
4. Resources
5. Management Plan

Within the Requirements are various quantitative percentages (%) or numbers. An 'X' has been assigned in some instances where either:

- A. Transport will set the minimum percentage (%) at the project development phase based on the local demographic, industry and project context AND/OR
- B. Tenderers (during the transaction phase) are required to nominate a percentage (%) or number they will commit to achieving. Refer to the Returnable Schedules for how Transport for NSW will assess the tenderer's response.

Other Skills, Diversity, Aboriginal and Culture requirements (or higher thresholds for existing Requirements) may be integrated into construction transaction documents tailored to the needs and scale of individual projects, including where the project is co-funded under the [Federation Funding Agreement for Land Transport Infrastructure \(2024–2029\)](#).

Industry partners are encouraged to go beyond the specified requirements. They may propose additional, project-aligned outcomes with additional costs assigned using the instructions and relevant tables in the Returnable Schedules (below).

The Skills, Diversity, Aboriginal and Culture Definitions support this framework and are provided alongside all contracts to ensure clarity and consistency. It is closely aligned with the [Training Management Guidelines](#) and the [NSW Aboriginal Participation Policy](#) is located as APPENDIX A.

Section 01

Contract
requirements
for construction
contracts

Returnable
Schedule

over \$7.5
million and
up to \$10
million

01

Contract requirements for construction contracts over \$7.5 million and up to \$10 million

1. Policy and General Requirements

- 1.1. The Contractor must comply with all the relevant policies and legislative requirements related to Skills, Diversity, Aboriginal and Culture.
 - 1.1.1. Where the Commonwealth Government wholly or partially funds the Project, the Contractor must support Transport for NSW in meeting its related Skills, Diversity, Aboriginal and Culture obligations under relevant Commonwealth Government policies and funding conditions.
- 1.2. The Contractor must comply with the following NSW Government directives, to the extent applicable to contractors and consistent with their role in supporting the Principal's obligations:
 - [NSW Procurement Board Direction – PBD 2023-01 Skills, Training and Diversity in Construction](#)
 - [NSW Aboriginal Procurement Policy](#)
 - [NSW Procurement Board Direction – PBD 2019-03 Access to Government Construction Procurement Opportunities by Small and Medium-Sized Enterprises](#)
 - [NSW Procurement Board Direction – PBD 2024-02 Increasing Opportunities for Local Suppliers to Supply to Government](#)
- 1.3. The Contractor is responsible for the achievement of these requirements both directly and through its supply chain.
- 1.4. The Contractor must participate in all meetings, working groups and forums as required by the principal to support workforce, industry and culture outcomes.
- 1.5. The workforce, industry and culture requirements specified in the Contract and these General Requirements may be in addition to, but are not in substitution for, any training or employment obligations of the Contractor under statute, industrial award, enterprise or work agreement, or other workplace arrangements under any law.
- 1.6. The Contractor must systematically manage its workforce Aboriginal industry and culture processes by the systems, plans, standards and codes specified in the Contract.
- 1.7. The Contractor must demonstrate ongoing compliance with the Contract's workforce, Aboriginal industry and culture obligations upon request by the principal.

2. Focus Areas and Requirement Groups

2.1. Aboriginal Participation

- 2.1.1. The Contractor must ensure:
 - A. allocation of **X%** of the contract value to the cost of education, training, and/or capability building for Aboriginal people within the Workforce and Aboriginal Businesses
 - B. **X%** of the full time equivalent Workforce are Aboriginal people
 - C. Leadership and Management roles to undertake Cultural Awareness Training, specifically focused on engaging, supporting, and retaining Aboriginal people within the Workforce
 1. Transport for NSW must review and comment on the training prior to delivery.

2.2. Aboriginal Suppliers and Capability Building

- 2.2.1. The Contractor must maximise opportunities for Aboriginal Businesses to participate in the Supply Chain and track results. The Contractor must deliver the following initiatives:
 - A. capability building to meet technical, commercial and other requirements as applicable to the procurement opportunity
 - B. coordinate requirement engagement to ensure Aboriginal businesses are aware of upcoming procurement opportunities
 - C. advertising procurement opportunities through accessible networks/platforms, including the Industry Capability Network (ICN) Gateway
 - D. provide constructive feedback to unsuccessful Aboriginal business tenderers and identify opportunities for capability building
- 2.2.2. The Contractor must
 - A. fully allocate the Minimum Aboriginal Participation spend to eligible spend types from the date of contract award up to the date of completion
 - B. identify proposed exclusions for determining the Minimum Aboriginal Participation spend value.
- 2.2.3. The Contractor must subcontract:
 - A. at least **X%** of the contract value to Aboriginal Businesses.

3. Systems and Reporting

3.1. The Contractor must:

- 3.1.1.** use an electronic access control software or alternative system that can track and report Skills, Diversity, Aboriginal and Culture requirements and associated information as part of the Contract
- 3.1.2.** For the duration of the Contract, the Contractor must submit quarterly reports to Transport for NSW using the Aboriginal Participation, Skills and Diversity Reporting Template (or any updated template or method as provided by Transport for NSW), completing all reporting fields as required. These reports must be submitted no later than the fifth (5th) business day of the second (2nd) month following the end of each reporting period, as outlined below:
 - A. Quarter 1 (1 December – 28/29 February): Report due by the 5th business day of April.
 - B. Quarter 2 (1 March – 31 May): Report due by the 5th business day of July.
 - C. Quarter 3 (1 June – 31 August): Report due by the 5th business day of October.
 - D. Quarter 4 (1 September – 30 November): Report due by the 5th business day of January.
- 3.1.3.** report on all required Skills, Diversity, Aboriginal and Culture data in a format that aligns with the Skills, Diversity, Aboriginal and Culture Definitions. This report:
 - A. may also form part of the Contractor's Project Reporting requirements, as outlined in the Skills, Diversity, Aboriginal and Culture Plan section
 - B. must demonstrate that the Contractor is meeting, or working towards meeting, the commitments made in the Contract.
- 3.1.4.** submit a final report on or before expiry or termination of this agreement and in the format reasonably requested by Transport for NSW, confirming its compliance with the Aboriginal Participation Management Plan and the Aboriginal Participation Requirements. If the Contractor is unable to confirm compliance with the Aboriginal Participation Management Plan and the Aboriginal Participation Requirements in the final report, the report must include a statement setting out (in reasonable detail) its computations in determining the Actual Aboriginal Participation and Unmet Percentage and Spend.

4. Resources

4.1. The Contractor must:

- 4.1.1.** procure and deploy a qualified and experienced individual or team to act as a dedicated resource for overseeing, coordinating, and effectively delivering all Skills, Diversity, Aboriginal and Culture requirements throughout the contractual term.

5. Management Plan

- 5.1.** The Contractor must implement, maintain, and comply with the Aboriginal Participation Management Plan and the Skills, Diversity, Aboriginal and Culture requirements, as set out in the Contract.

Returnable Schedule for construction contracts at \$7.5 million and up to \$10 million

This Returnable Schedule is evaluated under the Non-Price Evaluation Criteria. Evaluation Criteria 4 – Skills, Diversity, Aboriginal and Culture

Section 01.1

The Tenderer confirms and demonstrates its commitment and capacity by:

- A. providing a Skills, Diversity, Aboriginal and Culture Management Statement (Statement), signed by the Tenderer's senior management at the Tender's Closing Date and Time. The Statement must detail if the Tenderer is a registered and/or certified Aboriginal Business, along with details regarding the nature of this registration and/or certification
- B. providing an initial Aboriginal Participation Management Plan in accordance with the NSW Aboriginal Procurement Policy 2021, in the format prescribed by the NSW Procurement Board.

Page limit: Three (3) single-sided A4 pages, excluding Table 1 and Table 2.

The Tenderer must:

- A. complete **Table 1** by responding to each listed minimum requirement and provide additional costs for each requirement or initiative that goes beyond the minimum Transport requirements. **Transport for NSW will not include the additional costs in the pricing section of the tender assessment.** Requirements or initiatives proposed must deliver measurable and meaningful outcomes across Skills, diversity, Aboriginal outcomes, culture, supplier capability or other social imperatives
- B. provide evidence of prior experience and capability to meet the NSW Aboriginal Procurement Policy (APP) Requirements, as per **Table 2**.

Table 1 – Skills, Diversity, Aboriginal and Culture Contract Requirements*

*Where there is an 'X' – the tenderer shall nominate a % or number they will commit to as part of the Contract, and this will become a minimum Requirement in the Contract, subject to agreement with Transport for NSW

Requirement Reference	Requirement	Minimum Requirement*	Proposed Requirement	Additional Cost** to meet Proposed Requirement Above Minimum
2.1 Aboriginal participation	Percentage of the contract value allocated to education, training and/or capability building of Aboriginal people within the Workforce and/or Aboriginal businesses (APP)	X%		
	Percentage of Aboriginal people within the Workforce (APP)	X%		
2.2 Aboriginal suppliers and capability building	Percentage of the contract value to be subcontracted to Aboriginal Businesses (APP)	X%		
Other requirement/initiative				
Other requirement/initiative				
Tenderer to add rows if required				

The Tenderer shall advise the additional costs the tenderer would need to achieve the above proposed minimum requirement value and/or initiatives. **Transport for NSW will not include the additional costs in the pricing section of the tender assessment.

The Tenderer is required to complete **Table 2** to identify three recent contracts in which they achieved the Skills, Diversity, Aboriginal and Culture contract requirements and those under the *NSW Aboriginal Participation Policy*.

Table 2 – NSW Aboriginal Procurement Policy Requirements (APP) prior experience and capability

Client	Name & location of contract	Contract Price	Start Date/ Completion Date	APP Requirement	APP Requirement Performance	Performance Metric (Spend, Headcount, FTE, Hours)

Section 02

Contract
requirements
for construction
contracts

Returnable
Schedule

over \$10
million and
up to \$100
million

02

Contract requirements for construction contracts over \$10 million and up to \$100 million

6. Policy and General Requirements

- 6.1. The Contractor must comply with all the relevant policies and legislative requirements related to Skills, Diversity, Aboriginal and Culture.
 - 6.1.1. Where the Commonwealth Government wholly or partially funds the Project, the Contractor must support Transport for NSW in meeting its related Skills, Diversity, Aboriginal and Culture obligations under relevant Commonwealth Government policies and funding conditions.
- 6.2. The Contractor must comply with the following NSW Government directives, to the extent applicable to contractors and consistent with their role in supporting Transport for NSW's obligations:
 - [NSW Procurement Board Direction – PBD 2023-01 Skills, Training and Diversity in Construction](#)
 - [NSW Aboriginal Procurement Policy](#)
 - [NSW Procurement Board Direction – PBD 2019-03 Access to Government Construction Procurement Opportunities by Small and Medium-Sized Enterprises](#)
 - [NSW Procurement Board Direction – PBD 2024-02 Increasing Opportunities for Local Suppliers to Supply to Government](#)
- 6.3. The Contractor is responsible for achieving these requirements both directly and through its supply chain.
- 6.4. The Contractor must participate in all meetings, working groups, and forums as required by the Transport for NSW to support Skills, Diversity, Aboriginal and Culture outcomes.
- 6.5. The Skills, Diversity, Aboriginal and Culture requirements specified in the Contract and these General Requirements may be in addition to, but are not in substitution for, any training or employment obligations of the Contractor under statute, industrial award, enterprise or work agreement, or other workplace arrangements under any law.
- 6.6. The Contractor must systematically manage its Skills, Diversity, Aboriginal and Culture processes by the systems, plans, standards, and codes specified in the Contract.
- 6.7. Upon request by Transport for NSW, the contractor must demonstrate ongoing compliance with the Contract's Skills, Diversity, Aboriginal and Culture obligations.

