



Australian Government

**Australian Industry
Participation Authority**

Australian Jobs Act 2013

User Guide for Australian Industry Participation plans

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This user guide is for project proponents and facility operators preparing their Australian Industry Participation plan under the *Australian Jobs Act 2013*

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Overview

The *Australian Jobs Act 2013* (the Jobs Act) has applied since 27 December 2013 and requires proponents of major projects with an estimated capital expenditure of \$500 million or more to develop and implement an Australian Industry Participation (AIP) plan.

An AIP plan applies to:

- The development and construction phase of a major project; and
- If a major project involves establishing a new facility – the first two years of operations of the new facility (initial operational phase).

The Jobs Act does not mandate the award of contracts to Australian suppliers. However project proponents and operators must provide Australian entities with full, fair and reasonable opportunity to bid for the supply of key goods or services for the project and facility. Key goods or services are those with a contract value of \$1 million or more. An Australian entity is any entity with an ABN or ACN.

Full, fair and reasonable opportunity is the key principle of the *Australian Industry Participation National Framework* (AIP National Framework). The AIP National Framework encourages a nationally consistent approach to maximising Australian industry participation in investment projects and significant public and private sector activity.

In completing the AIP plan template, project proponents and operators will need to provide information about their intended activities and procedures that will ensure full, fair and reasonable opportunity is provided on the project and facility to Australian entities.

The AIP Authority will review the draft AIP plan and ensure the intended activities comply with the AIP plan rules of the Jobs Act.

Once the AIP Authority approves the AIP plan, proponents and operators will need to report six monthly on their compliance with the plan. This continues until the project is completed and where a project establishes a new facility, for the first two years of the facility's operations.

A summary of the approved AIP plan will be published on the AIP Authority's website.

There are penalties the AIP Authority may impose on proponents for non-compliance with the Jobs Act.

Further information on the Jobs Act, AIP Authority and AIP National Framework can be found at www.industry.gov.au/aip.

About this User Guide

The *User Guide for Australian Industry Participation plans* describes the steps to be taken by a project proponent and/or operator to develop and submit an AIP plan to the AIP Authority under the Jobs Act. It provides guidance on how to complete the Jobs Act AIP Plan template.

Project proponents are encouraged to contact the AIP Authority early in the development of their major project. An AIP Notification form must be submitted providing details of the project and the estimated trigger date for lodging an AIP plan. The AIP Authority will confirm the agreed date for lodging the AIP plan. When preparing an AIP plan project proponents and/or operators must use the approved AIP plan template available from www.industry.gov.au/aip. This will ensure the plan complies with the AIP plan rules set out in the Jobs Act.

This User Guide should be read in conjunction with the *User Guide for Compliance Reports*. Once an AIP plan is approved, proponents will need to report on their compliance with the AIP plan every six months to the AIP Authority. These User Guides, and associated documents and information may be updated from time to time. To ensure the most up to date versions of the User Guides are being used please visit www.industry.gov.au/aip.

For further guidance on complying with the Jobs Act including preparing AIP plans, please contact the AIP Authority by:

Email: aip@industry.gov.au

Phone: +61 2 6213 6404

What is an AIP plan?

An AIP plan outlines a project proponent and/or operator's actions to provide Australian entities with full, fair and reasonable opportunity to participate in a project and, in the case of a project to establish a new facility, the initial operations of the facility. AIP plans are specific to a project and the resulting facility. Project proponents and operators may apply a consistent approach across multiple projects and facilities, however, a separate AIP plan must be submitted for each project and/or facility.

In addition, the AIP plan will detail actions that the project proponent and/or operator will undertake to ensure that its procurement entities also provide Australian entities with full, fair and reasonable opportunity to participate in the project. Where a project proponent and/or operator is also acting as a procurement entity, these actions will also apply to it.

As detailed in the Jobs Act the key objective of an AIP plan is that Australian entities should have full, fair and reasonable opportunity to bid for:

- The supply of key goods or services for a project; and
- If the project involves establishing a new facility – the supply of key goods or services for the new facility's initial operational phase.

The concept of providing full, fair and reasonable opportunity to Australian entities is the core principle of the AIP National Framework. The definitions are as follows:

Full – Australian industry has the same opportunity afforded to other global supply chain partners to participate in all aspects of a project (e.g. design, engineering, project management, professional services and IT architecture).

Fair – Australian industry is provided the same opportunity as global suppliers to compete on projects on an equal and transparent basis, including given reasonable time in which to tender.

Reasonable – tenders are free from non-market burdens that might rule out Australian industry and are structured in such a way as to provide Australian industries the opportunity to participate in projects.

AIP plans must reflect planned events. This is best done by identifying *specific actions and strategies* that will be undertaken to ensure Australian industry participation in the project's procurement processes.

An AIP plan must describe the actions and policies that will guide procurement processes. If approaches differ for different goods and services, this should be clearly stated in the AIP plan. The identified actions in an AIP plan can be part of existing strategies or new strategies specifically created for the AIP plan.

Consistent with Australia's international obligations, the requirements for AIP plans do not mandate the award of contracts to Australian entities, but rather aim to provide Australian entities with the opportunity to demonstrate their capabilities and tender if they are able to meet reasonable procurement specifications.

Multiple project proponents and/or operators

Where there are multiple project proponents and/or operators for a project and/or facility the responsibility for developing an AIP plan can be discharged to a nominated project

proponent and/or operator. The nominated project proponent and/or operator will be responsible for engaging with the AIP Authority during development of the draft AIP plan. Once approved the AIP plan binds all project proponents and/or operators to comply with the obligations detailed in the AIP plan. In the event of non-compliance with the AIP plan by any project proponent and/or operator the consequences shall be applied to all project proponents and/or operators. The nominated project proponent or operator will be responsible for submitting compliance reports to the AIP Authority.

How to prepare an AIP plan

An AIP plan outlines the actions a project proponent and/or operator will take to provide Australian entities with full, fair and reasonable opportunity to participate in a project and, in the case of a project to establish a new facility, the initial operations of the facility. The AIP plan must be on the approved form and meet the criteria outlined below.

If a project involves establishing a new facility the project proponent and/or operator must complete the following parts of the AIP plan prior to submission:

1. Part A – Title
2. Part B – Project Phase
3. Part C – Initial Facility Operational Phase.

If a project involves expanding, improving or upgrading an existing facility the project proponent must complete the following parts of the AIP plan prior to submission:

1. Part A – Title
2. Part B – Project Phase

Overview of AIP Plan Criteria

Part A – Title

A.1 – Project Proponent Details

Provide details of the nominated project proponent for the project and any other proponents.

A.2 – Project Details

Provide details on the project for which the AIP plan is being developed.

A.3 – AIP plan authorised person declaration

Declare that the information contained in the AIP plan is true, accurate and complete to the best of the project proponent's knowledge.

