

NEW SOUTH WALES
DRAFT GOVERNMENT BILL

Local Jobs First Bill 2025

Contents

	Page
Part 1 Preliminary	
1 Name of Act	2
2 Commencement	2
3 Definitions	2
4 Application of Act	3
5 Act to bind Crown	3
Part 2 Local Jobs First Commissioner	
Division 1 Appointment of Local Jobs First Commissioner	
6 Appointment of Commissioner	4
7 Vacancy in office of Commissioner	4
8 Acting Commissioner	4
Division 2 Functions of Local Jobs First Commissioner	
9 Functions of Commissioner	5
Division 3 Miscellaneous	
10 Staff	5
11 Delegation	5
12 Annual report	5

public consultation draft

Local Jobs First Bill 2025 [NSW]
Contents

	Page
Part 3 Local Jobs First Advisory Board	
13 Local Jobs First Advisory Board	7
14 Functions of Advisory Board	7
Part 4 Local procurement policy and plans	
15 Procurement Minister must issue local procurement policy	9
16 Suppliers to have local procurement plans	9
Part 5 Compliance with local procurement policy and plans	
Division 1 Reporting and disclosure of information	
17 Commissioner may require information from government agencies	11
Division 2 Non-compliance by suppliers	
18 Definitions	11
19 Notice to government agencies to commence performance management process	11
20 Commissioner may decide supplier is non-compliant	12
Division 3 Miscellaneous	
21 Commissioner may notify Procurement Board about non-compliant government agencies	12
Part 6 Miscellaneous	
22 Exclusion of personal liability	13
23 Exclusion of Crown liability	13
24 Disclosure of information	13
25 Regulations	13
Schedule 1 Local Jobs First Advisory Board	15
Schedule 2 Savings, transitional and other provisions	16
Schedule 3 Amendment of Public Works and Procurement Act 1912 No 45	17

NEW SOUTH WALES
DRAFT GOVERNMENT BILL

Local Jobs First Bill 2025

No , 2025

A Bill for

An Act to establish the office of the Local Jobs First Commissioner and to provide for the functions of that office; to make further provision for NSW Government procurement; and for other purposes.

The Legislature of New South Wales enacts—

Part 1 Preliminary

1 Name of Act

This Act is the *Local Jobs First Act 2025*.

2 Commencement

This Act commences as follows—

- (a) for Schedule 3[3] and [8]–[10]—on a day or days to be appointed by proclamation,
- (b) otherwise—on the date of assent to this Act.

3 Definitions

In this Act—

Advisory Board—see section 13(1).

Commissioner—see section 6(1).

financial year means a period of 12 months commencing on 1 July.

function includes a power, authority and duty.

government agency has the same meaning as in the *Public Works and Procurement Act 1912*, Part 11.

government agency head means—

- (a) for a government agency that is a Public Service agency—the person who is the head of the Public Service agency, within the meaning of the *Government Sector Employment Act 2013*, or
- (b) for another government agency—the person who is the chief executive officer, however described, of the agency or otherwise responsible for the agency's day to day management, but not its governing body, if any.

learning worker means a local worker who is one of the following—

- (a) an apprentice,
- (b) a cadet,
- (c) a trainee,
- (d) a worker who has graduated from a university within 2 years of being employed,
- (e) another class of local worker specified by the Minister, by order in the Gazette, to be a learning worker.

local procurement plan means a procurement plan prepared by a supplier under section 16.

local procurement policy—see section 15(1).

local small or medium business means a business that—

- (a) has less than 200 full-time equivalent employees, and
- (b) operates primarily in Australia or New Zealand.

local supplier means a supplier primarily operating in Australia or New Zealand.

local worker means a worker, including a self-employed person, whose regular place of residence is in Australia or New Zealand.

locally produced and supplied goods and services means goods and services—

- (a) produced in Australia or New Zealand, or

(b) supplied from a business operating primarily in Australia or New Zealand.

member, for Schedule 1—see Schedule 1, section 1.

non-compliance, for Part 5, Division 2—see section 18.

non-compliant supplier—see section 20(1).