7. Focus Areas and Requirement Groups

7.1. Aboriginal Participation

- 7.1.1. Of the Apprentices identified in clause 7.1.2A a minimum of **X%** must be Aboriginal people
- 7.1.2. The Contractor must ensure:
 - A. **X%** of the Workforce are Aboriginal people
 - B. allocation of **X%** of Contract value to the cost of education, training, or capability building for Aboriginal Workforce directly contributing to the delivery of the Contract.
 - C. ensure the entire Workforce shall undertake Cultural Awareness Training, specifically focused on engaging, supporting, and retaining Aboriginal people
 1. Transport for NSW must review and comment on the initiatives prior to delivery.
- 7.1.3. The Contractor must subcontract at least **X%** of the contract value to Aboriginal Businesses
- 7.1.4. The Contractor must:
 - A. fully allocate the Minimum Aboriginal Participation spend to eligible spend types from the date of contract award up to the date of completion
 - B. identify proposed exclusions for determining the Minimum Aboriginal Participation spend value.

7.2. Jobs

- 7.2.1. The Contractor must ensure:
 - A. the number of Apprentices in the Workforce is equivalent to a minimum of 20% of the Trades Workforce.
 - B. they support pathways for people in the Local area to access employment opportunities in the Workforce
 - C. they report on the Workforce residing in the Local area as a percentage of the overall Workforce

7.3. Skills

7.3.1. The Contractor must:

- A. implement initiatives that support the skills development of Workforce from the Local area.
 - 1. Transport for NSW must review and comment on the initiative prior to delivery.
- B. they report on the Workforce residing in the Local area who are Learning Workers as a percentage of the overall Workforce.

7.3.2. The Contractor must deliver the following initiative:

- A. engage with Regional Industry Education Partnerships (RIEP) Program to engage with a minimum of 2 local secondary schools, and engage with tertiary and training institutions to promote jobs in construction and pathways into employment on the project.
 - 1. The principal must endorse the initiative prior to delivery.

7.4. Workforce Diversity

7.4.1. The Contractor must ensure:

- A. they report the number of Trades Workforce that are Women in Trade(s)
- B. they report the number of Women in Non-Traditional Roles

7.4.2. The Contractor must

- A. The entire Workforce to undertake Cultural Awareness Training, specifically focused on engaging, supporting, and retaining Aboriginal Workforce
 - 1. Transport must review and comment on the initiative prior to delivery.

7.5. Workforce Culture

7.5.1. The Contractor must ensure:

- A. they report the number of Mental Health / Psychosocial Hazard Training sessions held per quarter
- B. they report the number of the Workforce that complete Training that supports improvement towards Mental Health / Psychosocial Hazard management
- C. they report the number of the Workforce who complete Leadership and Management Training
- D. they report the number of Safety and First Aid Officers are accredited mental health first aiders. Existing or current certifications completed in the past 24 months by individual workers should be included in the reporting
- E. they report the number of the Workforce in Leadership and Management Roles who complete bias awareness Training.
- F. **7.4.1** B, C and E the Contractor can include in the reported number any Workforce that completed Training in the **24** months prior to the end of that reporting period, and/or completed Training prior to that period but the certification is still valid.

7.6. Diverse Suppliers and Capability Building

7.6.1. The Contractor must maximise opportunities for Local ANZ SMEs, Aboriginal Businesses from the Local area, Australian Disability Enterprises and Social Enterprises to participate in the Supply Chain. The Contractor must deliver the following initiatives:

- A. capability building to meet technical, commercial and other requirements as applicable to the procurement opportunity
- B. improving transparency for the market of upcoming procurement opportunities and needs
- C. Provide feedback to unsuccessful Local ANZ SMEs, Aboriginal Businesses from the Local area, Australian Disability Enterprises and Social Enterprises tenderers and identify opportunities for capability building
- D. advertising procurement opportunities through accessible networks/platforms, including the Industry Capability Network (ICN) Gateway.

7.6.2. The Contractor must subcontract:

- A. at least **X%** of the contract value to ANZ SMEs businesses
- B. at least **X%** of the contract value to Australian Disability Enterprises
- C. at least **X%** of the contract value to Social Enterprises.

7.6.3. The Contractor must

- A. maximise opportunities for Manufacturing from ANZ SMEs and demonstrate delivery of initiatives that have supported entry of ANZ SMEs into the Project's supply chain
- B. must report the individual business names and total number of Manufacturing ANZ SMEs involved in the delivery of the Contract.

8. Systems and Reporting

8.1. The Contractor must:

- 8.1.1.** use an electronic access control software or alternative system that can track and report Skills, Diversity, Aboriginal and Culture requirements and associated information as part of the Contract
- 8.1.2.** for the duration of the Contract, the Contractor must submit quarterly reports to Transport for NSW using the Aboriginal Participation, Skills and Diversity Reporting Template (or any updated template or method as provided by Transport for NSW). These reports must be submitted no later than the fifth (5th) business day of the second (2nd) month following the end of each reporting period, as outlined below:
 - A. Quarter 1 (1 December – 28/29 February): Report due by the 5th business day of April.
 - B. Quarter 2 (1 March – 31 May): Report due by the 5th business day of July.
 - C. Quarter 3 (1 June – 31 August): Report due by the 5th business day of October.
 - D. Quarter 4 (1 September – 30 November): Report due by the 5th business day of January.
- 8.1.3.** report on all required Skills, Diversity, Aboriginal and Culture data in a format that aligns with the Skills, Diversity, Aboriginal and Culture Definitions. This report:
 - A. may also form part of the Contractor's Monthly Project Reporting requirements, as outlined in the Skills, Diversity, Aboriginal and Culture Plan section
 - B. must demonstrate that the Contractor is meeting, or working towards meeting, the commitments made in the Contract as demonstrated in the workforce output delivery profile document.
- 8.1.4.** upon request by Transport for NSW, provide qualitative and quantitative information on organisational gender equality performance, this may include:
 - A. Workplace gender equality policies and initiatives
 - B. Gender-disaggregated workforce data.
- 8.1.5.** submit a final report on or before expiry or termination of this agreement and in the format reasonably requested by Transport for NSW, confirming its compliance with the Aboriginal Participation Management Plan and the Aboriginal Participation Requirements. If the Contractor is unable to confirm compliance with the Aboriginal Participation Management Plan and the Aboriginal Participation Requirements in the final report, the report must include a statement setting out (in reasonable detail) its computations in determining the Actual Aboriginal Participation and Unmet Percentage and Spend.

9. Resources

9.1. The Contractor must:

- 9.1.1.** procure and deploy a qualified and experienced individual or team to act as a dedicated resource for overseeing, coordinating, and effectively delivering all Skills, Diversity, Aboriginal and Culture requirements throughout the contractual term.
- 9.1.2.** ensure the designated resource(s) assumes responsibility for the comprehensive execution and reporting of Skills, Diversity, Aboriginal and Culture requirements.
- 9.1.3.** ensure the designated resource(s) possess, at a minimum: a degree, diploma, or advanced diploma in either adult

10. Management Plan

- 10.1.** The Contractor must implement, maintain, and comply with the Aboriginal Participation Management Plan and the Skills, Diversity, Aboriginal and Culture requirements, as set out in the Contract.
- 10.2.** the Contractor must develop, implement, and maintain a Skills, Diversity, Aboriginal and Culture Management Plan (SDAC Plan) that outlines how the Contractor will meet the contract's Skills, Diversity, Aboriginal and Culture requirements.
 - 10.2.1.** the Aboriginal Participation Management Plan must align with and complement the SDAC Plan, ensuring consistency and integration across overlapping commitments. It must clearly demonstrate how the Contractor will coordinate the delivery of Aboriginal requirements and initiatives in both plans.
- 10.3.** the SDAC Plan must be submitted to Transport for NSW to review, comment on, and approve within 60 calendar days from the Date of Contract or by such other date specified in the Contract, whichever occurs first. The SDAC Plan must include, at a minimum:
 - 10.3.1.** Governance and Integration
 - A. governance structures, systems, and processes that demonstrate how the Contractor will effectively integrate the Skills, Diversity, Aboriginal and Culture requirements into project delivery.

10.3.2. Strategy and Implementation

- A. clearly defined strategies, initiatives, and timelines that outline how the Contractor will achieve the Skills, Diversity, Aboriginal and Culture Requirements. These strategies must be integrated into the project schedule to enable effective workforce participation and support workplace gender equity. The strategies and initiatives must address the requirements under:
 - 1. Aboriginal participation
 - 2. Jobs
 - 3. Skills
 - 4. Workforce Culture
 - 5. Workforce Diversity
 - 6. Diverse Supplier and Capability Building.
- B. the strategy must outline the Contractor's approach to promoting a healthy work-life balance, including procedures and initiatives that respect employees' time outside of work and actively reduce excessive working hours
- C. the strategy must detail the Contractor's approach to implementing Flexible Work arrangements for both site-based and office-based personnel, as a key enabler of work-life balance and workforce diversity
- D. the strategy must identify project-specific actions to eliminate unlawful behaviours as defined under the Sex Discrimination Act 1984. It must also demonstrate how the Contractor will promote a workplace culture that prioritises respect, safety, and inclusion
- E. the strategy must outline how workload pressures will be effectively managed through project planning and scheduling, including the sequencing of tasks to avoid prolonged peak demand periods and mitigate fatigue-related risks
- F. the strategy must demonstrate how sufficient recovery opportunities are built into the project schedule to support workforce wellbeing and sustained performance
- G. the strategy must outline how the Contractor ensures personnel in Leadership and Management roles have undertaken bias-awareness training. Where such training has been completed, the strategy must include evidence demonstrating completion and describe how this training informs inclusive leadership practices across the project.

10.3.3. Systems and Reporting

- A. a description of the system(s) to track, monitor, and report on Skills, Diversity, Aboriginal and Culture performance across the project
- B. details on how the Contractor will submit the Aboriginal Participation, Skills and Diversity Report (as outlined in Section 8 Systems and Reporting) to Transport for NSW, addressing the project's progress against the Contract Requirements
- C. communicate the progress of programs and initiatives outlined in the SDAC Plan
- D. in the event of non-compliance or inadequate progress, submit a Corrective Action Plan (CAP):
 - 1. identifying areas of non-performance
 - 2. outlining a requirement action strategy
 - 3. including implementation timelines and
 - 4. nominating responsible personnel.

10.3.4. Key Personnel

- A. Details of the Skills, Diversity, Aboriginal and Culture project team structure and integration with the wider project team, including:
 - 1. named personnel responsible for delivery and oversight of key requirements, including flexible work
 - 2. roles, responsibilities, qualifications, and relevant experience of key personnel
 - 3. nominated lead responsible for overseeing gender equity performance
 - 4. named personnel responsible for implementing and monitoring workplace safety and culture policies that address unlawful behaviours, as defined under the *Sex Discrimination Act 1984*.

10.3.5. Stakeholder Engagement

- A. Strategies to engage with relevant stakeholders to maximise workforce and business opportunities, including:
 - 1. Registered Training Organisations (RTOs)
 - 2. employment service providers
 - 3. secondary schools and tertiary education institutions
 - 4. industry bodies
 - 5. government agencies
 - 6. any other identified stakeholders relevant to the delivery of Skills, Diversity, Aboriginal and Culture outcomes.

10.3.6. Subcontractors and Supply Chain

- A. The Contractor must:
 - 1. outline how the Contract Requirements and reporting obligations will be passed down to all subcontractors
 - 2. Establish a compliance process to:
 - a. monitor subcontractor delivery of Workforce requirements and Flexible work arrangements
 - b. ensure Flexible work arrangements are embedded in supplier agreements
 - 3. report subcontractor performance through established reporting mechanisms
 - 4. outline how feedback will be provided to unsuccessful Local ANZ SMEs, Aboriginal Businesses from the Local area, Australian Disability Enterprises and Social Enterprises tenderers to identify opportunities for capability building
 - 5. conduct audits to verify compliance and consistent application of the Skills, Diversity, Aboriginal and Culture requirements across the Supply Chain.