Part B – Project Phase

B.1 – Contact Details

Provide the contact details of staff allocated responsibility for responding to enquiries from interested Australian entities and implementing the actions of the AIP plan.

B.2 – Opportunities to supply goods and services

Provide details of all the key goods and services to be acquired for the project and whether supply opportunities are expected for Australian entities and/or non-Australian entities. Information should also be provided on how procurement entities will obtain and maintain current understanding of Australian industry capability and the standards to be used on the project.

B.3 – Publication of Information

Provide details of the websites where information on the project including supply opportunities and contact details will be published.

B.4 – Communicating and Providing Opportunities

Provide details on engagement and communication strategies with Australian entities. This must include detail on how project proponents and procurement entities will actively seek information on Australian entities' capability and communicate project opportunities to Australian entities in all stages of the project (e.g. through design, procurement and construction) and through all tiers of supply (e.g. from procurement entities to lower tier suppliers).

B.5 – Facilitating Future Opportunities

Provide details on actions to assist longer-term participation by Australian entities, including how project proponents will work with Australian entities to encourage capability development and integration into global supply chains. Actions should detail how, by working with project proponents and procurement entities on this project, Australian entities will be better placed to access opportunities to supply key goods or services in future similar projects.

B.6 – Implementation Resources

Provide details on the resources and procedures within the project to effectively implement and monitor the actions in Part B of the AIP plan.

Part C – Initial Facility Operational Phase

C.1 – Operator Details

Provide details of the nominated operator of the facility and any other operators.

C.2 – Contact Details

Provide the contact details of staff allocated responsibility for responding to enquiries from interested Australian entities or implementing the actions of the AIP plan.

C.3 – Opportunities to supply goods and services

Provide details of all the key goods and services to be acquired for the facility and whether supply opportunities are expected for Australian entities and/or non-Australian entities. Information should also be provided on how procurement entities will obtain and maintain current understanding of Australian industry capability and the standards to be used in the facility's operations.

C.4 – Publication of Information

Provide details of the websites where information on the facility including supply opportunities and contact details will be published.

C.5 – Communicating and Providing Opportunities

Provide details on engagement and communication strategies with Australian entities. This must include detail on how project proponents and procurement entities will actively seek information on Australian entities' capability and communicate opportunities to Australian entities through all tiers of supply (e.g. from procurement entities to lower tier suppliers).

C.6 – Facilitating Future Opportunities

Provide details on actions to assist longer-term participation by Australian entities, including how operators will work with Australian entities to encourage capability development and integration into global supply chains. Actions should detail how, by working with operators and procurement entities on the initial operations of the facility, Australian entities will be better placed to access opportunities to supply key goods or services for the operations of future similar facilities.

C.7 – Implementation Resources

Provide details on the resources and procedures within the facility to effectively implement and monitor the actions in Part C of the AIP plan. For more detailed guidance on how to address the AIP plan criteria see 'Detailed AIP plan Criteria' on page 13 of this User Guide.

How to address AIP plan questions

Each question in the AIP plan requiring project proponents or operators to provide or describe activities should be addressed as follows:

1. **What** action will be undertaken;
2. **Who** will be responsible for carrying it out;
3. **When** the action will be implemented; and
4. **How** the action will be carried out.

Actions should be achievable and realistic. They should not however simply reflect business-as-usual procurement activities. Their intent should be to expand the organisation's approach to identifying and considering potential suppliers and communicating opportunities. Actions that favour or preference existing supply chain partners over potential new suppliers are not acceptable. Actions should not preference suppliers in one location such as the project's region over suppliers outside that region.

Actions should be distinct. Repeating the same action in response to different criteria is not acceptable. Actions should reflect intended future activity. Actions that have already been carried out should not be reported in the AIP plan. They can be included in the first compliance report.

Actions should be clearly expressed and accurately describe the four points above. Actions should be measurable such that their achievement can be assessed and reported on.

All actions in the AIP plan should be phrased in an active manner and should not include qualifying statements like *as required*, *can*, *might* or *may* (e.g. "Project proponent *will* engage the services of industry associations to communicate opportunities" rather than "Project proponent *may* engage the services of industry associations to communicate opportunities").

When drafting actions for an AIP plan the key consideration should be whether the action will provide full, fair and reasonable opportunity to Australian entities through assisting Australian entities to gain knowledge of, or access to, an opportunity.

Submitting an AIP plan

Project proponents must provide the AIP Authority with a draft AIP plan at least 90 days before the trigger date for the project or if the AIP Authority specifies a later time – by written notice – before that later time. Further information on trigger dates can be obtained from www.industry.gov.au/aip or by contacting the AIP Authority.

AIP plans must be developed using the approved Jobs Act AIP plan template on the AIP Authority website. It is important to use the most up-to-date version of the template from the website. Proponents should not alter the template in any way. All questions must be answered. If a particular action is dependent on an outstanding event or approval proponents should note this in a covering email rather than in the plan itself. Draft AIP plans should be submitted to the AIP Authority through:

Email: aip@industry.gov.au
Mail: AIP Authority
GPO Box 2013
CANBERRA ACT 2601

AIP plan assessment and approval

Project proponents must submit their draft AIP plan to the AIP Authority to gain approval. Upon receipt of a draft AIP plan the AIP Authority has up to 30 days to approve or refuse to approve the AIP plan. During this period the AIP Authority may contact project proponents to seek further clarification or adjustment of any aspects of the AIP plan.

A draft AIP plan will not be approved if the AIP plan does not comply with the AIP plan rules specified in the Jobs Act. Adequately addressing all mandatory obligations requested in the AIP plan template will assist project proponents and/or operators with complying with the AIP plan rules.

If a draft AIP plan is approved by the AIP Authority project proponents and/or operators will receive a written notice setting out the decision.

If the draft AIP plan is not approved by the AIP Authority, project proponents and/or operators will be required to develop a revised draft AIP plan which complies with the AIP plan rules. The revised AIP plan will be required to be provided to the AIP Authority within 30 days of receiving notification. Upon receipt of a revised draft AIP plan the AIP Authority has 30 days to approve the AIP plan.

Publication of AIP plan Summaries

Along with an AIP plan project proponents and/or operators are also required to develop an AIP plan Summary. The AIP plan Summary must be submitted at the same time as the draft AIP plan and is required to be published on the AIP Authority's website.

The AIP plan Summary must be submitted on the approved templates available at www.industry.gov.au/aip.

The AIP plan Summary must include details of actions under each of the AIP plan criteria, specifically incorporating:

- the description of the project and/or facility
- the indicative list of opportunities likely to arise in the project and/or the initial operations of the facility
- Details of websites where project and/or facility information can be found
- Standards to be used in the project and/or initial operations of the facility
- Summary of activities to be undertaken by the project proponent and/or operator
- Summary of activities to be undertaken by the procurement entities in the project and/or initial operations of the facility

AIP plan Summaries will not be required to include any commercially sensitive information.