NSW Government procurement means procurement to which this Act applies.

performance management process, for Part 5, Division 2—see section 18.

procurement has the same meaning as in the *Public Works and Procurement Act 1912*, Part 11.

Procurement Board means the New South Wales Procurement Board established under the *Public Works and Procurement Act 1912*, section 164(1).

Procurement Minister means the Minister administering the *Public Works and Procurement Act 1912*, Part 11.

supplier has the same meaning as in the *Public Works and Procurement Act 1912*, Part 11.

Note— The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

4 Application of Act

- (1) This Act applies to the procurement of goods and services by or for a government agency to which the *Public Works and Procurement Act 1912*, Part 11 applies.
- (2) However, this Act does not apply to procurement carried out by or for a person or body—
 - (a) in the exercise of a function under the *Electricity Infrastructure Investment Act 2020*, or
 - (b) in accordance with a direction or authorisation under that Act.

5 Act to bind Crown

This Act binds the Crown in right of New South Wales and, to the extent the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.

Part 2 Local Jobs First Commissioner

Division 1 Appointment of Local Jobs First Commissioner

6 Appointment of Commissioner

- (1) The Governor may appoint a Local Jobs First Commissioner (the **Commissioner**).
- (2) The Commissioner holds office for the term, not more than 5 years, specified in the instrument of appointment, but is eligible for reappointment.
- (3) A person is not eligible to be appointed for more than 2 terms of office as Commissioner, whether or not consecutive terms.
- (4) The Commissioner is entitled to be paid—
 - (a) remuneration in accordance with the *Statutory and Other Offices Remuneration Act 1975*, and
 - (b) travelling and subsistence allowances the Minister may from time to time determine.
- (5) The Commissioner is subject to the control and direction of the Minister.

7 Vacancy in office of Commissioner

The office of Commissioner becomes vacant if the Commissioner—

- (a) dies, or
- (b) completes a term of office and is not reappointed, or
- (c) resigns from office by notice to the Minister, or
- (d) is removed from office by the Governor under the *Government Sector Employment Act 2013*, Part 6, or
- (e) becomes personally insolvent, or
- (f) becomes a mentally incapacitated person, or
- (g) is convicted—
 - (i) in New South Wales of an offence punishable by imprisonment for 12 months or more, or
 - (ii) elsewhere of an offence that, if committed in New South Wales, would be an offence punishable by imprisonment for 12 months or more, or
- (h) is imprisoned in relation to a conviction for an offence—
 - (i) in New South Wales, or
 - (ii) elsewhere than in New South Wales that, if committed in New South Wales, would be an offence punishable by imprisonment.

8 Acting Commissioner

- (1) The Minister may appoint a person to act as Commissioner during—
 - (a) the illness or absence of the Commissioner, or
 - (b) a vacancy in the office of Commissioner.
- (2) A person acting as Commissioner—
 - (a) has and may exercise the Commissioner's functions, and
 - (b) is taken to be the Commissioner.
- (3) The Minister may, at any time, remove a person from office as acting Commissioner.

- (4) An acting Commissioner is entitled to be paid the same remuneration and allowances as the Commissioner.

Division 2 Functions of Local Jobs First Commissioner

9 Functions of Commissioner

- (1) The Commissioner has the following functions—
- (a) to promote the use of locally produced and supplied goods and services in NSW Government procurement,
 - (b) to maximise the employment of suitably qualified local workers through NSW Government procurement in accordance with the local procurement policy,
 - (c) to promote, monitor and report on the implementation of the local procurement policy,
 - (d) to consult with the Procurement Board in relation to the effects of the local procurement policy,
 - (e) to engage with the Procurement Board and government agencies to monitor supplier compliance with local procurement plans,
 - (f) to consult with government agencies and other persons or bodies the Commissioner considers appropriate in relation to the Commissioner's functions under this Act,
Examples— the TAFE Commission, the Small Business Commissioner and the Anti-slavery Commissioner
 - (g) other functions conferred or imposed on the Commissioner by or under this Act or the regulations.
- (2) To assist in the exercise of the Commissioner's functions, the Commissioner may engage the services of persons for the purpose of getting expert assistance.