Returnable Schedule for construction contracts over \$10 million and up to \$100 million

This Returnable Schedule is evaluated under the Non-Price Evaluation Criteria.
Evaluation Criteria 4 – Skills, Diversity, Aboriginal and Culture

Section 02.1: Skills, Diversity, Aboriginal and Culture

The Tenderer confirms and demonstrates its commitment and capacity by:

- A. providing a Skills, Diversity, Aboriginal and Culture Management Statement, signed by the Tenderer's senior management at the Tender's Closing Date and Time.
 1. This statement must identify the project-specific programs, strategies, and initiatives the Tenderer will undertake to meet the relevant contract requirements, and
 - a. details of nominated resources and their capacity to deliver the contract requirements,
 - b. details of the named personnel responsible for implementing and monitoring workplace safety and culture policies that address unlawful behaviours, as defined under the Sex Discrimination Act 1984.

*Section 1 Page limit: Two (2) single-sided A4 pages, excluding **Table 1, Table 2***

The Tenderer must:

- A. complete **Table 1** by responding to each listed minimum requirement and provide additional costs for each requirement or initiative that goes beyond the minimum Transport requirements. **Transport for NSW will not include the additional costs in the pricing section of the tender assessment.** Requirements or initiatives proposed must deliver measurable and meaningful outcomes across skills, diversity, culture, supplier capability, or other social imperatives.
- B. provide evidence of prior experience and capability to meet the Skills, Diversity, Aboriginal and Culture Requirements, including compliance with the NSW Government Procurement Board's PBD 2023-01, as per **Table 2**.
- C. specify the electronic access control system -or approved alternative- that will capture and track workforce data in line with the Skills, Diversity, Aboriginal and Culture Definitions. This system must be capable of:
 2. providing the specific metrics, including applicable denominators, for each relevant requirement under the contract requirements
 3. integrating with Transport for NSW's reporting template to support efficient data sharing and compliance monitoring throughout the project

Table 1 — Skills, Diversity, Aboriginal and Culture Contract Requirements*

*Where there is an 'X' – the tenderer shall nominate a % or number they will commit to as part of the Contract.

Requirement Reference	Requirement	Minimum Requirement*	Proposed Requirement	Additional Cost** to meet Proposed Requirement Above Minimum
7.2 Jobs	Percentage of Apprentices in the Trades Workforce	20%		
7.2 Jobs	Percentage of Workforce residing in the Local area	Report		
7.3 Skills	Percentage of Workforce residing in the Local area who are Learning Workers	Report		
7.3 Skills	Number of Local secondary schools engaged with via the Regional Industry Education Partnerships (RIEP) program	2		
7.4 Workforce Diversity	Percentage of the Trades Workforce to be Women in Trade(s)	Report		
7.4 Workforce Diversity	Percentage of the Workforce to be Women in Non-Traditional Roles	Report		
7.5 Workforce Culture	Report the number of training sessions that support improvement towards Mental Health/Psychosocial Hazard management sessions held per quarter	Report		
7.5 Workforce Culture	Percentage of the Workforce that completes Mental Health/ Psychosocial Hazard Training	Report		
7.5 Workforce Culture	Percentage of the Workforce who complete Leadership and Management Training.	Report		
7.5 Workforce Culture	Percentage of Safety and First Aid Officers that are accredited mental health first aiders	Report		
7.5 Workforce Culture	Percentage of the Workforce in Leadership and Management Roles completed bias-awareness Training	Report		
7.6 Diverse Supplier and Capability Building	Percentage of the contract value to be subcontracted to ANZ SMEs businesses	X%		

7.6 Diverse Supplier and Capability Building	Percentage of the contract value to be subcontracted to Social Enterprises	X%		
7.6 Diverse Supplier and Capability Building	Percentage of the contract value to be subcontracted to Australian Disability Enterprises	X%		
Other requirements/initiatives				
Other requirements/initiatives				
Tenderer to add rows if required				

****The Tenderer shall advise the additional costs the tenderer would need to achieve the above proposed requirement value and/or initiatives. Transport for NSW will not include the additional costs in the pricing section of the tender assessment.**

The Tenderer is required to complete **Table 2** to identify three recent contracts in which they achieved the Skills, Diversity, Aboriginal and Culture contract requirements and those under the *NSW Aboriginal Procurement Policy*.

Table 2 — Skills, Training, and Diversity Requirements (PBD 2023-01) prior experience and capability

Client	Name & location of contract	Contract Price	Start Date/ Completion Date	Skills, Training and Diversity Requirement	Skills, Training and Diversity Requirement Performance	Performance Metric (Headcount, FTE, Hours)

Section 02.2: Gender Equality

The Tenderer confirms and demonstrates its commitment and capacity by:

- A. Organisations with 100 or more Full Time Equivalent (FTEs) are to complete Part 1 and Part 2.
- B. Organisations with less than 100 FTEs are to complete Part 2 only.

Part 1

Workplace Gender Equality Agency Employer of Choice Citation

Please indicate whether your organisation holds [WGEA Employer of Choice for Gender Equality Citation](#). If you hold a citation, please attach the certificate.

Respondent to respond YES or NO, if **NO** complete **Part 2**.

Response	YES	NO

Part 2

Self-Reporting on Gender Equality Performance

Please list the policies, strategies your organisation currently has in place to support women's participation your workplace or attach the pdf of your Workplace Gender Equality Agency employer profile from the [WGEA Explorer](#).

Response	Respondent to complete

Self-Reporting on Gender Equality Performance

Please describe (in 200 words or less) what impact these policies have had within your workplace (e.g. on workplace culture, women in leadership and workforce composition).

Response	Respondent to complete

Section 2 Pge limit: Two (2) single-sided A4 pages inclusive of **Part 1** and **Part 2**

Section 02.3: Aboriginal Participation

The Tenderer confirms and demonstrates its commitment and capacity by:

- A. providing a Management Statement (Statement) of support for Aboriginal participation, signed by the Tenderer's senior management at the Tender's Closing Date and Time. The Statement must detail if the Tenderer is a registered and/or certified Aboriginal Business, along with details regarding the nature of this registration and/or certification
- B. providing an initial Aboriginal Participation Management Plan in accordance with the NSW Aboriginal Procurement Policy 2021, in the format prescribed by the NSW Procurement Board.

Section 2 Page limit: Three (3) single-sided A4 pages, excluding **Table 3** and **Table 4**

The Tenderer must:

- C. complete **Table 3** by responding to each listed minimum requirement and provide additional costs for each requirement or initiative that goes beyond the minimum Transport requirements. **Transport for NSW will not include the additional costs in the pricing section of the tender assessment.** Requirements or initiatives proposed must deliver measurable and meaningful outcomes across skills, diversity, Aboriginal outcomes, culture, supplier capability, or other social imperatives
- D. provide evidence of prior experience and capability to meet the NSW Aboriginal Procurement Policy (APP) Requirements, as per **Table 4**.

Table 3 — Skills, Diversity, Aboriginal and Culture Contract Requirements*

*Where there is an 'X' – the tenderer shall nominate a % or number they will commit to as part of the Contract, and this will become a minimum Requirement in the Contract, subject to agreement with Transport for NSW

Requirement Reference	Requirement	Minimum Requirement*	Proposed Requirement	Additional Cost** to meet Proposed Requirement Above Minimum
7.1 Aboriginal participation	The Percentage of Apprentices must be Aboriginal people.	X%		
7.1 Aboriginal participation	Percentage of the contract value allocated to education, training, and/or capability building of Aboriginal people within the Workforce and/or Aboriginal businesses (APP)	X%		
7.1 Aboriginal participation	Percentage of Aboriginal people within the Workforce (APP)	X%		
7.1 Aboriginal participation	Percentage of the contract value to be subcontracted to Aboriginal Businesses (APP)	X%		
Other requirements/initiative				
Other requirements/initiative				
Tenderer to add rows if required				

The Tenderer shall advise the additional costs the tenderer would need to achieve the above minimum requirement value and/or initiatives. **Transport for NSW will not include the additional costs in the pricing section of the tender assessment.

The Tenderer is required to complete **Table 4** to identify three recent contracts in which they achieved the Skills, Diversity, Aboriginal and Culture contract requirements and those under the *NSW Aboriginal Participation Policy*.

Table 4 — NSW Aboriginal Participation Policy Requirements (APP) prior experience and capability

Client	Name & location of contract	Contract Price	Start Date/ Completion Date	Skills, Training and Diversity Requirement	Skills, Training and Diversity Requirement Performance	Performance Metric (Headcount, FTE, Hours)

Section 03

Contract
requirements
for construction
contracts

Returnable
Schedule

over \$100
million

03

Contract requirements for construction contracts over \$100 million

11. Policy and General Requirements

- 11.1.** The Contractor must comply with all the relevant policies and legislative requirements related to Skills, Diversity, Aboriginal and Culture.
- 11.1.1.** Where the Commonwealth Government wholly or partially funds the Project, the Contractor must support Transport for NSW in meeting its related Skills, Diversity, Aboriginal and Culture obligations under relevant Commonwealth Government policies and funding conditions.
- 11.2.** The Contractor must comply with the following NSW Government directives, to the extent applicable to contractors and consistent with their role in supporting Transport for NSW's obligations:
[NSW Procurement Board Direction – PBD 2023-01 Skills, Training and Diversity in Construction](#)
[NSW Aboriginal Procurement Policy](#)
[NSW Procurement Board Direction – PBD 2019-03 Access to Government Construction Procurement Opportunities by Small and Medium-Sized Enterprises](#)
[NSW Procurement Board Direction – PBD 2024-02 Increasing Opportunities for Local Suppliers to Supply to Government](#)
- 11.3.** The Contractor is responsible for achieving these requirements both directly and through its supply chain.
- 11.4.** The Contractor must participate in all meetings, working groups, and forums as required by Transport for NSW to support Skills, Diversity, Aboriginal and Culture outcomes.
- 11.5.** The Skills, Diversity, Aboriginal and Culture requirements specified in the Contract and these General Requirements may be in addition to, but are not in substitution for, any training or employment obligations of the Contractor under statute, industrial award, enterprise or work agreement, or other workplace arrangements under any law.
- 11.6.** The Contractor must systematically manage its Skills, Diversity, Aboriginal and Culture processes by the systems, plans, standards and codes specified in the Contract.
- 11.7.** Upon request by Transport for NSW, the contractor must demonstrate ongoing compliance with the Contract's Skills, Diversity, Aboriginal and Culture obligations.

12. Focus Areas and Requirement Groups

12.1. Aboriginal participation

- 12.1.1.** Of the Apprentices identified in clause 12.2.1 A, a minimum of X% must be Aboriginal people
- 12.1.2.** The Contractor must ensure:
- X% of the Workforce are Aboriginal people
 - allocation of X% of Contract value to the cost of education, training, or capability building for Aboriginal Workforce directly contributing to the delivery of the Contract.
 - ensure the entire Workforce shall undertake Cultural Awareness Training, specifically focused on engaging, supporting, and retaining Aboriginal
 - Transport for NSW must review and comment on the initiatives prior to delivery.
- 12.1.3.** The Contractor must subcontract at least X% of the contract value to Aboriginal Businesses
- 12.1.4.** The Contractor must:
- fully allocate the Minimum Aboriginal Participation spend to eligible spend types from the date of contract award up to the date of completion
 - identify proposed exclusions for determining the Minimum Aboriginal Participation spend value.

12.2. Jobs

- 12.2.1.** The Contractor must ensure:
- the number of Apprentices in the Workforce is equivalent to a minimum of 20% of the Trades Workforce
 - they support pathways for people in the Local area to access employment opportunities in the Workforce
 - they report on the Workforce residing in the Local area as a percentage of the overall Workforce
 - delivery of a minimum of 2 Pre-Employment Program(s) (PEP) that will result in:
 - the employment of a minimum of 10 participants.