Further information on developing an AIP plan Summary can be found in 'AIP plan Summary' on page 31 of this User Guide.

Duration of approved AIP plans

If a project involves establishing a new facility, an approved AIP plan for the project comes into force when the AIP Authority approves the AIP plan and continues until the end of the two year period beginning when the project is completed.

If a project does not involve establishing a new facility, an approved AIP plan for the project comes into force when the AIP Authority approves the AIP plan and continues until the project is completed.

Record Keeping

To assist project proponents and/or operators to report on the implementation of their AIP plans, it is important that project proponents and/or operators keep records demonstrating that the actions in the AIP plan have been implemented. Project proponents and/or operators are strongly encouraged to have systems in place to collect this information and evidence (e.g. databases recording the number, and description, of companies attending supplier information sessions). For further information see 'B.6 – Implementation Resources' on page 26 for the project phase or 'C.7 – Implementation Resources' on page 29 for the operations phase.

The project proponent and/or operator must keep such records as are reasonably necessary to enable the AIP Authority to ascertain compliance with Part B and/or Part C of the AIP plan, and retain those records for five years.

Changing or replacing an AIP plan

There may be changes to the information provided in an AIP plan after it is approved. This could include changes to the project proponent details, project details, project contact officer details or project website addresses. Proponents and operators should contact the AIP Authority whenever changes occur and seek advice on how to manage them. Minor administrative changes will generally not require the AIP plan to be replaced. They may be reported in subsequent compliance reports and the AIP plan summaries may be updated.

Where a project has not yet been completed the project proponent may submit a draft AIP plan with the intention of replacing the approved AIP plan. This may occur in circumstances where the project has materially changed so that the approved AIP plan is no longer suitable or meets the new project requirements or where there are changes to the AIP activities.

On completion of the construction phase of a project, the operator of the new facility may submit a new draft AIP plan in replacement of the AIP plan approved by the AIP Authority. Replacement of an approved AIP plan may be required if the operator has different procurement practices and is unable to fulfil the steps from the project proponent that developed the original AIP plan.

A replacement AIP plan will undergo the same review and approval process as a draft AIP plan. Further information on replacing an approved AIP plan can be obtained by contacting the AIP Authority.

If a project with an approved AIP plan is abandoned or cancelled, the nominated project proponent must advise the AIP Authority of the cancellation within 60 days. The AIP Authority may ask for evidence of the cancellation such as media or ASX releases. Once cancellation is confirmed, the AIP plan ceases to be in force and the AIP plan summaries will be removed from the AIP Authority website.

If a project with an approved AIP plan is placed on hold or delayed the AIP plan will remain in force.

Detailed AIP plan Criteria

Part A – Title

Part A of the AIP plan is required to be completed for all projects developing an AIP plan in accordance with the Jobs Act.

A.1 – Project Proponent Details

Provide details of the nominated project proponent responsible for developing the AIP plan for the project and the contact details of the relevant contact officer. The details of this contact officer will not be published and are for the AIP Authority's use only. The project contact person must be an employee of the project proponent and not an external person or agent.

In the case of a project with multiple project proponents the nominated project proponent is the project proponent with overall responsibility for developing the AIP plan for the project on-behalf-of all project proponents.

Where applicable, details must also be provided for all other project proponents involved in the project which have discharged their AIP plan development responsibilities to the designated project proponent.

In addressing the question regarding **project proponent/s type** project proponents should consider the nature of the relationship between the project proponents for the project, i.e. single company, partnership, incorporated joint venture, unincorporated joint venture or public private partnership. Guidance to assist in determining the project proponent/s type can be found at **Attachment B**.

A.2 – Project Details

Project name

Provide the name of the project.

Project location

Provide the physical location of the project.

Total estimated project value

Provide an estimate of the total expenditure of a capital nature for the project in Australian dollars (AUD).

Project type

Indicate the principal type of facility which is being established/upgraded as part of the project.

Project description

Provide a full description of the project including principal activities and components, timelines and procurement strategy. This description should provide enough information for Australian entities to determine if they are suitable to provide goods and services to the project.

New/Upgrade project

Indicate whether the project involves the establishment of a new facility or is an upgrade of an existing facility.

If the project involves the establishment of a new facility project proponents and/or operators will be required to complete Parts A, B and C of the AIP plan. If the project involves the upgrade of an existing facility project proponents will be required to complete Parts A and B only.

Date of completion

Provide the estimated date for completion of the project.

A.3 – AIP plan authorised person declaration

The AIP plan authorised person declaration will need to be signed by an authorised person within the nominated project proponent and/or operator prior to submission of the AIP plan to the AIP Authority. Signing of the AIP plan authorised person declaration binds the project proponent and/or operator to the requirement to implement the actions of the AIP plan.

If the project and/or facility involves multiple project proponents and/or operators the 'Other project proponents and/or operators declaration' will need to be completed and signed by an authorised representative of each project proponent and/or operator prior to submission of the AIP plan to the AIP Authority.

Part B – Project Phase

Part B of the AIP plan is required to be completed for all projects developing an AIP plan in accordance with the Jobs Act.

The key objective of Part B of the AIP plan is that Australian entities should have full, fair and reasonable opportunity to bid for the supply of key goods or services for the project.

All references to “you” in Part B refer to the nominated project proponent in Part A.1.

B.1 – Contact Details

This criterion should provide the contact details of staff within the project proponent responsible for receiving enquiries from interested Australian entities or implementing the actions of the AIP plan. Strategies for requiring procurement entities to appoint a contact officer must also be provided.

1. Details of the project proponent’s contact officer for supplier enquiries

Project proponents must provide contact details for their contact officer for Australian entities to contact with supplier enquiries. This officer’s contact details will be published on the website detailed in question 1 of ‘B.3 – Publication of Information’ and on the AIP Authority’s website as part of the AIP plan Summary.

2. Details of the person responsible for implementing the AIP plan

Project proponents must provide contact details for their employee with responsibility for implementing the actions of Part B of the AIP plan. It is important that this person is involved in the procurement decision making process (e.g. supply chain or procurement managers). This officer’s contact details will not be published and are for the AIP Authority’s use only. This may be the same person detailed in ‘A.1 – Project Proponent Details’.

3. Details of procurement entity contact officers

Project proponents must detail how they will require procurement entities to appoint a nominated contact officer for project opportunities and promote their contact details.

B.2 – Opportunities to supply goods and services

This criterion examines the opportunities which are likely to arise for Australian entities and/or non-Australian entities to supply to the project. Information must be provided on the key goods and services for the project and their likely supply opportunities as well as how procurement entities will keep up to date on Australian industry supply capability. Information on the standards that will apply on the project must also be provided.