Division 3 Miscellaneous

10 Staff

Persons may be employed in the Public Service to enable the Commissioner to exercise the Commissioner's functions.

Note— The *Government Sector Employment Act 2013*, section 59 provides that the persons employed for the Commissioner, or whose services the Commissioner makes use of, may be referred to as officers or employees, or members of staff, of the Commissioner. The *Constitution Act 1902*, section 47A precludes the Commissioner from employing staff.

11 Delegation

The Commissioner may delegate the Commissioner's functions under this Act, other than this power of delegation, to the following—

- (a) a member of staff of the Commissioner,
- (b) a person prescribed by the regulations.

12 Annual report

- (1) The Commissioner must, before 1 November in each year, give the Minister a report for the previous financial year that includes information about—
- (a) the activities undertaken by the Commissioner in the exercise of the Commissioner's functions during the previous financial year, and
 - (b) progress towards the objectives of the local procurement policy, and
 - (c) other matters prescribed by the regulations.

- (2) Without limiting the regulations under subsection (1)(c), the Commissioner may include information in the report in relation to suppliers the Commissioner has determined are non-compliant suppliers.
- (3) The Minister must, as soon as practicable after receiving an annual report under subsection (1), cause a copy of the report to be tabled in both Houses of Parliament.
- (4) The annual report prepared under subsection (1) may be included in the annual reporting information prepared for the Public Service agency in which the staff of the Commissioner are employed.

Part 3 Local Jobs First Advisory Board

13 Local Jobs First Advisory Board

- (1) The Minister may establish a Local Jobs First Advisory Board (the *Advisory Board*).
- (2) The Advisory Board must consist of the Commissioner and not more than 8 members appointed by the Minister, comprising—
 - (a) not more than 3 members who, in the Minister’s opinion, represent employee organisations, and
 - (b) not more than 3 members who, in the Minister’s opinion, represent employer organisations, and
 - (c) not more than 2 members who, in the Minister’s opinion, have skills, qualifications and experience relevant to the Advisory Board’s functions.
- (3) In appointing members to the Advisory Board, the Minister must—
 - (a) ensure that the Advisory Board has the same number of members appointed under subsection (2)(a) and (b), and
 - (b) consider the need for the members of the Advisory Board to together have skills, qualifications and experience relevant to the Advisory Board’s functions.
- (4) The Commissioner is the chairperson of the Advisory Board.
- (5) The procedure of the Advisory Board must be determined by the Commissioner, including—
 - (a) the calling of meetings, and
 - (b) the conduct of business at the meetings, and
 - (c) the disclosure of pecuniary interests.
- (6) Schedule 1 contains provisions relating to the members of the Advisory Board.
- (7) In this section—

employee organisations means the following—

 - (a) an industrial organisation of employees within the meaning of the *Industrial Relations Act 1996*,
 - (b) an association of employees registered as an organisation under the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth,
 - (c) a State peak council within the meaning of the *Industrial Relations Act 1996*, section 215.

employer organisations means the following—

 - (a) an industrial organisation of employers within the meaning of the *Industrial Relations Act 1996*,
 - (b) an association of employers registered as an organisation under the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth,
 - (c) a State peak council within the meaning of the *Industrial Relations Act 1996*, section 216,
 - (d) another organisation representing an industry.

14 Functions of Advisory Board

The functions of the Advisory Board are to—

- (a) advise the Minister on the following—

- (i) policies and initiatives to increase the participation of local suppliers in NSW Government procurement,
 - (ii) priorities and concerns of local suppliers relating to NSW Government procurement,
 - (iii) ways to increase the competitiveness of local suppliers in NSW Government procurement,
 - (iv) employment opportunities for learning workers,
 - (v) other matters directed by the Minister, and
- (b) advise the Procurement Board on the Procurement Board's directions or policies relating to the matters set out under paragraph (a)(i)–(v), whether proposed or otherwise.