12.2.2. The Contractor must provide the following information, in relation to 12.1.1.D. within 12 months from the date of the Contract:

- A. details of program/s including recruitment timelines and schedule
- B. details of employment opportunities, including job roles
- C. details of key delivery partners, including employment service providers and registered training organisation
- D. details of post-placement support/mentoring
- E. details of accredited and non-accredited training outcomes
- F. details of educational and career pathways
 - 1. the employment of a minimum of 10 participants.

12.2.3. The Contractor must:

- A. not deliver the required PEP(s) without review and comment from Transport for NSW.

12.2.4. The Contractor must implement at least one initiative in addition to (12.11.D). that will provide tangible benefits to Local employment and Workforce retention on the project.

- A. Transport for NSW must review and comment on the initiative prior to delivery.

12.3. Skills

12.3.1. The Contractor must ensure:

- A. 20% of the Workforce is made up of Learning Workers
- B. 2 Graduate Placements per annum
- C. 2 Under-Graduate Placements per annum
- D. 2 Work Placements per annum

12.3.2. The Contractor must:

- A. engage with Regional Industry Education Partnerships (RIEP) Program to engage with a minimum of 2 local secondary schools and or tertiary and training institutions to promote jobs in construction and pathways into employment on the project
 - 1. Transport for NSW must review and comment on the initiative prior to delivery
- B. implement initiatives that support the skills development of Workforce from the Local area
 - 1. Transport for NSW must review and comment on the initiative prior to delivery.

12.4. Workforce Diversity

12.4.1. The Contractor must ensure:

- A. 2% of the Trades Workforce are Women in Trade(s)
- B. 7% of the Workforce are Women in Non-Traditional Roles
- C. 8% of the Workforce are Young People
- D. X% of the Workforce are from Underrepresented Groups
 - 1. of the Workforce identified in clause (12.4.1.D), a minimum of X% must be People with Disabilities.
- E. 7% of Leadership and Management roles are held by women within 12 months of contract award.
- F. 2% increase of Women in Leadership and Management Roles year-on-year, following the first 12 months from contract award.

12.4.2. The Contractor must:

- A. implement initiatives that support and increase the number of women and people from Underrepresented Groups in Leadership and Management positions
 - 1. Transport for NSW must review and comment on the initiatives prior to delivery
- B. implement initiatives that support and promote a culturally safe, diverse and inclusive workplace.

12.5. Workforce Culture

12.5.1. The Contractor must ensure:

- A. they report the number of Mental Health / Psychosocial Hazard Training sessions held per quarter
- B. a minimum of 20% of the Workforce complete Training that supports improvements toward Mental Health / Psychosocial Hazard management
- C. a minimum of 5% of the Workforce complete Leadership and Management Training
- D. a minimum of 20% of Safety and First Aid Officers are accredited mental health first aider
- E. they report the number of Flexible work arrangements submitted
- F. 90% of the Workforce in Leadership and Management Roles complete bias-awareness training

- G. For **12.4.1 B and C** the Contractor can include in the reported number any Workforce that completed Training in the **24** months prior to the end of that reporting period, and/or completed Training prior to that period but the certification is still valid.

12.6. Diverse Suppliers and Capability Building

12.6.1. The Contractor must maximise opportunities for Local and Regional ANZ SMEs, Aboriginal Businesses, Australian Disability Enterprises, and Social Enterprises to participate in the Supply Chain. The Contractor must deliver the following initiatives:

- A. capability building to meet technical, commercial, and other requirements as applicable to the procurement opportunity
- B. improving transparency for the market of upcoming procurement opportunities and needs
- C. provide feedback to unsuccessful Local and Regional ANZ SMEs, Aboriginal Businesses, Australian Disability Enterprises, and Social Enterprises tenderers and identify opportunities for capability building
- D. advertising procurement opportunities through accessible networks/platforms, including the Industry Capability Network (ICN) Gateway.

12.6.2. The Contractor must subcontract:

- A. at least **X%** of the contract value to ANZ SMEs
- B. at least **X%** of the contract value to Social Enterprises
- C. at least **X%** of the contract value to Australian Disability Enterprises.

12.6.3. The Contractor must:

- A. maximise opportunities for Manufacturing from ANZ SMEs and demonstrate delivery of initiatives that have supported entry of ANZ SMEs into the Project's supply chain
- B. report the individual business names and total number of Manufacturing ANZ SMEs involved in the delivery of the Contract.

13. Systems and Reporting

13.1. The Contractor must:

13.1.1. use an electronic access control software or alternative system that can track and report Skills, Diversity, Aboriginal and Culture requirements and associated information as part of the Contract.

13.1.2. for the duration of the Contract, the Contractor must submit quarterly reports to Transport for NSW using the Aboriginal Participation, Skills and Diversity Reporting Template (or any updated template or method as provided by Transport for NSW), completing all reporting fields as required. These reports must be submitted no later than the fifth (5th) business day of the second (2nd) month following the end of each reporting period, as outlined below:

- A. Quarter 1 (1 December – 28/29 February): Report due by the 5th business day of April
- B. Quarter 2 (1 March – 31 May): Report due by the 5th business day of July
- C. Quarter 3 (1 June – 31 August): Report due by the 5th business day of October
- D. Quarter 4 (1 September – 30 November): Report due by the 5th business day of January

13.1.3. report on all required Skills, Diversity, Aboriginal and Culture data in a format that aligns with the Skills, Diversity, Aboriginal and Culture Definitions. This report:

- A. may also form part of the Contractor's Monthly Project Reporting requirements, as outlined in the Skills, Diversity, Aboriginal and Culture Plan section.
- B. demonstrate that the Contractor is meeting, or working towards meeting, the commitments made in the Contract as demonstrated in the workforce output delivery profile document

13.1.4. upon request by Transport for NSW, provide qualitative and quantitative information on gender equality performance, this may include:

- A. workplace gender equality policies and initiatives
- B. gender-disaggregated workforce data

13.1.5. participate in audits to validate reporting and compliance against contract requirements as required by Transport for NSW

- A. Note: this does not replace project audit requirements specified in the Contract.

13.1.6. Contract and submit a Training Needs Analysis using Transport for NSW's template(s) to forecast its workforce and Skills, Diversity, Aboriginal and Culture requirements to meet the Project's needs within 60 days of the date of Contract and update it annually, unless otherwise stipulated. The Workforce Needs Analysis will include the following templates:

- A. Workforce profile and gap plan
- B. Workforce output delivery profile
- C. Training needs analysis
- D. Culture Maturity Scorecard.

- 13.1.7.** submit a final report on or before expiry or termination of this agreement and in the format reasonably requested by Transport for NSW, confirming its compliance with the Aboriginal Participation Management Plan and the Aboriginal Participation Requirements. If the Contractor is unable to confirm compliance with the Aboriginal Participation Management Plan and the Aboriginal Participation Requirements in the final report, the report must include a statement setting out (in reasonable detail) its computations in determining the Actual Aboriginal Participation and Unmet Percentage and Spend.

14. Resources

14.1. The Contractor must:

- 14.1.1.** procure and deploy a qualified and experienced individual or team to act as a dedicated resource for overseeing, coordinating, and effectively delivering all Skills, Diversity, Aboriginal and Culture requirements throughout the contractual term.
- 14.1.2.** ensure the designated resource(s) assumes responsibility for the comprehensive execution and reporting of Skills, Diversity, Aboriginal and Culture requirements, with the inclusion of a Skills, Diversity, Aboriginal and Culture Manager, if required, as per the Resources and Management Plan sections.
- 14.1.3.** ensure the designated resource(s) are committed on a full-time equivalent basis and can be physically present at the project or site office as needed throughout the Contract to fulfil all contractual obligations.
- 14.1.4.** ensure the designated resource(s) possess, at a minimum:
- A. Hold a degree, diploma, or advanced diploma in either adult education, vocational education, organisational development, education, social impact, employment services, human resources, workforce needs and culture; or demonstrate equivalent relevant professional experience in one or more of these domains; and
 - B. demonstrate capability in one or more of the areas listed below:
 1. understanding of the domain of infrastructure or construction projects
 2. proven experience in economic development and/or supplier development and capability building
 3. demonstrable and substantial experience in engaging at an operational level with stakeholders, including but not limited to building and or infrastructure contractors and suppliers, education providers, employment services providers, recruitment agencies, Registered Training Organisations (RTOs), and Group Training Organisations (GTOs)
 4. demonstration of vocational competence within the infrastructure or construction industry, defined as possessing broad industry knowledge and experience, such as, but not limited to, holding a relevant unit of competency or qualification
 5. proficiency in the application and a robust understanding of relevant vocational education and training (VET) legislation, frameworks, and/or standards
 6. demonstrable experience in influencing and implementing organisational change
 7. expertise in the implementation of employment and training programs, such as Pre-Employment Programs.

15. Management Plan

- 15.1.** The Contractor must implement, maintain, and comply with the Aboriginal Participation Management Plan and the Skills, Diversity, Aboriginal and Culture requirements, as set out in the Contract
- 15.2.** The Contractor must develop, implement, and maintain a Skills, Diversity, Aboriginal and Culture Management Plan (SDAC Plan) that outlines how the Contractor will meet the contract's Skills, Diversity, Aboriginal and Culture requirements
- 15.2.1.** The Aboriginal Participation Management Plan must align with and complement the Plan, ensuring consistency and integration across overlapping commitments. It must clearly demonstrate how the Contractor will coordinate the delivery of Aboriginal requirements and initiatives in both plans
- 15.3.** The SDAC Plan must be submitted to Transport for NSW to review, comment on, and approve within 60 calendar days from the Date of Contract or by such other date specified in the Contract, whichever occurs first. The Plan must include, at a minimum:
- 15.3.1.** Governance and Integration
- A. governance structures, systems, and processes that demonstrate how the Contractor will effectively integrate the Skills, Diversity, Aboriginal and Culture requirements into project delivery
- 15.3.2.** Culture Improvement
- A. the strategy must incorporate a section dedicated to culture improvement based on the Contractor's initial self-assessment against the Culture Maturity Scorecard, provided by Transport for NSW and submitted during the Tender phase, identifying proposed actions to improve cultural maturity throughout the project lifecycle

- B. the Contractor must commit to reviewing and completing the Culture Maturity Scorecard annually. This annual review is to be shared with Transport for NSW for review and comment. Identified strategies and initiatives to address areas for improvement are to be incorporated into an updated culture improvement section to demonstrate ongoing progress and maturity development
- C. a commitment statement committing the Contractor, as part of the Project Handover Report, that the Contractor will provide a final assessment and summary of cultural maturity outcomes and improvements achieved over the project's life
- D. the culture improvement section must also include project-specific strategies to eliminate unlawful behaviours defined under the Sex Discrimination Act 1984 and demonstrate how the Contractor will promote a culture of respect, safety, and inclusion for all workers.

15.3.3. Strategy and Implementation

- A. clearly defined strategies, initiatives, and timelines that outline how the Contractor will achieve the Skills, Diversity, Aboriginal and Culture Contract Requirements. These strategies must be integrated into the project schedule to enable effective workforce participation and support workplace gender equity. The strategies and initiatives must address the requirements under:
 - 1. Aboriginal participation
 - 2. Jobs
 - 3. Skills
 - 4. Workforce Culture
 - 5. Workforce Diversity
 - 6. Diverse Supplier and Capability Building
- B. the strategy must outline the Contractor's approach to promoting a healthy work-life balance, including procedures and initiatives that respect employees' time outside of work and actively reduce excessive working hours
- C. the strategy must detail the Contractor's approach to implementing Flexible Work arrangements for both site-based and office-based personnel, as a key enabler of work-life balance and workforce diversity
- D. the strategy must outline how workload pressures will be effectively managed through project planning and scheduling, including the sequencing of tasks to avoid prolonged peak demand periods and mitigate fatigue-related risks
- E. the strategy must demonstrate how sufficient recovery opportunities are built into the project schedule to support workforce wellbeing and sustained performance.
- F. the strategy must outline how the Contractor ensures personnel in Leadership and Management roles have undertaken bias-awareness training. Where such training has been completed, the strategy must include evidence demonstrating completion and describe how this training informs inclusive leadership practices across the project.