1. Indicative list of key goods and services

Project proponents must provide an indicative list of all key goods or services (valued at \$1 million or more) likely to be acquired for the project. For each item in the list proponents should indicate if opportunities to supply the item or its components are expected for Australian and non-Australian entities. To supply an item includes manufacturing or supplying the goods or their components, providing the service or accepting a contract to supply the goods or provide the service. An Australian entity is defined as any entity with an ABN or ACN. An example of the level of information is provided below:

Table 1: Example of a list of key goods and services and their expected supply opportunities.

Key goods and services	Opportunities for Australian entities	Opportunities for non-Australian entities
Goods		
Supply of stainless steel	No	Yes
Dump trucks	Yes	Yes
Conveyors	Yes	Yes
Earth moving equipment	Yes	Yes
Services		
Earthworks	Yes	No
Design	Yes	Yes
Electrical	Yes	No
Engineering	Yes	Yes

2. Opportunities not expected for Australian entities.

Where a project proponent indicates that there are no opportunities for Australian entities to supply any item in the list, a short explanation of why the project proponent has made this assessment must be included for each such item. This explanation could include that the item is not available from Australian entities or that goods from non-Australian entities are technologically superior to goods available from Australian entities. Reasons should be based on the results of recent investigations into potential Australian suppliers. Evidence of how this conclusion was reached may be requested. Excluding items solely on the basis of existing or pre-determined supply arrangements is not acceptable. The explanations will be published with the list of key goods and services in the AIP plan summary.

3. Ensuring procurement entities obtain and maintain a current understanding of the capabilities of Australian entities

Describe how project proponents will make sure procurement entities stay up-to-date with the capability and capacity of Australian entities to supply the goods and services required for the project. This may involve procurement entities being contractually obligated to engage with relevant industry networks and vendor identification agencies and consult with Australian entities to gather information about the capability and capacity of Australian entities to compete for work. Procurement entities must not solely rely on in-house knowledge but should undertake market soundings and research to keep themselves regularly informed of industry capability and capacity in relation to the key goods and services for the project. Where a procurement entity intends using its own supplier database, information should be provided on how that database is updated and the process for registering new suppliers.

4. Standards for key goods and services

This question is to be addressed in two parts:

1. The form of standards to be used on the project.
 - Select the form of standards which will be applied in undertaking the project. If selecting Other provide a description of these standards. Project proponents should ensure design specifications take Australian entities' capabilities and Australian standards into account and that Australian entities are not "designed out" of the project (i.e. tender documents cite Australian or international standards that Australian entities can meet). International standards mean International Organisation for Standardisation (ISO) standards or other recognised international standards in a particular industry sector.
2. If Australian or recognised international standards will not be used, what impact will this have on the ability of Australian entities to participate?
 - If the project proponent is not using Australian or international standards for some goods or services it must indicate whether these standards can be met by Australian entities and what impact not using Australian or international standards may have on the ability of Australian entities to participate. In some sectors there are other broadly adopted international standards used in the design and engineering of new projects globally (e.g. the American Petroleum Institute standards in the oil and gas industry). To discuss potential other standards which could be specified please contact the AIP Authority.
 - If the project proponent is only using Australian or international standards insert "N/a".

B.3 – Publication of Information

This criterion must provide the addresses of the various websites which will be used to communicate information about the project and its supply opportunities. Strategies must also be outlined detailing how procurement entities will be required to have a website to communicate information to assist potential suppliers.

1. Project proponent and/or project website address

Provide the address of your publicly accessible website containing general information for suppliers on the project and a link to project opportunities.

2. Project opportunities website address

Provide the address of a publicly accessible website where the details of opportunities expected to arise as part of the project will be published and suppliers can register interest in those opportunities. This may be a third party's website. Details published on this website must include a detailed breakdown of the key goods and services valued above \$1 million to be procured for the project. Each key good and service should be accompanied by the expected source of supply (Australian or non-Australian entities) and the procurement entity expected to purchase the key goods or services (where known).

The table below provides an example of the information which must be published on the website. The *Australian Jobs (Australian Industry Participation) Rule 2014* specifies that the key goods and services for the project must be broken down into categories that are the most reasonable and appropriate in the context of how the project proponent expects the goods and services to be acquired or supplied. These reasonable work packages must be published on the website.

Table 2: Example of a list of key goods and services and their expected supply opportunities.

List of key goods and services to be acquired for the project	Opportunities for Australian entities	Opportunities for non-Australian entities	Procurement entity (where known)
Goods			
Supply of stainless steel	No	Yes	XYZ Ltd
Structural steel (supply and erection)	Yes	Yes	TBD
Modular buildings	Yes	Yes	TBD
Conveyor monitoring system	Yes	Yes	ABC Pty Ltd
Conveyor module	No	Yes	TBD
Services			
Earthworks, drainage and road works	Yes	No	LMN Inc.
Electrical services	Yes	No	TBD
Landscaping	Yes	No	TBD
Fitout works	Yes	No	RST Ltd

3. Procurement entity website

Describe how project proponents will ensure procurement entities have a publicly accessible website which communicates the:

- pre-qualification requirements potential bidders must meet;
- the standards for key goods and services; and
- the procurement entity contact officer's details.

This information must be published on the website at a reasonable time before the procurement entities make requests for bids from suppliers.

Where a procurement entity is already identified the website address which will communicate these details should also be provided here.

B.4 – Communicating and Providing Opportunities

This criterion must detail actions project proponents will take in engaging with and communicating supply opportunities to Australian entities. Actions detailed in this criterion should include strategies for ensuring the effective transfer of information on opportunities for Australian entities through all tiers of supply (e.g. from procurement entities to lower tier suppliers) and in all stages of the project (e.g. through design, procurement and construction).

1. Activities to engage with Australian entities and raise awareness of project opportunities

Project proponents must select at least four actions for conducting awareness programmes. Project proponents should describe in more detail each action selected and include the timeframes for undertaking these activities.

The actions include:

- Promote project opportunities through industry associations
 - Consult with the relevant industry associations and local industry to help identify capable and competitive Australian entities suitable to supply goods or services to the project. These industry bodies can also distribute information to capable Australian entities.
- Engage with vendor identification agencies on project opportunities
 - Consult with vendor identification agencies to help identify capable and competitive Australian entities suitable to supply goods or services to the project. Project proponents should contact any vendor identification agencies before submitting the AIP plan to confirm that they are able to assist.
- Conduct supplier information briefings on project opportunities
 - Hold public/industry briefings, conferences and/or workshops to communicate the types of opportunities available to Australian entities and information on how Australian entities can respond to opportunities. Actions to conduct public briefings should detail how the briefings will be advertised and promoted for Australian entities to attend.
- Issue media releases and/or ASX announcements on project developments and opportunities
 - Publish media releases/statements through mainstream media (e.g. newspapers, industry magazines and/or business journals) or via ASX announcements detailing supply opportunities and how Australian entities can respond to these opportunities.
- Develop and distribute a supplier information guide for the project
 - Develop and distribute a Supplier Information Guide that details the project proponent's expectations of Australian entities interested in supplying key goods and services for the project.
- Direct contact suppliers with information on project opportunities

- Direct contact with Australian entities (e.g. letter or email) inviting tender responses or informing about opportunities and how to respond to these opportunities.