Part 4 Local procurement policy and plans

15 Procurement Minister must issue local procurement policy

- (1) The Procurement Minister must issue a policy (the *local procurement policy*) in accordance with the regulations that sets out the New South Wales government's expectations and requirements for NSW Government procurement in relation to—
 - (a) the procurement of locally produced and supplied goods and services, and
 - (b) the employment of local workers, including learning workers, on projects involving NSW Government procurement.
- (2) The objectives of the local procurement policy are as follows—
 - (a) to promote the use of locally produced and supplied goods and services in NSW Government procurement,
 - (b) to promote the development of local workers to support economic development in New South Wales,
 - (c) to maximise the economic, social and sustainability benefits of NSW Government procurement for the people of New South Wales,
 - (d) to facilitate growth in domestic manufacturing industries in New South Wales,
 - (e) to foster job opportunities in New South Wales, including for learning workers,
 - (f) to improve access to NSW Government procurement for local small or medium businesses.
- (3) The local procurement policy must include the following—
 - (a) requirements for the use of locally produced and supplied goods and services in NSW Government procurement,
 - (b) requirements for the training and employment of local workers on projects involving NSW Government procurement,
 - (c) compliance and reporting requirements for New South Wales government agencies and suppliers under this Act or the local procurement policy,
 - (d) requirements for local procurement plans provided by suppliers,
 - (e) other requirements the Procurement Minister considers necessary to promote the objectives of the local procurement policy.
- (4) The Procurement Minister may amend the local procurement policy at any time.
- (5) The local procurement policy may—
 - (a) apply generally or be limited in its application by reference to specified exceptions or factors, or
 - (b) apply differently according to different factors of a specified kind.
- (6) The regulations may specify the circumstances in which a government agency must comply with the local procurement policy.
- (7) The local procurement policy must include requirements prescribed by the regulations about tender weightings for procurements with an estimated value of at least \$25 million.

16 Suppliers to have local procurement plans

- (1) A government agency must, when entering into a contract with a supplier for the procurement of goods or services, require the supplier—

- (a) to prepare a plan (a ***local procurement plan***) that sets out how the supplier will meet the relevant requirements of the local procurement policy for the supplier if—
 - (i) the estimated value of the procurement is at least the amount prescribed by the regulations, or
 - (ii) the goods or services provided under the contract are of a kind prescribed by the regulations, and
 - (b) to give a copy of the local procurement plan to the government agency.
- (2) The local procurement plan must be prepared in accordance with the local procurement policy.
- (3) For subsection (1)(a)(i), the estimated value of the procurement must be calculated in accordance with the regulations.

Part 5 Compliance with local procurement policy and plans

Division 1 Reporting and disclosure of information

17 Commissioner may require information from government agencies

- (1) The Commissioner may require a government agency to give the Commissioner information the Commissioner considers necessary for the exercise of the Commissioner's functions under this Act.
- (2) The government agency must comply with a request made by the Commissioner under subsection (1) unless—
 - (a) disclosure of the information to the Commissioner is likely to prejudice national security, law enforcement, court proceedings, public health or safety, or the health or safety of government officers, or
 - (b) the information is subject to legal professional privilege, or
 - (c) the information is Cabinet information or Executive Council information within the meaning of the *Government Information (Public Access) Act 2009*.

Division 2 Non-compliance by suppliers

18 Definitions

In this division—

non-compliance, of a local procurement plan, means not acting, or likely not acting, in accordance with the local procurement plan.

performance management process—see section 19(2).