15.3.4. Systems and Reporting

- A. a description of the system(s) to track, monitor, and report on Skills, Diversity, Aboriginal and Culture performance across the project
- B. details on how the Contractor will submit the Aboriginal Participation, Skills and Diversity Report (as outlined in Section 13 Systems and Reporting) to Transport for NSW, addressing the project's progress against the Contract Requirements
- C. communicate the progress of programs and initiatives outlined in the Management Plan
- D. describe its methodology for forecasting workforce and Skills, Diversity, Aboriginal and Culture needs using templates specified by Transport for NSW
- E. establish an internal audit process for compliance with Skills, Diversity, Aboriginal and Culture requirements, and fully cooperate with any audits conducted by Transport for NSW
- F. in the event of non-compliance or inadequate progress, submit a Corrective Action Plan (CAP):
 - 1. Identifying areas of non-performance
 - 2. Outlining a requirement action strategy
 - 3. Including implementation timelines
 - 4. Nominating responsible personnel.

15.3.5. Key Personnel

- A. details of the Skills, Diversity, Aboriginal and Culture project team structure and integration with the wider project team, including:
 - 1. roles, responsibilities, qualifications, and relevant experience of key personnel
 - 2. nominated lead responsible for overseeing gender equity performance
 - 3. named personnel responsible for implementing and monitoring workplace safety and culture policies that address unlawful behaviours, as defined under the *Sex Discrimination Act 1984*.

15.3.6. Subcontractors and Supply Chain

- A. The Contractor must:
 - 1. outline how the applicable Skills, Diversity, Aboriginal and Culture Requirements and reporting obligations will be passed down to all subcontractors
 - 2. establish a compliance process to:
 - a. monitor subcontractor delivery of applicable Skills, Diversity, Aboriginal and Culture requirements including Flexible Work arrangements
 - b. ensure Flexible Work arrangements are embedded in supplier agreements
 - 3. report subcontractor performance through established reporting mechanisms
 - 4. outline how feedback will be provided to unsuccessful Local ANZ SMEs, Aboriginal Businesses from the Local area, Australian Disability Enterprises and Social Enterprises tenderers to identify opportunities for capability building
 - 5. conduct audits to verify compliance and consistent application of the applicable Skills, Diversity, Aboriginal and Culture requirements across the supply chain.

Returnable Schedule for construction contracts over \$100 million

This Returnable Schedule is evaluated under the Non-Price Evaluation Criteria.
Evaluation Criteria 4 – Skills, Diversity, Aboriginal and Culture

Section 03.1: Skills, Diversity, Aboriginal and Culture

The Tenderer confirms and demonstrates its commitment and capacity by:

- A. providing a Skills, Diversity, Aboriginal and Culture Management Statement, signed by the Tenderer's senior management at the Tender's Closing Date and Time
- B. providing an initial Skills, Diversity, Aboriginal and Culture Management Plan identifying the project-specific programs, strategies, and initiatives the Tenderer will undertake to meet the relevant contract requirements. This plan must include:
 1. details of nominated resources and their capacity to deliver the contract requirements, including:
 - a. the specific personnel allocated to each initiative or requirement
 - b. their roles and responsibilities
 - c. relevant qualifications and experience
 - d. time commitment – i.e Full-Time Equivalent (FTE) across the project.
 - e. where applicable, any nominated subcontractors or external service providers, including:
 - i. their role or scope of services
 - ii. relevant experience delivering similar initiatives
 - f. nominated lead responsible for overseeing gender equity performance,
 - g. named personnel responsible for implementing and monitoring workplace safety and culture policies that address unlawful behaviours, as defined under the Sex Discrimination Act 1984.
 2. proposed programs, initiatives, and approaches, including recruitment, training, and employment pathways, to achieve the contract requirements
 3. identification of key subcontractors, their roles, and specific contributions toward meeting the Skills, Diversity, Aboriginal and Culture contract requirements
 4. identification of any proposed project requirements or delivery approaches that may introduce avoidable negative impacts on achieving positive culture and diversity outcomes on site
 5. reporting processes to monitor and track subcontractor contributions including performance against Skills, Diversity, Aboriginal and Culture outcomes, to demonstrate compliance with the contract requirements
 6. provision of evidence of cultural maturity through the submission of a completed Culture Maturity Scorecard, as provided by Transport for NSW.

The Tenderer must:

- A. complete **Table 1** by responding to each listed minimum requirement and provide additional costs for each requirement or initiative that goes beyond the minimum Transport for NSW requirements. **Transport for NSW will not include the additional costs in the pricing section of the tender assessment.** Requirements or initiatives proposed must deliver measurable and meaningful outcomes across skills, diversity, culture, supplier capability or other social imperatives.
- B. provide evidence of prior experience and capability to meet the Skills, Diversity, Aboriginal and Culture Requirements, including compliance with the NSW Government Procurement Board's PBD 2023-01, as per **Table 2**.
- C. provide evidence of prior experience and capability to meet the CICT Culture Standard, as per **Table 3**
- D. specify the electronic access control system -or approved alternative- that will capture and track workforce data in line with the Skills, Diversity, Aboriginal and Culture Definitions. This system must be capable of:
 7. providing the specific metrics, including applicable denominators, for each relevant requirement under the contract requirements
 8. integrating with Transport for NSW's reporting template to support efficient data sharing and compliance monitoring throughout the project.
- E. Provide evidence of compliance with the Workplace Gender Equality Act 2012, and demonstrate your organisation's commitment to gender equality, in alignment with the NSW Government's commitment to women's economic participation, as outlined in the Gender Equality Budget Statement 2023–24, as per **Section 2**.

Section 1 Page limit: Five (5) single-sided A4 pages, excluding **Table 1, Table 2 and Table 3, Culture Maturity Scorecard**

Table 1 — Skills, Diversity, Aboriginal and Culture Contract Requirements*

*Where there is an 'X' – the tenderer shall nominate a % or number they will commit to as part of the Contract, and this will become a minimum Requirement in the Contract, subject to agreement with Transport for NSW

Requirement Reference	Requirement	Minimum Requirement*	Proposed Requirement	Additional Cost** to meet Proposed Requirement Above Minimum
12.2 Jobs	Percentage of Apprentices in the Trades Workforce	20%		
12.2 Jobs	Percentage Workforce residing in the Local area	Report		
12.2 Jobs	Delivery of a of Pre-Employment Program (s)	2		
12.2 Jobs	A minimum of participants will be employed from the Pre-Employment Program(s)	10		
12.3 Skills	Percentage of the Workforce to be made up of Learning Workers	20%		
12.3 Skills	Number of Graduate Placements per annum	2		
12.3 Skills	Number of Under-Graduate Placements per annum	2		
12.3 Skills	Number of Work Placements per annum	2		
12.3 Skills	Number of Local secondary schools engaged with via the Regional Industry Education Partnerships (RIEP) program	2		
12.4 Workforce Diversity	Percentage of the Trades Workforce to be Women in Trade(s)	2%		
12.4 Workforce Diversity	Percentage of the Workforce to be Women in Non-Traditional Roles	7%		
12.4 Workforce Diversity	Percentage of the Workforce is a Young Person	8%		
12.4 Workforce Diversity	Percentage of the Workforce are from Underrepresented groups	X%		
12.4 Workforce Diversity	Percentage of Workforce are People with Disability	X%		

12.4 Workforce Diversity	Percentage of Leadership and Management roles are held by women within 12 months of contract award	7%		
12.4 Workforce Diversity	Percentage of increase of Leadership and Management roles held by women following the first 12 months from contract award	2%		
12.5 Workforce Culture	Report the number of Mental Health / Psychosocial Training sessions held per quarter	Report		
12.5 Workforce Culture	Percentage of the Workforce that complete training that supports improvements toward Mental Health / Psychosocial Hazard management	20%		
12.5 Workforce Culture	Percentage of the Workforce that complete Leadership and Management Training	5%		
12.5 Workforce Culture	Percentage of Safety and First Aid Officers that are accredited mental health first aiders	20%		
12.5 Workforce Culture	Number of Flexible work arrangements submitted	Report		
12.5 Workforce Culture	Percentage of Flexible work arrangement approved	Report		
12.5 Workforce Culture	Percentage of the Workforce in Leadership and Management Roles completing bias-awareness training	90%		
12.6 Diverse Supplier and Capability Building	Percentage of the contract value to be subcontracted to ANZ SMEs businesses	X%		
12.6 Diverse Supplier and Capability Building	Percentage of the contract value to be subcontracted to Social Enterprises	X%		
12.6 Diverse Supplier and Capability Building	Percentage of the contract value to be subcontracted to Australian Disability Enterprises	X%		
Other requirements/initiative				
Other requirements/initiative				
Tenderer to add rows if required				

****The Tenderer shall advise the additional costs the tenderer would need to achieve the above proposed requirements value and/or initiatives. Transport for NSW will not include the additional costs in the pricing section of the tender assessment.**

The Tenderer is required to complete **Table 2** and **Table 3** below to identify three recent contracts where they achieved Skills, Diversity, Aboriginal and Culture contract requirements.

Table 2 — Skills, Training, and Diversity Requirements (PBD 2023-01) prior experience and capability

Client	Name & location of contract	Contract Price	Start Date/ Completion Date	Skills, Training and Diversity Requirement	Skills, Training and Diversity Requirement Performance	Performance Metric (Headcount, FTE, Hours)

Table 3 — Workforce Culture prior experience and capability

Client	Name & location of contract	Contract Price	Start Date/ Completion Date	Workforce Culture Requirement	Workforce Culture Requirement Performance

Section 03.2: Gender Equality

The Tenderer confirms and demonstrates its commitment and capacity by:

- A. Organisations with 100 or more Full Time Employees (FTEs) are to complete Part 1 and Part 2
- B. Organisations with less than 100 FTEs are to complete Part 2 only.

Part 1

Workplace Gender Equality Agency Employer of Choice Citation

Please indicate whether your organisation holds [WGEA Employer of Choice for Gender Equality Citation](#). If you hold a citation, please attach the certificate.

Respondent to respond YES or NO, if **NO** complete **Part 2**.

Response	YES	NO

Part 2

Self-Reporting on Gender Equality Performance

Please list the policies, strategies your organisation currently has in place to support women's participation your workplace or attach the pdf of your Workplace Gender Equality Agency employer profile from the [WGEA Explorer](#).

Response	Respondent to complete

Self-Reporting on Gender Equality Performance

Please describe (in 200 words or less) what impact these policies have had within your workplace (e.g. on workplace culture, women in leadership and workforce composition).

Response	Respondent to complete

Section 2 Page limit: Two (2) single-sided A4 pages inclusive of **Part 1** and **Part 2**

Section 03.3: Aboriginal Participation

The Tenderer confirms and demonstrates its commitment and capacity by:

- A. providing a Management Statement (Statement) of support for Aboriginal participation, signed by the Tenderer's senior management at the Tender's Closing Date and Time. The Statement must detail if the Tenderer is a registered and/or certified Aboriginal Business, along with details regarding the nature of this registration and/or certification.
- B. providing an initial Aboriginal Participation Management Plan in accordance with the NSW Aboriginal Procurement Policy 2021, in the format prescribed by the NSW Procurement Board.