2. Training for procurement entities on AIP plan obligations

Provide detail on how project proponents will inform procurement entities of the AIP plan obligations for the project and provide training to employees of procurement entities to assist them in implementing the AIP plan obligations.

While some actions of the AIP plan must be undertaken by procurement entities the project proponent remains the responsible party for ensuring that these activities are undertaken satisfactorily. Examples of potential actions include:

- Hold workshops with procurement entities to outline the AIP plan obligations.
- Create, publish and distribute (within the project proponent and to any procurement entities) a policy detailing the project proponent's commitment to maximising opportunities for Australian entities to participate in the project.
- Develop and distribute an information guide that details the project proponent's expectations of procurement entities for the project.
- Standard contractual arrangements with procurement entities to outline their AIP obligations.
- Include a requirement in tender documents and contracts that procurement entities implement the project proponent's AIP policies and/or adopt specified AIP strategies.
- Require procurement entities to engage with and involve Australian entities.
- Provide endorsement and communication of the AIP plan and principles throughout the project (e.g. at information seminars, on project websites or through public announcements).

3. Publication of pre-qualification requirements by procurement entities

Project proponents must detail actions to require procurement entities to provide information on pre-qualification requirements for Australian entities at a reasonable time. Pre-qualification can form a separate process from the tendering of key goods and services. By detailing how pre-qualification can be achieved at a reasonable time this could encourage Australian entities potentially interested in supplying key goods and services to commence the process early in anticipation of future opportunities.

Examples of actions procurement entities could be required to implement include:

- Publish detailed information on the procurement entities' requirements for participation in the supply chain on their website (question 3 of 'B.3 – Publication of Information').
- Undertake a rigorous supplier audit and improvement initiative to benchmark and publicise best practice.
- Conduct workshops that provide sector-specific information on how to prepare bids against tenders, including, if relevant, becoming e-procurement ready.

4. No discrimination against Australian entities through provision of equal timeframes for opportunities by procurement entities

Project proponents must describe how they will ensure procurement entities provide Australian entities with the same timeframes as existing supply chain partners to respond to requests for bids to supply key goods or services.

Examples of potential actions procurement entities could be required to implement include:

- Make project opportunities and registrations of interest available to all possible suppliers at the same time.
- Allow equal and reasonable timeframes for Australian and non-Australian entities to respond to requests for registrations of interest and tenders.
- Structure tenders for Australian and non-Australian entities on the same basis (i.e. do not include different standards between the Australian and non-Australian entities).

B.5 – Facilitating Future Opportunities

This criterion must detail actions and strategies project proponents and procurement entities will undertake to provide access to longer-term opportunities for Australian entities. The concept of 'longer-term opportunities' refers to how, through working on this project, Australian entities will develop new skills and capabilities and increase their competitiveness to access opportunities in future similar projects. Longer-term opportunities should not be focussed solely on how Australian entities will be engaged on this project long-term.

Actions must include how project proponents and procurement entities will work with Australian entities to encourage and facilitate capability development and integration into global supply chains. Project proponents can undertake the proposed activities at any stage of the project, for example, prior to approaching the market, once suitable Australian entities are identified, or if Australian entities are unsuccessful. Processes for providing feedback for unsuccessful Australian bidders must also be described.

1. Encouragement and facilitation of capability development for Australian entities

Select and describe activities the project proponent will undertake to facilitate capability and capacity development within Australian entities engaged on the project. The activities include:

- Recommend suppliers undertake training and/or accreditation to improve their capability, such as:
 - Providing advice and assistance to Australian entities in meeting pre-qualification, accreditation and technical requirements.
 - Providing training and certification that enhances the ability of Australian entities to obtain additional business domestically and overseas.
 - Offering Australian entities access to internal training programs or provide training on improvements in technology or process management.
- Provide market intelligence to suppliers, including knowledge of international market and price trends, international and domestic market potential and sources of raw materials.
- Transfer new product and process technology to suppliers, to help them master new technologies.
- Encourage joint ventures and alliances between suppliers, such as between Australian and non-Australian entities to enable them to access new technology or larger markets.
- Support supplier development initiatives of industry associations or governments.
- Other activities such as:
 - Encourage Australian entities to undertake research and development and innovative activities.
 - Undertake a rigorous supplier audit and improvement initiative to benchmark and disseminate best practice.

Encourage overseas suppliers to provide information to Australian entities on their procurement requirements, the types of goods and services registered in their supplier databases and the entry criteria for inclusion in these databases.

2. Integration of Australian entities into global supply chains

If a project proponent or procurement entity for the project has a global supply chain, select and describe activities the project proponent or procurement entity will undertake to facilitate the integration of Australian entities into global supply chains. The activities include:

- Introduce suppliers to global supply chain partners including:
 - the appropriate technical and purchasing decision makers
 - visit project proponents' and/or procurement entities' overseas facilities
 - other global companies, including the project proponent's customers and suppliers
 - international procurement office staff to increase their awareness of Australian industry.
- Support suppliers to register with the global supplier databases of the proponent, its procurement entities or global supply chain partners.
- Facilitate strategic partnering and joint ventures between Australian and international suppliers. This could be achieved by:
 - making introductions between possible partners.
 - arranging seminars to raise awareness of the benefits to Australian entities of entering into strategic alliances and how to enter into and manage such arrangements.
 - making referrals to vendor identification agencies.
- Recommend suppliers undertake export readiness training or international accreditation, to increase their capability to bid for work internationally.
- Support supplier export and global integration initiatives of industry associations or governments, through provision of resources or nomination of suitable suppliers.
- Provide references for high performing suppliers.
- Other activities including:
 - Accredited Australian entities to work in other regions, thus opening new markets
 - Assist participation by Australian entities in local, regional or national trade fairs and missions.

3. Feedback, including on relevant training, skills, capability, and capacity development, from procurement entities for unsuccessful Australian entities

Project proponents must detail how they will ensure that procurement entities offer and provide feedback to Australian entities which were unsuccessful in their bids to supply to the project. Feedback must include recommendations of training and skills development activities to increase their capabilities and capacity to access future projects. Feedback may be written or verbal and outline the reasons why the bid was not successful. Written feedback is preferable but if verbal feedback is provided the procurement entity should document the discussion, which will assist in meeting reporting requirements.

Examples of potential actions procurement entities could be required to implement include:

- Provide feedback to unsuccessful Australian entities on the strengths and weaknesses of bids and how to improve competitiveness in future procurements. This could include referring eligible Australian entities to the Department of Industry, Innovation and Science's Entrepreneurs' Programme or similar training.
- Develop supplier scorecards to evaluate supplier performance and provide feedback to Australian entities in respect of performance against critical dimensions.
- Provide or facilitate training and certification that enhances the skills and ability of Australian entities to obtain additional business domestically and overseas.
- Encourage adoption of ISO requirements or occupational health and safety (OH&S) qualifications.
- Introduce a development program for capable Australian entities that actively seeks out new local suppliers and provides training and technology transfer.