19 Notice to government agencies to commence performance management process

- (1) This section applies if the Commissioner reasonably believes a supplier who has prepared and given a local procurement plan to a government agency is non-compliant with the local procurement plan.
- (2) The Commissioner may, by written notice, require the government agency to carry out a process to manage the supplier's non-compliance (a **performance management process**).
- (3) The regulations may make provision in relation to the performance management process, including—
 - (a) the grounds on which a notice may be given under subsection (2), and
 - (b) the steps government agencies and suppliers must take to address the supplier's non-compliance, and
 - (c) the variation or revocation of a notice, and
 - (d) consultation requirements before issuing a notice, and
 - (e) the details that must be included in a notice, and
 - (f) reporting obligations for government agencies about the performance management process, and
 - (g) the circumstances in which the performance management process may be extended or terminated.
- (4) The issue of a notice does not affect the validity of a contract.

20 Commissioner may decide supplier is non-compliant

- (1) The Commissioner may, by notice to the supplier, decide that a supplier is non-compliant (a ***non-compliant supplier***) in the circumstances prescribed by the regulations.
- (2) The regulations may make further provision in relation to—
 - (a) the steps the Commissioner must take, and the matters the Commissioner must consider, before making a decision, including any consultation requirements, and
 - (b) the way in which a notice of a decision must be given, and
 - (c) the persons the Commissioner must notify after making a decision.

Division 3 Miscellaneous

21 Commissioner may notify Procurement Board about non-compliant government agencies

- (1) The Commissioner may notify the Procurement Board if the Commissioner reasonably believes a government agency has not complied with the government agency's obligations under this Act or the local procurement policy.
- (2) If the Commissioner notifies the Procurement Board about a government agency under subsection (1), the Commissioner must also notify the government agency head.

Part 6 Miscellaneous

22 Exclusion of personal liability

- (1) A protected person is not personally subject to liability for anything done—
 - (a) in good faith, and
 - (b) for the purpose of exercising a function under this Act.
- (2) The liability instead attaches to the Crown.
- (3) In this section—

done includes omitted to be done.

liability means civil liability and includes action, claim or demand.

protected person means—

 - (a) the Commissioner, or
 - (b) a member of staff of a State owned corporation within the meaning of the *State Owned Corporations Act 1989*, or
 - (c) a member of staff of the Commissioner, or
 - (d) a member of staff of a government agency or statutory body representing the Crown, or
 - (e) a person acting under the direction or on behalf of a person or body specified in paragraphs (a)–(d).

23 Exclusion of Crown liability

- (1) The Crown is not subject to liability for anything done in good faith for the purpose of exercising a function under section 12, 17, 19, 20 or 21.
- (2) In this section—

done includes omitted to be done.

liability means civil liability and includes action, claim or demand.

24 Disclosure of information

- (1) A person must not disclose information obtained in connection with the administration or execution of this Act unless that disclosure is made—
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration, execution or enforcement of this Act or the regulations, including under Part 5, or
 - (c) for legal proceedings arising out of this Act or of a report of the legal proceedings, or
 - (d) in accordance with a requirement imposed by the Commissioner under Part 5 or under the *Ombudsman Act 1974*, or
 - (e) with another lawful excuse.Maximum penalty—50 penalty units.
- (2) Information held by a government agency may be disclosed to the Commissioner for the purposes of making submissions in connection with this Act.

25 Regulations

The Governor may make regulations, not inconsistent with this Act, about a matter that is—

- (a) required or permitted by this Act to be prescribed, or

- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Schedule 1 Local Jobs First Advisory Board

section 13(6)

1 Definition

In this schedule—

member means a member of the Advisory Board.

2 Term of office of members

- (1) A member holds office for the term, not more than 5 years, specified in the instrument of appointment.
- (2) A member is eligible, if otherwise qualified, for reappointment but must not hold office for a cumulative period of more than 5 years.

3 Remuneration

A member is entitled to be paid the remuneration determined by the Minister in accordance with the regulations.