Section 3 Page limit: Three (3) single-sided A4 pages, excluding **Table 3** and **Table 4**

The Tenderer must:

- C. complete **Table 3** by responding to each listed minimum requirement and provide additional costs for each requirement or initiative that goes beyond the minimum Transport requirements. **Transport for NSW will not include the additional costs in the pricing section of the tender assessment.** Requirements or initiatives proposed must deliver measurable and meaningful outcomes across skills, diversity, Aboriginal outcomes, culture, supplier capability, or other social imperatives.
- D. provide evidence of prior experience and capability to meet the NSW Aboriginal Procurement Policy (APP) Requirements, as per **Table 4**

Table 3 — Skills, Diversity, Aboriginal and Culture Contract Requirements*

*Where there is an 'X' – the tenderer shall nominate a % or number they will commit to as part of the Contract.

Requirement Reference	Requirement	Minimum Requirement*	Proposed Requirement	Additional Cost** to meet Proposed Requirement Above Minimum
12.1 Aboriginal participation	The Percentage of Apprentices must be Aboriginal people	X%		
12.1 Aboriginal participation	Percentage of the contract value allocated to education, training, and/or capability building of Aboriginal people within the Workforce and/or Aboriginal businesses (APP)	X%		
12.1 Aboriginal participation	Percentage of Aboriginal people within the Workforce (APP)	X%		
12.1 Aboriginal participation	Percentage of the contract value to be subcontracted to Aboriginal Businesses (APP)	X%		
Other requirement/initiative				
Other requirement/initiative				
Tenderer to add rows if required				

The Tenderer shall advise the additional costs the tenderer would need to achieve the above minimum requirement value and/or initiatives. **Transport for NSW will not include the additional costs in the pricing section of the tender assessment.

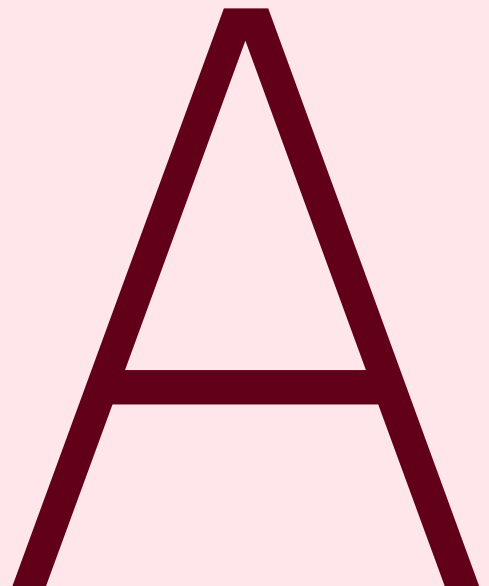
The Tenderer is required to complete **Table 4** to identify three recent contracts in which they achieved the Skills, Diversity, Aboriginal and Culture contract requirements and those under the *NSW Aboriginal Participation Policy*.

Table 4 — NSW Aboriginal Participation Policy Requirements (APP) prior experience and capability

Client	Name & location of contract	Contract Price	Start Date/ Completion Date	Skills, Training and Diversity Requirement	Skills, Training and Diversity Requirement Performance	Performance Metric (Headcount, FTE, Hours)

Skills, Diversity,
Aboriginal and
Culture Definitions

Appendix



Appendix A: Skills, Diversity, Aboriginal and Culture Definitions

The Skills, Diversity, Aboriginal and Culture Definitions support the Skills, Diversity, Aboriginal and Culture minimum contract requirements framework and are provided alongside all contracts to ensure clarity and consistency. These definitions are closely aligned with the [Training Management Guidelines](#).

Term	Definition
Aboriginal	Refers to Aboriginal and/or Torres Strait Islander peoples. Aboriginal means a person who: a. is a member of the Aboriginal race of Australia; and b. identifies as an Aboriginal person; and c. is accepted by the Aboriginal community as an Aboriginal person, (as defined by the Aboriginal Land Rights Act 1983 (NSW)).
Aboriginal Business	A business that is registered and/or certified with Supply Nation, ORIC (Office of the Registrar of Indigenous Corporations) or NSW Indigenous Chamber of Commerce (NSWICC).
Aboriginal Participation Management Plan	means the “Aboriginal Participation Management Plan” submitted by the Supplier and approved by the Customer, setting out how the Supplier will meet the Aboriginal Participation Requirements in respect of the Project and this agreement.
Aboriginal Participation Fund	means the “Aboriginal Participation Fund” (or its successors managed by the Department of Education). This fund is designed to requirement skills and capacity gaps for Aboriginal people and businesses and to build the capacity and capability of Aboriginal businesses in NSW.
Aboriginal Procurement Participation Requirement(s)	means the mandatory minimum requirement for Aboriginal participation in the Project as determined by: g. [at least [1.5%] of the APP Contract Value is subcontracted to Aboriginal Businesses; or] h. [at least [1.5%] of the full time equivalent Australian based workforce deployed on the Project are Aboriginal Employees, on average over the term of the Project; or] i. [at least [1.5%] of the APP Contract Value is applied to the cost of education, training or capability building for Aboriginal Employees or Aboriginal Businesses directly contributing to the Project; or] j. [any combination of the following, such that the combined percentages add up to at least [1.5%]: iv. a percentage of the APP Contract Value is subcontracted to Aboriginal Businesses; v. a percentage of the full time equivalent Australian based workforce deployed on the Project are Aboriginal Employees, on average over the term of the Project; and vi. a percentage of the APP Contract Value is applied to the cost of education, training or capability building for Aboriginal Employees or Aboriginal Businesses directly contributing to the Project.]
Aboriginal Procurement Policy	means the NSW government’s “Aboriginal Procurement Policy” and published at https://buy.nsw.gov.au/policy-library/policies/aboriginal-procurement-policy (as updated, amended or varied from time to time).

Aboriginal Workforce	means employees of the Contractor or its subcontractor, who are people of Aboriginal or Torres Strait Islander descent as verified by the Contractor in accordance with guidance provided under the Aboriginal Procurement Policy.
Actual Aboriginal Participation	means the percentage of actual Aboriginal participation in the Project, as determined by combining: a. [the percentage of the APP Contract Value that is subcontracted to Aboriginal Businesses;] b. [the percentage of the full time equivalent Australian based workforce deployed on the Project who are Aboriginal Employees, on average over the term of the Project; and] c. [the percentage of the APP Contract Value that is applied to the cost of education, training or capability building for Aboriginal Employees or Aboriginal Businesses directly contributing to the Project.]
ANZ SME (Australian/New Zealand Small and Medium Enterprise)	A business/enterprise employing less than 200 people registered to carry out business in Australia or New Zealand and in respect of which an Australian Business Number or New Zealand Business Number has been issued.
APP Contract Value	APP Contract Value means the total amount payable by the Customer under this agreement. minus specific details of any exclusions agreed between the Principal and Contractor in compliance with the Aboriginal Procurement Policy and guidelines
Apprentice	Any person in the Workforce who is employed by an organisation in a recognised trade vocation and who has entered into a training contract with their employer under the Apprenticeship and Traineeship Act 2001 NSW.
Asylum Seekers	A person seeking protection in Australia as a refugee but whose claim for refugee status has not yet been assessed or who holds a temporary protection visa (Class XD) (Subclass 785) or safe haven visa (Class XE) (Subclass 790).
Australian Disability Enterprise(s)	Australian Disability Enterprises (ADEs) are not-for-profit organisations that provide supported employment opportunities to people with disability who may not be able to work in open employment.
Bias	Bias can be a favourable attitude, where we form positive impressions based on someone's skin colour, surname or ancestry. Or it can be unfavourable, with negative impressions. <i>Source: https://itstopswithme.humanrights.gov.au/commit-to-learning/key-terms</i>
Business	Any entity that seeks to profit from an activity and is procured on the project.
Contractor	As defined in the Contract or Deed.
Cultural Awareness	means being aware of, and developing sensitivity to, cultural difference and cultural diversity. It involves knowledge, attitudes and values that demonstrate an openness and respect for other people and other cultures, languages, religions, dress, communication styles and more. <i>Source: https://www.psc.nsw.gov.au/culture-and-inclusion/aboriginal-workforce/cultural-capability-guide/understanding-cultural-capability</i>
Culturally and Linguistically Diverse (CALD) Background	Refers to people born overseas, in countries other than those classified by the Australian Bureau of Statistics (ABS) as “main English speaking countries”.

Culture Standard	The set of guidelines and best practices established by the Construction Industry Culture Taskforce (CICT), designed to enhance worker well-being, promote diversity and inclusion, and ensure work-life balance within the construction industry.
Design Consultant	As defined in the Contract or Deed.
First Aid Officer	Unless otherwise defined by Work Health and Safety, means a worker nominated by the Contractor (or subcontractor, as applicable) who holds a current nationally recognised qualification in first aid and is responsible for: • Providing initial care in the event of workplace injuries or illnesses; • Maintaining first aid facilities and supplies in accordance with the Code of Practice: First Aid in the Workplace (SafeWork NSW); and • Ensuring timely response to health incidents on the Site.
Flexible work[^]	An agreement between a workplace and an employee to change the standard working arrangement to better accommodate an employee's commitments outside of work. [^] https://www.wgea.gov.au/flexible-work
Graduate Placement(s)	Graduate placement is a structured, paid program with training and mentoring for graduates holding a recognised higher education qualification within two years of their graduating date.
Group Training Organisation (GTO)	An organisation that employs apprentices and trainees and places them with a host employer for on-the-job training as part of their apprenticeship or traineeship.
Industry Capability Network (ICN)	An independent organisation that operates as a network of experienced procurement and supply chain professionals, supporting the identification and connection of capable Australian and New Zealand suppliers to major public and private projects. ICN facilitates local industry participation by introducing businesses of all sizes to supply opportunities across a range of sectors and regions. <i>For more information, refer to: https://icn.org.au</i>
Leadership and Management	Leadership and Management roles are roles that are responsible for leading a project function or team of people, or a combination of both. This includes person(s) in the first line of management, i.e. Leading Hands and Supervisors.
Learning Worker(s)	A worker with or without qualifications needs to gain qualifications or skills to meet the needs of the infrastructure project. Once defined as a Learning Worker, the worker maintains this status for the duration of the project. This includes any accredited training/unit of competency that isn't a minimum requirement for that employee's role (e.g. White Card). Learning Worker also includes a person undertaking Microcredentials (see Definition below and within the NSW Training Management Guidelines, link in note). Non-accredited Microcredentials must not account for more than 5% of the Learning Worker target. At least 15% of the Learning Workers must undertake accredited training, as this contributes more directly to skills shortages.
Local	The definition of 'Local' will be determined by Transport for NSW prior to each project's procurement phase and will be based on the specific context of each project and or program.

Long Term Unemployed	A person who has experienced a duration of unemployment of 12 months or more. The duration is calculated from the time a person either last worked in any job for two weeks or more or began actively looking for work.
Manufacturing	The manufacturing industry includes businesses that transform materials into new products. This includes businesses that create or process food and beverages, textiles, leather, clothing and footwear, wood, pulp and paper products, printed goods, chemical products, metal and plastics manufacturing, machinery and equipment and furniture and household goods.
Mature Aged	A worker aged 45 years and above.
Mental Health	A state of wellbeing in which every individual realises his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community.
Mental Health First Aiders*	Individuals trained to provide initial support to colleagues experiencing mental health issues or crises.
Microcredentials	Microcredentials are defined as a certification of assessed learning or competency, with a minimum volume of learning of three hours and less than an AQF award qualification, that is, additional, alternate, complementary to or a component part of an AQF award qualification. Microcredentials can be accredited and non-accredited learning. Accredited microcredentials are already included in the learning worker definition as they are covered under part qualifications.
NSW Procurement Board	As defined under Section 165 of the Public Works and Procurement Act 1912.
People with disability	People who have impairments and/or medical conditions as specified by the Disability Discrimination Act 1992 (Cwlth) (DDA).
Pre-Employment Program (PEP) Delivery Guide	A guidance document developed by Transport for NSW to assist construction contractors (delivery partners) in the effective planning and implementation of Pre-Employment Programs. The guide provides general information, best practice approaches, and considerations to support successful program delivery, recognising that each project and contractor may require tailored application of the content based on their specific circumstances.
Pre-Employment Program	Training to prepare a person for employment, often related to specific job opportunities. Pre Employment Programs can include both accredited and non-accredited training. Also known as pre-vocational, pre-apprenticeship or pre-traineeship and delivered as an opportunity to fast-track into vacant positions, an apprenticeship or traineeship.