B.6 – Implementation Resources

The intent of this criterion is to ensure that project proponents have the appropriate resources and procedures in place within the project to effectively implement and monitor the actions in the AIP plan. This must also include, where applicable, monitoring the obligations of procurement entities.

The AIP plan and any associated policies should be committed to at a corporate/executive level to increase the likelihood of achieving substantial outcomes. It is important that they are recognised and incorporated in all aspects of the project. This is more likely to be achieved if adequate resources and procedures are in place. Furthermore, this should also support the collection of evidence for the project's subsequent Compliance Report.

The person detailed in response to question 2 of 'B.1 – Contact Details' will be the person responsible for ensuring the actions in response to the questions detailed below are undertaken.

1. Records and evidence of AIP plan compliance

Project proponents should select examples of the types of evidence they will collect throughout the project to demonstrate compliance with the AIP plan. All evidence collected to demonstrate compliance with the AIP plan must be kept for five years.

Evidence types include:

- vendor identification agency contract
- AIP clauses in procurement entity contracts
- screenshots of project and procurement websites showing project information and supply opportunities
- expression of interest (EOI) and tender documentation for procurement packages
- vendor identification agency referrals
- project standards within procurement packages
- supplier briefing presentations and attendance lists
- supplier capability development activities
- project media and ASX releases
- global supply chain integration activities
- procurement staff AIP plan training presentations and attendance lists
- feedback to unsuccessful bidders
- other evidence including:
 - proponent and procurement entity AIP policies and procedures
 - supplier database extracts and reports
 - tender advertisements.

2. Procedures and resources for ensuring AIP plan compliance

Project proponents should detail the procedures and resources they will put in place to collect the records and evidence detailed in the question above. Details of records management systems which will be used for tracking evidence can be provided as well as details of personnel involved in the implementation and tracking of the AIP plan. These procedures and resources will be useful in preparing the subsequent compliance reports.

Examples of actions to ensure AIP plan compliance include:

- Develop systems and processes which embed corporate Australian industry participation policies in planning and decision making throughout the project (e.g. by developing goals, implementation targets and key performance indicators linked to the implementation of AIP policies).
- Develop systems to monitor and report on the extent of the participation by Australian entities in the project.
- Develop systems to identify inappropriate action under the AIP plan and to monitor/record the corrective action taken.
- Have a system in place to identify and report any variations in AIP plan activities internally and to the AIP Authority.
- Have a documented formal policy for Australian industry participation which addresses the preceding criteria.

3. Ensuring procurement entity compliance with the AIP plan

Project proponents must detail how they will ensure that procurement entities will undertake the required activities to achieve the objective of the AIP plan. These activities should supplement the training detailed in 'B.4 – Communicating and Providing Opportunities'.

Project proponents could develop and implement standard contractual arrangements with procurement entities to comply with the AIP plan and provide the project proponent with evidence of implementation. This could include requiring procurement entities to maintain systems similar to the examples provided above.

Proponents could also undertake audits of procurement entity compliance with AIP plan requirements.

Part C – Initial Facility Operational Phase

Part C of the AIP plan is only required to be completed for projects establishing a new facility which are developing an AIP plan in accordance with the Jobs Act. Part C must be completed at the same time as Part B.

The key objective of Part C of the AIP plan is that Australian entities should have full, fair and reasonable opportunity to bid for the supply of key goods or services for the new facility's initial operational phase.

Actions detailed in Part C will be required to be undertaken for the initial operational phase of the facility (two years). The criteria and questions comprising Part C are the same as those comprising Part B. Examples of actions which can be used to address the questions of Part C can be found in 'Part B – Project Phase' from page 15.

Commencement of operations may be some time after the AIP plan is developed therefore the Act allows for a replacement AIP plan to be submitted that updates the details in Part C. This replacement AIP plan can be submitted closer to the commencement of operations.

C.1 – Operator Details

Provide details of the nominated operator responsible for developing the AIP plan for the facility's initial operational phase and the contact details of the relevant contact officer. The details of this contact officer will not be published and are for the AIP Authority's use only. The facility contact person must be an employee of the operator and not an external person or agent.

In the case of a facility with multiple operators the nominated operator is the operator with overall responsibility for developing the AIP plan for the initial operations of the facility on-behalf-of all operators.

Where applicable, details must also be provided for all other operators involved in the initial operations of the facility which have discharged their AIP plan development responsibilities to the nominated operator.

In addressing the question regarding **operator/s type** operators should consider the nature of the relationship between the operators of the facility, i.e. single company, partnership, incorporated joint venture, unincorporated joint venture or public private partnership.

C.2 – Contact Details

This criterion should provide the contact details of staff within the operator responsible for receiving enquiries from interested Australian entities or implementing the actions of the AIP plan. Strategies for requiring procurement entities to appoint a contact officer must also be provided.

Assistance on addressing the questions in this criterion can be found under 'B.1 – Contact Details' on page 15.

C.3 – Opportunities to supply goods and services

This criterion examines the opportunities which are likely to arise for Australian entities and/or non-Australian entities to supply to the initial operations of the facility. Information must be provided on the key goods and services to be acquired for the facility and the likely

supply opportunities as well as how procurement entities will keep up to date on Australian industry supply capability. Information on the standards that will apply on the facility must be provided.

Assistance on addressing the questions in this criterion can be found under 'B.2 – Opportunities to supply goods and services' on page 15.

C.4 – Publication of Information

This criterion must provide the addresses (where known) of the various websites which will be used to communicate information about the facility and supply opportunities which are likely to arise in the initial operational phase. Strategies must also be outlined detailing how procurement entities will be required to have a website to communicate information to assist potential suppliers.

Assistance on addressing the questions in this criterion can be found under 'B.3 – Publication of Information' on page 18.

C.5 – Communicating and Providing Opportunities

This criterion must detail actions for engaging with and communicating supply opportunities to Australian entities. Actions detailed in this criterion should include strategies for ensuring the effective transfer of information on opportunities for Australian entities through all tiers of supply (e.g. from procurement entities to lower tier suppliers).

Assistance on addressing the questions in this criterion can be found under 'B.4 – Communicating and Providing Opportunities' on page 20.

C.6 – Facilitating Future Opportunities

This criterion must detail actions and strategies operators and procurement entities will undertake to provide access to longer-term opportunities for Australian entities. The concept of 'longer-term opportunities' refers to how, through working with this facility, Australian entities will develop new skills and capabilities, increase their competitiveness and access opportunities with future similar facilities. Longer-term opportunities should not be focussed solely on how Australian entities will be engaged with this facility long-term.