4 Vacancy in office of member

- (1) The office of a member becomes vacant if the member—
 - (a) dies, or
 - (b) completes a term of office and is not reappointed, or
 - (c) resigns from office by written notice to the Minister, or
 - (d) is removed from office by the Minister under subsection (2), or
 - (e) is absent from 3 consecutive meetings of the Advisory Board of which reasonable notice has been given to the appointed member, unless the appointed member is—
 - (i) on leave granted by the Minister, or
 - (ii) excused by the Minister for having been absent from the meetings, or
 - (f) becomes personally insolvent, or
 - (g) becomes a mentally incapacitated person, or
 - (h) is convicted—
 - (i) in New South Wales of an offence punishable by imprisonment for 12 months or more, or
 - (ii) elsewhere of an offence that, if committed in New South Wales, would be an offence punishable by imprisonment for 12 months or more.
- (2) The Minister may remove a member from office.

Schedule 2 Savings, transitional and other provisions

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the commencement of—
 - (a) a provision of this Act, or
 - (b) a provision amending this Act.
- (2) A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after that commencement.
- (3) A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after that commencement.
- (4) A savings or transitional provision made consequent on the commencement of a provision may take effect before that commencement but not before—
 - (a) for a provision of this Act—the date of assent to this Act, or
 - (b) for a provision amending this Act—the date of assent to the amending Act.
- (5) A savings or transitional provision taking effect before its publication on the NSW legislation website does not—
 - (a) affect the rights of a person existing before that publication in a way prejudicial to the person, or
 - (b) impose liabilities on a person for anything done or omitted to be done before that publication.
- (6) In this section—
person does not include the State or an authority of the State.

Schedule 3 Amendment of Public Works and Procurement Act 1912 No 45

[1] Section 3 Definitions

Insert in alphabetical order—

conduct, for Part 11, Division 6A—see section 176IA.
debarment event, for Part 11, Division 6A—see section 176IA.
debarred supplier, for Part 11, Division 6A—see section 176IA.
principal officer, for Part 11, Division 6A—see section 176IA.
supplier, for Part 11—see section 162.

[2] Section 162 Definitions

Insert in alphabetical order—

supplier, in relation to a procurement, means a person who provides, or could provide, the goods or services to a government agency.

[3] Section 166 Ministerial control

Omit “Government-wide procurement policy” from section 166(2).

Insert instead “Government procurement policy published by the Minister on a NSW Government website”.

[4] Section 172 Functions of Board

Insert “including in relation to the debarment of suppliers under Division 6A,” after “government agencies,” in section 172(1)(c).

[5] Section 172(1)(g1)

Insert after section 172(1)(g)—

- (g1) to engage with the Local Jobs First Commissioner within the meaning of the *Local Jobs First Act 2025* if the Local Jobs First Commissioner carries out consultation with the Board on the effects of the local procurement policy issued under that Act,
- (g2) to engage with the Advisory Board established under the *Local Jobs First Act 2025* if the Advisory Board provides advice under the *Local Jobs First Act 2025*, section 14(b).

[6] Section 172(3)

Omit “Government-wide procurement policies” from section 172(3).

Insert instead “Government procurement policy published by the Minister on a NSW Government website”.

[7] Section 175 Board may issue directions or policies for government agencies

Insert after section 175(4)—

- (5) If there is an inconsistency between a policy issued by the Minister and a policy or direction issued by the Board, the policy issued by the Minister prevails to the extent of the inconsistency.

[8] Section 176 Obligations of government agencies

Insert after section 176(1)(a)—

- (a1) a Government procurement policy issued by the Minister that applies to the agency, and

[9] Part 11, Division 6A

Insert after Division 6—

Division 6A Debarment of suppliers

176IA Definitions

In this division—

conduct includes an act or omission.

debarment event—see 176IB(1).

debarred supplier means a supplier who is debarred from supplying goods and services to a government agency under section 176IB(1).

principal officer, of a supplier, means the following persons—

- (a) a director or secretary of a corporation,
- (b) a member of a partnership,
- (c) a trustee of a trust,
- (d) a senior manager, within the meaning of the *Corporations Act 2001* of the Commonwealth.