Psychosocial Hazard	Are hazards that arise from or in relation to • the design or management of work • the working environment • plant* at a workplace, or • workplace interactions or behaviours; and • may cause psychological and physical harm. <i>*WHS laws use the term plant to describe machinery, equipment, appliances, containers, implements and tools, any part of those things or anything fitted or connected to those things.</i> <i>Further information can be sourced: https://www.safeworkaustralia.gov.au/sites/default/files/2022-08/model_code_of_practice_-_managing_psychosocial_hazards_at_work_25082022_0.pdf</i>
Refugee(s)	A person granted a humanitarian visa (subclasses 866, 200, 201, 202, 203 or 204) or granted a permanent visa of any subclass under the Migration Act 1958.
Regional	In NSW, this means all areas, excluding the metropolitan centers of Greater Sydney, Wollongong and Newcastle.
Registered Job Seeker	A person currently unemployed who is seeking a job and is registered with a job search provider.
Registered Training Organisation (RTO)	A training provider registered by Australian Skills Quality Assurance (ASQA) or a state regulator to deliver nationally recognised Vocational Education Training services.
Safety Officer	Unless otherwise defined by Work Health and Safety, means the person appointed by the Contractor (or subcontractor, as applicable) who is responsible for assisting in the implementation, monitoring, and continuous improvement of the Work Health and Safety (WHS) systems on the Site.
Social Enterprise	Organisations that meet the five (5) global standards set by social enterprise peak bodies over the world including 1. They exist to solve a social or environmental problem 2. Prioritise their purpose over profit in operational decisions 3. Have a self sustaining revenue model 4. Reinvest the majority of any surplus towards their purpose, and 5. Their legal structure and financing locks-in purpose long term.
Social Housing Tenant(s)	People with a current housing assistance arrangement with the relevant government housing agency who live in social housing, public housing, community housing or Aboriginal housing.
Social Procurement	Social procurement is when buyers use their purchasing power to generate social benefits in addition to the goods and services they require.
Subcontractor	An entity engaged by the contractor to carry out works other than a consultant or a supplier.
Supply Chain	A network between a company and its suppliers to produce and distribute a specific product or service to the final buyer.
Trades Workforce	Any employee who has completed a contract of training as an Apprentice holds a certificate of proficiency in that trade and is working in that role/occupation on the Project.

Trainee	Any person who is employed by an organisation in a recognised traineeship vocation and who has entered a training contract with their employer under the Apprenticeship and Traineeship Act 2001 (including School Based Traineeships).
Training	Training must meet the definition under the NSW Training Management Guidelines, and be at a minimum a Microcredential - either accredited or non-accredited. All non-accredited training and Microcredentials must be at least three (3) hours, include assessment, and have defined learning outcomes. Note: non-accredited Microcredentials can contribute no more than 5% of the Learning Worker target. Transport for NSW must review and approve all non-accredited Microcredential training to determine if it meets the definition of Training.
Under-Graduate Placement(s)	A person undertaking study to obtain a higher education degree who is engaged in a structured, paid program.
Underrepresented Groups	Groups in Australian society who are more vulnerable to poverty, exclusion, and disadvantage than others. This includes but is not limited to: • People with Disability • Refugees and Asylum Seekers • Social Housing Tenants • Long Term Unemployed • Veterans.
Unmet Percentage and Spend	means the difference between the [1.5%] Aboriginal Participation Requirement and the Actual Aboriginal Participation in the Project.
Veteran	In the NSW Veterans Strategy, veterans include all ex-serving personnel who served at least one day in the Australian Defence Force, including reservists, people who experienced operational deployments and peacekeeping missions, and people who served in peacetime.
Women in Non-Traditional Roles	This refers to women employed in both non-trade and trade occupations/roles where women represent less than 25% of the occupational Workforce and meet the criteria of the Workforce definition. Women in senior leadership and management roles must manage a workforce and report directly to an Organisational Lead or Project Lead.
Women in Trade(s)	Women employed as qualified tradespersons and those undertaking an apprenticeship in a construction-related trade (including but not limited to all trades in general construction, civil construction, metals and engineering, or electrical).
Work Placement	This refers to a structured placement developed in partnership with education and training providers that offers young people currently in school or undertaking formal education the opportunity for work experience, where each placement is a minimum of 1 week.

Workforce	Workers who contribute to the Project are employed by the contractor or subcontractors, including through the supply chain, in any occupation, and who work onsite for the Project. Workers who are excluded from the Workforce include: • Subcontractor employees who do not perform work onsite. • Onsite works that are ad-hoc in nature and do not exceed 2 days onsite work per month, including: – Management personnel who are accessing the site to oversee work, – the supply and delivery of goods and services.
Young Person	A person under 25 years from the first day employed on the project. For reporting purposes, 'under 25' status is retained for the period the person is engaged on the project.

Industry feedback
and Transport for
NSW actions

Appendix

B

Appendix B: Industry feedback and Transport for NSW actions

Requirements

Sec	Detailed feedback	Transport for NSW's action	Timeframe
1.1	Consider aligning requirements with project scope and workforce availability, not just contract value. Also consider factors such as the size of the qualified talent pool (e.g. accredited rail workers), regional workforce capacity, local disability demographics, and travel requirements for remote locations.	Transport for NSW has reviewed the Requirements across contract values and has identified several requirements that may only apply to a project depending on the specific scope and local context. These requirements have been revised in the Requirements and will be considered on a project-by-project basis during the pre-construction transaction phase.	Requirements revised for August 2025 release.
1.2	Clarify the definition of requirement (noting that requirements are mandatory) versus a target. Embed key requirements into formal policy or legislation to ensure consistency in procurement. This will make the criteria mandatory rather than part of the scored tender assessment.	Transport for NSW has changed all references of targets to requirements to ensure clarity. The Requirements align with existing NSW regulations, such as the Infrastructure Skills Legacy Program and the Aboriginal Procurement Policy. Other requirements, like the Psychological Hazard Training, reflect Transport for NSW's strategic priorities and commitment to improving skills, diversity, culture and Aboriginal outcomes for the people of NSW. The Requirements will be embedded in contract obligations and monitored throughout each project's delivery.	Requirements revised for August 2025 release. N/A
1.3	Clarify any associated commercial penalties of not meeting the Requirements. Utilise incentive payments or regimes for meeting or exceeding the Requirements. Encourage head contractors to explore ways to flow down incentive payments with subcontractors	The Requirements will be embedded in contract obligations and monitored throughout the project's delivery. Transport for NSW has seen encouraging results from using performance incentives to drive performance beyond minimum contractual requirements. Transport for NSW will consider the use of performance incentive regimes on a project-by-project basis, taking into account the contract type and project context.	N/A

Appendix B: Requirements, continued...

1.4	Clarify how an organisation's skills, diversity or cultural performance on previous projects will be considered during the tender evaluation process. Ensure that responses addressing skills, diversity or cultural outcomes are meaningfully assessed as part of the tender evaluation. Provide tenderers with an opportunity to discuss Aboriginal participation, as well as skills, diversity and culture objectives, as well as anticipated challenges and opportunities during the tender phase.	Transport for NSW remains aligned with broader NSW Government policies and commitments by embedding social and local outcomes into tender evaluation processes. We are committed to responding to emerging policies and will ensure they are appropriately reflected in our approach. Where suitable, we will include subject matter experts in the tender evaluation processes to ensure social and Aboriginal outcomes are appropriately considered when selecting head contractors.	N/A
1.5	Communicate that Transport for NSW is strongly committed to delivering the Requirements by consistently managing head contractor compliance and recognising strong performance across projects.	Transport for NSW has a dedicated team that works with projects to manage the delivery of the Requirements, provide guidance throughout implementation, and support compliance. The team also develops case studies to showcase best practice and highlight successful outcomes. To support meaningful inclusion, we will provide head contractors access to guidance, tools and templates, available via our Skills, Diversity and Culture Knowledge Hub	N/A
1.6	Revise clause 12.5.2 to reflect the limited Australian Disability Enterprises (ADEs), particularly in remote areas where projects are being delivered. A stand-alone requirement, with a fixed percentage of contract value allocated specifically to ADEs, would be difficult to comply with in these contexts. A more practical and effective approach would be to allow spending with ADEs to be reported under the broader category of social enterprise engagement. This approach would give head contractors the flexibility to work with a wider range of social enterprises to meet social procurement requirements, while still encouraging engagement with ADEs where possible.	Transport for NSW will ask tenderers to nominate a specific percentage in the Returnable Schedule for the following requirement: at least X% of the contract value to Australian Disability Enterprises. This approach enables tenderers to nominate a percentage that reflects their specific procurement model and delivery methodology, while also considering the project's scope and location.	N/A

Appendix B: Requirements, continued...

1.7	Revise disability-related requirements to include clear requirements and practical support. Relying on head contractor discretion can lead to inconsistent outcomes, particularly as many lack experience with inclusive practices. Construction environments often exclude people with disability without universal design. Instead, set defined requirements, embed reasonable adjustments, and provide tools and guidance to support reporting. Involve people with lived experience to ensure inclusion is meaningful and not tokenistic.	Transport for NSW will ask tenderers to nominate a specific percentage in the Returnable Schedule for engagement with Australian Disability Enterprises (ADEs), allowing flexibility based on project scope, location, and procurement and delivery methodology. To support meaningful inclusion, we will provide head contractors access to guidance, tools and templates, available via our Skills, Diversity and Culture Knowledge Hub. These resources are designed to support head contractors in applying inclusive practices and meeting their requirements.	N/A
1.8	Review the introduction of percentage-based requirements for Aboriginal apprentices due to several risks. These include the potential for head contractors to inflate apprentice numbers to meet requirements and the likelihood that apprentices may not be retained beyond the project unless continuity of employment is planned.	Transport for NSW recognises the challenges in attracting and retaining apprentices, particularly for Aboriginal apprentices. Tenders are expected to outline clear strategies and initiatives to meet Apprenticeship requirements, as detailed in their Management Plan. Through implementation strategies, Transport for NSW will continue to work with other government agencies and industry partners to promote apprenticeship pathways and support completions. Transport for NSW remains committed to delivering strong Aboriginal outcomes and will ensure emerging policies are appropriately reflected in our approach.	N/A