Actions must include how operators and procurement entities will work with Australian entities to encourage capability development and integration into global supply chains. Operators can undertake the proposed activities at any stage of their engagement with Australian entities, for example, prior to approaching the market, once suitable Australian entities are identified, or if Australian entities are unsuccessful. Processes for providing feedback for unsuccessful Australian bidders must also be described.

Assistance on addressing the questions in this criterion can be found under 'B.5 – Facilitating Future Opportunities' on page 23.

C.7 – Implementation Resources

The intent of this criterion is to ensure that operators have the appropriate resources and procedures in place within the initial operations of the facility to effectively implement and monitor the actions outlined throughout the AIP plan. This must also include, where applicable, monitoring the obligations of procurement entities. Operators must describe the procedures and resources to implement the strategies to provide full, fair and reasonable

opportunity to Australian entities and the internal procedures, resources and systems in place to monitor the implementation of the AIP plan.

The AIP plan and any associated policies should be committed to at a corporate/executive level to increase the likelihood of achieving substantial outcomes. It is important that they are recognised and incorporated in all aspects of the initial operations of the facility. This is more likely to be achieved if adequate resources and procedures are in place. Furthermore, this should also support the collection of evidence for the facility's subsequent Compliance Report.

Assistance on addressing the questions in this criterion can be found under 'B.6 – Implementation Resources' on page 26.

AIP plan Summary

Along with an AIP plan project proponents and/or operators are also required to develop and submit an AIP plan Summary for publication. Once a project proponent and/or operator has submitted a draft AIP plan to the AIP Authority the AIP plan Summary is required to be published on the AIP Authority's website on the day after the summary was received by the AIP Authority. The summary remains on the website until project completion or the conclusion of the first two years of operations of a new facility.

Summaries must be completed using the templates available on the AIP Authority website www.industry.gov.au/aip. Project proponents upgrading an existing facility and completing only Parts A and B of the AIP plan will need to complete the *AIP plan Summary – Project Phase* template. Project proponents establishing a new facility and completing Parts A, B and C of the AIP plan will need to complete both the *AIP plan Summary – Project Phase* and *AIP plan Summary – Operations Phase* templates.

The proponent/operator and project/facility information provided in the summaries must match the information in the draft AIP plan. The list of key goods and services and the AIP activities in the summaries must match the information provided in the draft AIP plan.

Summaries should be submitted to the AIP Authority in both Word and PDF as both forms are published.

AIP plan summaries must contain current information so whenever changes to the information occur an updated summary should be provided to the AIP Authority.

To develop an AIP plan Summary the following information will need to be provided:

Project Phase

Project Details

Nominated Project Proponent

Legal name of the nominated project proponent.

Project name

Name of the project.

Description of the project

Provide the description from the AIP plan of the project including the project type, whether the project is for a new facility or upgrade to an existing facility and the procurement and construction timeline. This description should provide information for Australian entities to determine if they are suitable to provide goods and services to the project.

Estimated project value

Provide an estimate of the total expenditure of a capital nature for the project in Australian dollars (AUD).

Project location

Provide the physical location of the project.

Link to project information

Provide the addresses for the project websites. This should be the addresses provided at questions 1 & 2 of 'B.3 – Publication of Information'.

Project contact for procurement information

Provide the contact details for a position within the project that will be responsible for receiving enquiries on procurement opportunities. This should be the person detailed at question 1 of 'B.1 – Contact Details'.

Other Project Proponents

Provide the legal names of all other project proponents involved in the project.

Expected opportunities for industry participation

Complete the table of key goods and services and opportunities expected to arise for the project. This table should be completed with the same goods and services detailed in question 1 of 'B.2 – Opportunities to supply goods and services' (see example table at page 16).

Standards to be used in the project

This should summarise the information provided in response to question 4 of 'B.2 – Opportunities to supply goods and services'.

AIP activities to be undertaken by the project proponent

This should summarise the activities detailed in response to the following questions:

Criterion	Questions
B.3 – Publication of Information	2
B.4 – Communicating and Providing Opportunities	1 and 2
B.5 – Facilitating Future Opportunities	1 and 2
B.6 – Implementation Resources	2 and 3

AIP activities to be undertaken by procurement entities

This should summarise the activities detailed in response to the following questions:

Criterion	Questions
B.2 – Opportunities to supply goods and services	3
B.3 – Publication of Information	3
B.4 – Communicating and Providing Opportunities	3 and 4
B.5 – Facilitating Future Opportunities	1, 2 and 3

Operations Phase

Facility Details

Operator

Legal name of the nominated operator.

Facility name

Name of the facility.

Link to facility information

Provide the addresses for the facility websites. This should be the addresses provided at questions 1 and 2 of 'C.4 – Publication of Information'.

Project contact for procurement information

Provide the contact details for a person within the facility that will be responsible for receiving enquiries on procurement opportunities. This should be the person detailed at question 1 of 'C.2 – Contact Details'.

Other Operators

Provide the legal names of all other operators involved in the initial operations of the facility.

Expected opportunities for industry participation

Complete the table of key goods and services and opportunities expected to arise for the initial operations of the facility. This table should be completed with the same goods and services detailed in question 1 of 'C.3 – Opportunities to supply goods and services' (see page 28).

Standards to be used in the project

This should summarise the information provided in response to question 4 of 'C.3 – Opportunities to supply goods and services'.

AIP activities to be undertaken by the operator

This should summarise the activities detailed in response to the following questions:

Criterion	Questions
C.4 – Publication of Information	2
C.5 – Communicating and Providing Opportunities	1 and 2
C.6 – Facilitating Future Opportunities	1 and 2
C.7 – Implementation Resources	2 and 3

AIP activities to be undertaken by procurement entities

This should summarise the activities detailed in response to the following questions:

Criterion	Questions
C.3 – Opportunities to supply goods and services	3
C.4 – Publication of Information	3
C.5 – Communicating and Providing Opportunities	3 and 4
C.6 – Facilitating Future Opportunities	1, 2 and 3

Compliance Reporting

If an approved AIP plan for a project is in force the project proponent and, in the case of a project to establish a new facility, operator must comply with the actions of the AIP plan.

The project proponent and/or operator are required to develop a Compliance Report and submit it to the AIP Authority for every six month reporting period that the AIP plan is in force. The Compliance Report is required within three months after the end of each reporting period.

A reporting period can be altered by mutual agreement.

Further information on Compliance Reporting including the report templates and User Guide can be found at www.industry.gov.au/aip or by contacting the AIP Authority.

Attachment A

Abbreviations and Acronyms

Abbreviation/Acronym	Definition
ABN	Australian Business Number
ACN	Australian Company Number
Jobs Act	<i>Australian Jobs Act 2013</i>
AIP	Australian Industry Participation
AIP Authority	Australian Industry Participation Authority
AIP National Framework	<i>Australian Industry Participation National Framework</i>
AIP plan	Australian Industry Participation plan
ISO	International Organisation for Standardisation
OHS	Occupational Health and Safety
SME	Small and medium enterprise

Key Concepts and Definitions

In the definitions below 'person' refers to a 'company' or 'corporation' as defined by the Corporations Act 2001.