176IB Debarment of suppliers

- (1) A supplier is debarred from supplying goods and services to a government agency from the day on which the following occurs in relation to the supplier (a **debarment event**)—
 - (a) the conviction of the supplier or principal officer for an offence prescribed by the regulations,
 - (b) a penalty prescribed by the regulations being imposed on the supplier or principal officer by an authority, other than a penalty imposed as a result of a conviction referred to in paragraph (a),
 - (c) the finding by an authority of a kind prescribed by the regulations concerning the conduct of the supplier or principal officer,
 - (d) another adverse event of a kind prescribed by the regulations concerning the conduct of the supplier or principal officer.
- (2) A supplier ceases to be debarred after—
 - (a) 5 years from the day on which the debarment event occurs, or
 - (b) a lesser prescribed period in the circumstances prescribed by the regulations.
- (3) The regulations may make provision for the following—
 - (a) the exemption of a supplier from this section,
 - (b) the circumstances in which the conduct of a principal officer does not give rise to a debarment event.
- (4) In this section—

authority means the following of the State or another jurisdiction—

 - (a) a court,
 - (b) a tribunal,

- (c) another body.

176IC Government agencies prohibited from contracting with debarred suppliers

- (1) A government agency must not, unless authorised by the Board—
 - (a) enter into a contract for NSW Government procurement, including a contract made under a procurement panel agreement, with—
 - (i) a debarred supplier, and
 - (ii) a supplier who has subcontracted their obligations to a debarred supplier, or
 - (b) extend the term or scope of an existing contract for NSW Government procurement with a debarred supplier.
- (2) The Board may, subject to the regulations, grant an authorisation to a government agency or a class of government agencies on application by a government agency or on the Board's own initiative.
- (3) The Board must consider an application for authorisation from a government agency.
- (4) An authorisation may be granted unconditionally or subject to the conditions specified by the Board.
- (5) The Board must, in accordance with the regulations, publish details of the authorisation on a NSW Government website.
- (6) Any conduct of a government agency for the purposes of carrying out the government agency's obligations under this division is not a contravention or proposed contravention of an enforceable procurement provision.

176ID Board may publish details of debarred supplier

- (1) The Board may, in accordance with the regulations, publish details about a debarred supplier on a NSW Government website, including the following—
 - (a) the debarment event for which the supplier is debarred,
 - (b) the term of the debarment.
- (2) The regulations may make provision for the following—
 - (a) the consultation requirements of the Board before publication,
 - (b) the circumstances in which details of a debarred supplier must not be published.

176IE No compensation for debarred suppliers

A supplier is not entitled to compensation for any loss as a result of—

- (a) being a debarred supplier under this division, or
- (b) the publication of details about the debarred supplier under this division.

176IF Exclusion of personal liability

- (1) A protected person is not personally subject to liability for anything done—
 - (a) in good faith, and
 - (b) for the purpose of exercising a function under this division.
- (2) The liability instead attaches to the Crown.
- (3) In this section—

done includes omitted to be done.

liability means civil liability and includes action, claim or demand.

protected person means—

- (a) the Commissioner, or
- (b) a member of staff of a State owned corporation within the meaning of the *State Owned Corporations Act 1989*, or
- (c) a member of staff of the Commissioner, or
- (d) a member of staff of a government agency or statutory body representing the Crown, or
- (e) a person acting under the direction or on behalf of a person or body specified in paragraphs (a)–(d).

Note— See Fifth Schedule, clause 4 concerning the exclusion of personal liability for the Board, a member of the Board or a person acting under the direction of the Board.

176IG Exclusion of Crown liability

- (1) The Crown is not subject to liability for anything done in good faith for the purpose of exercising a function under section 176IB, 176IC or 176ID.
- (2) In this section—

done includes omitted to be done.

liability means civil liability and includes action, claim or demand.

[10] Section 178 Regulations

Omit “Division.” from section 178(1A)(b). Insert instead—

division,

- (c) the debarment of suppliers from supplying goods and services to government agencies.