Subcontractor and supply chain

Sec	Detailed feedback	Transport for NSW's action	Timeframe
2.1	Ensure subcontractor and suppliers comply with the Requirements through monitoring, compliance checks and audits.	Transport for NSW will continue partnering with head contractors to flow down the Requirements and connect subcontractors with the support they need, including access to guidance, tools and templates, through the Skills, Diversity and Culture Knowledge Hub.	Ongoing and aligned to the Skills, Diversity and Culture Knowledge Hub updates.
2.2	Clarify the obligations of head contractors versus those of the supply chain, especially on projects valued at \$100M+. For example, it is unclear whether the Requirements for projects \$100M+ also apply to lower-value subcontracts within those projects.	The Requirements apply to both head contractors and subcontractors whose workers meet the Workforce definition, regardless of subcontract value. Head contractors must outline in their Management Plans how they will embed, communicate, and enforce these obligations across the entire supply chain. Transport for NSW will continue partnering with head contractors to support consistent application of the Requirements by providing subcontractors with tools, guidance and templates via the Skills, Diversity and Culture Knowledge Hub.	Ongoing and aligned to the Skills, Diversity and Culture Knowledge Hub updates.
2.3	Transport for NSW to consider challenges for head contractors in engaging 'new' subcontractors and small businesses, including Aboriginal businesses, into the supply chain due to capacity, Training or visibility in tender processes.	Transport for NSW will continue to develop resources including guides, templates, and case studies to support head contractors and the broader supply chain in meeting compliance and reporting requirements. Transport for NSW will explore industry networking events to connect head contractors with local and diverse businesses, building on the success of early engagement between potential head contractors and subcontractors on previous projects.	Ongoing and aligned to the Skills, Diversity and Culture Knowledge Hub updates.
2.4	Many Tier 1 head contractors already provide training on psychosocial hazards and related topics, so these specific requirements may not represent a significant shift for them. However, these Requirements are expected to support a positive cultural change among Tier 2 and 3 head contractors and subcontractors.	Transport for NSW acknowledges that cultural challenges exist across the construction industry, with smaller businesses often lacking the capacity to drive the necessary change. Transport for NSW will continue partnering with head contractors to support consistent application of the Requirements by providing subcontractors with tools, guidance and templates via the Skills, Diversity and Culture Knowledge Hub.	Ongoing

Well-Being and Flexible Working

Sec	Detailed feedback	Transport for NSW's action	Timeframe
3.1	Ensure <i>Flexible Working</i> requirements, particularly those relating to work periods, i.e. a 5 in 7 day program, are appropriately tailored to the project scope - for example where possession-based work is required. Industry feedback varied with some organisations seeking flexibility to implement <i>Well-Being</i> and <i>Flexible Working</i> solutions that align with their specific business or project needs. Overall support for tenderers and head contractors to have ability to develop approaches to support well-being and flexibility that meets their business needs and context.	Transport for NSW has not mandated capped weekly working hours in the Requirements, and the obligation to report weekly hours worked for all Workforce has been removed. The Management Plan component of the Requirements enables tenderers to outline <i>Well-Being</i> and <i>Flexible Working</i> strategies that align with their business and workforce needs, for example staggered start times and flexible rostering.	Requirements revised for August 2025 release
3.2	Consider conducting a separate review of the Rail sector, especially brownfield projects that rely on weekend or school holiday shutdowns. These projects operate under unique conditions — such as 12-hour shifts within compressed timeframes — that make uniform shift caps and work-hour limits difficult to apply.	Transport for NSW has not mandated capped weekly working hours in the Requirements, and the obligation to report weekly hours worked for all Workforce has been removed. The Management Plan component of the Requirements enables tenderers to outline <i>Well-Being</i> and <i>Flexible Working</i> strategies that align with their business and workforce needs, for example staggered start times and flexible rostering.	Requirements revised for August 2025 release
3.3	Review Clause 12.4, as the tracking of Unscheduled Absences may unintentionally discourage the appropriate use of sick leave or carers leave, potentially undermining the Culture Standard's intent to support <i>Time for Life</i> and <i>Well-being</i>.	Transport for NSW has removed Clause 12.4 for the time being. We will undertake further consultation with industry to explore initiatives aimed at reducing mental ill-health, which directly impacts employee productivity through both increased absenteeism and presenteeism.	Requirements revised for August 2025 release

Experienced resourcing

Sec	Detailed feedback	Transport's action	Timeframe
4.1	Maintain the Requirement for head contractors to embed dedicated specialist resourcing in projects, as this was seen as essential to meeting the Requirements and delivering tangible outcomes. Industry emphasised that Transport must ensure head contractors maintain specialist resourcing throughout the contractual term, rather than reducing the role or assigning it to personnel without the necessary experience. Where a resource has appropriate experience for the role, this should be considered alongside formal qualifications, with flexibility to accept experience alone where it is sufficient.	Transport has refined the Requirements across all project thresholds to clarify the experience expected of resource(s) responsible for delivering the skills, diversity, Aboriginal and culture outcomes, and to allow flexibility on formal qualifications where relevant professional experience is demonstrated. In addition, Transport has revised the Requirements to allow flexibility on formalised qualifications where equivalent relevant professional experience is demonstrated.	Requirements revised for August 2025 release

Reporting

Sec	Detailed feedback	Transport's action	Timeframe
5.1	Clarify the reporting timeframes, particularly the concern around the proposed five-day, post month end, deadline. Transport currently allows a small number of projects to submit their reports within 10 days.	Transport has updated the Requirements to streamline reporting and reduce administrative burden. Projects are now required to report quarterly instead of monthly. To support accurate data collection, a one-month lag has also been introduced, giving projects additional time to work with subcontractors and their Workforce to finalise data prior to submission.	Requirements revised for August 2025 release
5.2	Clarify the data capture requirements and outline the tools and templates available to support consistent and accurate reporting across all projects.	The Requirements specify that head contractors must use the Aboriginal Participation, Skills and Diversity Reporting Template – or any updated version as issued by Transport.	Ongoing and aligned to the Industry Skills and Diversity
5.3	Clarify opportunities to engage with small and medium enterprises (SMEs) and ensure transparent reporting on outcomes.	Transport will continue to develop resources including guides, templates, and case studies to support head contractors and the broader supply chain in meeting compliance and reporting requirements.	Ongoing and aligned to the Skills, Diversity and Culture Knowledge Hub updates.
5.4	Clarify the Pre-Employment Program (PEP) reporting requirement in Clause 12.1.1., which states that head contractors must provide relevant information within six months of the Contract award date.	Transport has updated the Requirements to clarify reporting obligations for Pre-Employment Programs following contract award.	Requirements revised for August 2025 release

Training and mentoring

Sec	Detailed feedback	Transport's action	Timeframe
6.1	Consider updating the Requirements to recognise Well-being and Workforce Culture Training that remains current.	Transport has updated the Requirements to recognise Well-being and Culture Training completed within the 24 months prior to the reporting period and/or Training that was completed prior to that period but has a certification that is still valid. Transport will require Training to be refreshed once it has expired or is no longer current.	Requirements revised for August 2025 release
6.2	Consider expanding Cultural Awareness Training requirements to include all Workforce — not just those in Leadership and Management roles — to promote inclusive behaviours and cultural safety across projects.	Transport has updated the Requirements to emphasise the importance of Cultural Awareness Training for all project Workforce.	Requirements revised for August 2025 release
6.3	Consider providing general training, such as Bias Awareness Training, to both head contractors and sub-contractors to minimise duplication and reduce costs to industry.	Transport will explore this as part of implementing the Western Sydney Skills and Diversity Strategy.	November 2025
6.4	Propose business mentoring to support implementation of the Requirements, particularly for smaller head contractors and new entrants.	Transport will explore the development of a case study for the Skills, Diversity and Culture Knowledge Hub to showcase effective mentoring practices. We will also continue to host advisory groups and roundtables as forums for knowledge sharing and peer support.	Ongoing, with case study development aligned to the Skills, Diversity and Culture Knowledge Hub.

Implementation process

Sec	Detailed feedback	Transport's action	Timeframe
7.1	Develop communication materials for head contractors to share with their supply chains.	Transport has launched its Skills, Diversity and Culture Knowledge Hub on the Transport Infrastructure Industry Portal which provides case studies, guides and other tools for sharing through the supply chain.	Ongoing and aligned to the Skills, Diversity and Culture Knowledge Hub updates.
7.2	Clarify timing and approach for rolling out the Requirements. Outline whether the Requirements will apply only to new contracts from 'the end of the year' or if they will also extend to existing Transport contracts.	Transport will implement the Requirements at the end of the 2025 calendar year, with full integration from 2026. Projects entering procurement in late 2025 or early 2026 will adopt the Requirements on a case-by-case basis. The Requirements will not be applied retrospectively to existing projects.	Implementation of the Requirements will occur at the end of the 2025 calendar year, with full integration from 2026.
7.3	Develop a phased implementation approach, starting with Tier 1 head contractors, and support it with training and a clear feedback process, to allow industry time to embed the Requirements. Requirements should be accompanied by practical guidance, education, and accountability to ensure they result in genuine, measurable outcomes.	Transport will continue developing guides, templates, and case studies to support contractors and the supply chain with compliance, making these and additional resources available on the regularly updated Skills, Diversity and Culture Knowledge Hub. The Construction Industry Culture Taskforce have developed several free resources. Feedback mechanisms will include our quarterly Skills, Diversity and Culture Roundtables, place-based advisory groups, and industry partners. Transport will adjust the Requirements where necessary to improve clarity, feasibility, and impact. This may include refinements to the <i>Culture Standard</i> implementation approach.	Implementation of the Requirements will occur at the end of the 2025 calendar year, with full integration from 2026.
7.4	Consider regularly reviewing implementation progress and updating the Requirements as part of a continuous improvement approach.	Transport will continue to monitor implementation outcomes, gather feedback from our quarterly Skills, Diversity and Culture Roundtables, place-based advisory groups, and industry partners. Transport will adjust the Requirements where necessary to improve clarity, feasibility, and impact. This may include refinements to the Culture Standard implementation approach.	Ongoing

Appendix B: Implementation process, continued...

7.5	Assist small and medium-sized businesses and lower-tier contractors with implementing required process and procedure updates, including reporting systems.	Transport will continue to develop resources including guides, templates, and case studies to support head contractors and the broader supply chain in meeting compliance and reporting requirements. These resources will be located on the Skills, Diversity and Culture Knowledge Hub, located on the Transport Infrastructure Industry Portal.	Implementation of the Requirements will occur at the end of the 2025 calendar year, with full integration from 2026.
7.6	Invest in portfolio wide attraction and capability-building programs that address skills gaps and create generational impact, rather than relying on a 'project by project' approach. Prioritise place-based initiatives that support small and medium sized businesses and subcontractors to build capability, tender for work packages, and meet skills, diversity, Aboriginal and culture objectives.	Transport is leveraging cross government and industry advisory groups and partnering with Sydney Metro and other agencies on business and employment programs to support industry wide outcomes. In 2026, Transport will launch a Mid-Career Employment Program to support head contractors on our Western Sydney projects to meet Pre-Employment Program obligations and attract and retain women in the Workforce. This initiative takes a program and place-based approach rather than a project-by-project model.	Ongoing

Culture Standard

Sec	Detailed feedback	Transport's action	Timeframe
8.1	Consider implementing the entire Culture Standard framework in the Requirements for all projects \$10M+, to establish consistent cultural expectations across the sector.	Transport has adopted the Culture Standard principles by aligning the Requirements to Transport's existing project processes and context. Transport has not imposed a blanket requirement to comply with the CICT Culture Standard to avoid: • duplication of existing Transport requirements • significant challenges in tracking compliance • an uneven playing field, as Transport would be comparing inconsistent approaches from tenderers and head contractors • inclusion of Culture Standard elements not relevant to construction contracts, such as the recruitment bias requirement	Requirements revised for August 2025 release

Other

Sec	Detailed feedback	Transport's action	Timeframe
9.1	Explore aligning the Requirements across other NSW Government agencies to address the variation head contractors face incorporating the Infrastructure Skills Legacy Program (ISLP), Aboriginal Procurement Policy (APP), NSW Renewable Energy Sector Board requirements across various infrastructure projects.	As NSW Government's largest infrastructure procurer, Transport is in a unique position to leverage procurement activity to drive industry outcomes. The Requirements are aligned to NSW Government requirements including ISLP and APP. Other requirements, such as Management Plans, are also included. These enabling requirements have been crucial in achieving outcomes and meeting requirements on various Transport projects. Transport will share the Requirements with other infrastructure agencies to encourage consistency across the sector.	Ongoing
9.2	Revise Clause 12.2.2A relating to engagement with the Regional Industry Education Partnerships (RIEP) Program.	Transport has updated Clause 12.2.2A by removing 'or' and replacing it with 'and engage with tertiary and training...' to strengthen engagement requirements.	Requirements revised for August 2025 release