Approved AIP plan

Means an approved AIP plan under section 18, 19 or 20 of the *Australian Jobs Act 2013*.

Australian entity

Any entity with an ABN or an ACN.

Entity

Has the same meaning as in the *A New Tax System (Australian Business Number) Act 1999*.

Key goods or services

Means goods or services other than goods or services supplied, or to be supplied, under a low value-contract. Goods and services are key goods and services if, and only if, the goods or services are for use, wholly or partly, in connection with carrying out the project or the operation of a new facility during the two year initial operations phase.

Low-value contract threshold amount

Means a contract under \$1 million.

Non-Australian entity

Means an entity other than an Australian entity.

Operator

A person who has day to day management and control of the facility and its activities.

Procurement entity

Could include an Engineering, Procurement and Construction Management (EPCM) company or equivalent tier 1 contractor making procurement decisions on behalf of the project or facility. A procurement entity does not include sub-contractors which are responsible for supplying goods and services to a project or facility rather than purchasing goods or services.

Project proponent

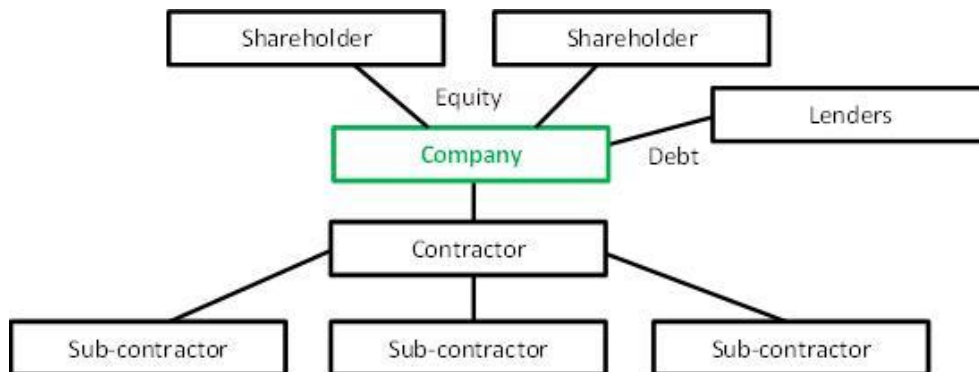
Is the person ultimately responsible for the project (see **Attachment B**).

Attachment B

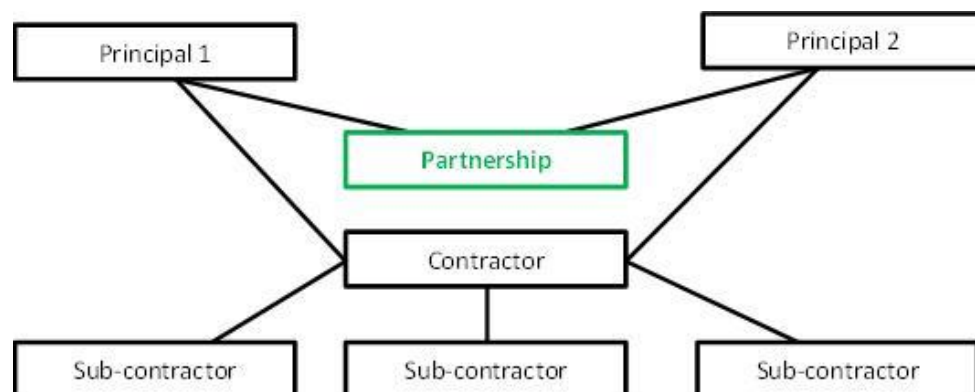
Project proponent/s type

Criterion 'A.1 – Project Proponent Details' requests that project proponents specify the project proponent/s type for the project proponents for the project. Examples of potential project proponent/s types are illustrated below. The project proponent in each example is indicated by the green box.

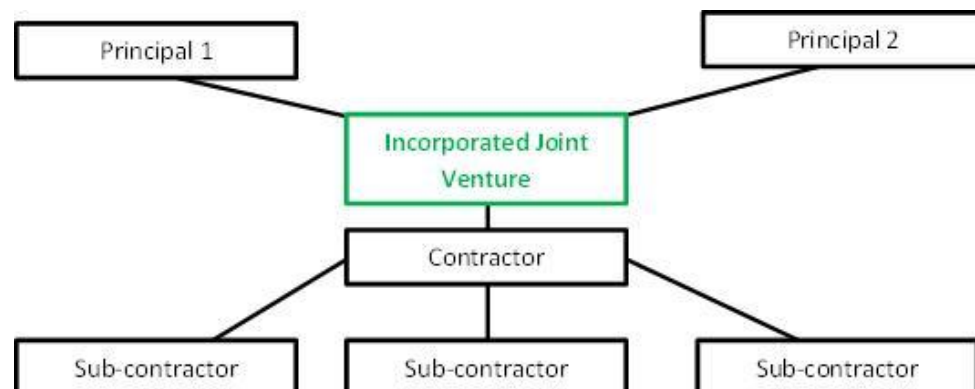
The below diagram is an example where a company is the project proponent:



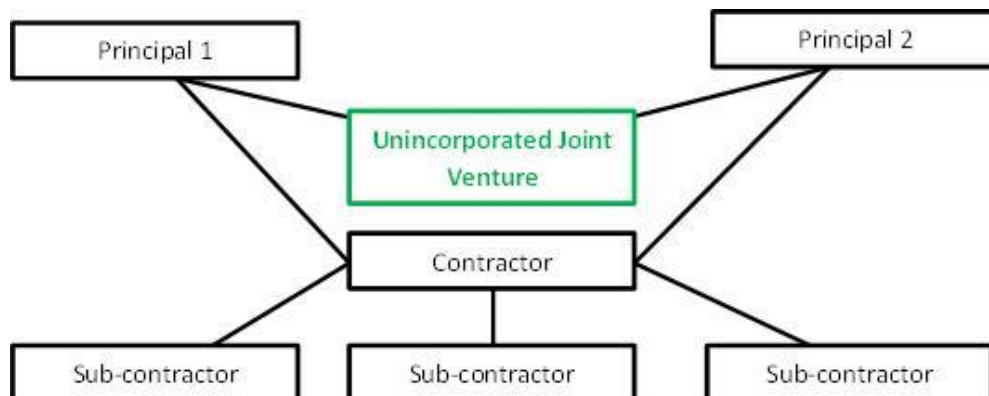
The below diagram is an example where a partnership is the project proponent:



The below diagram is an example where an incorporated joint venture is the project proponent:



The below diagram is an example where an unincorporated joint venture is the project proponent:



The below diagram is an example where a public private partnership vehicle is the project proponent:

