



**BOURKE
SHIRE
COUNCIL**

“From the
General Manager’s Desk –
18 July 2024”

NSW Department of Regional Development

It was in 1849, when French writer Jean-Baptiste Alphonse Karr wrote “plus ça change, plus c'est la même chose” — “the more things change, the more they stay the same.” In other words, despite apparent changes or advancements in society, certain fundamental aspects or patterns remain unchanged over time. I was reminded of this quote, the English version, and subsequently searched its source, when I was recently reading advice regarding changes to the Department of Regional NSW. (I declare that my daughter works for the Department).

In respect of these changes, Council has been advised that effective 1 July 2024, the Department of Regional NSW will become the Department of Primary Industries and Regional Development. “This evolution reflects the NSW Government’s strong commitment to supporting the growth of primary industries through enhancing the coordination of frontline services, research and development, and regional economic development.” The advice further notes that “the department’s focus will be to protect, support and develop our primary industries, mining sector, and regional communities. Regional economic development focused on supporting regional industries and employment will remain central to this work.”

The advice also provides that as “part of this renewal, the department’s Regional Development Group and Regional Precincts Group will be brought together to form the Regional Development and Delivery Group. The amalgamation will increase focus, collaboration and accountability in delivery of projects and services,” and further, that “the government’s Regional Coordination function will return to the NSW Premier’s Department and report to the Premier and Minister for Regional NSW.” The Government also advised that the “transformation ensures that the needs of regional communities are at the heart of government and that by having that focus, attention and resources from the Premier's Department will strengthen that work”

I was happy to see that Gerry Collins, who has a strong affiliation with Bourke Shire, has retained her role in the Premier’s Department Regional Coordination Team, being responsible for Western NSW (incorporating Central West and Orana Far West). It is always good to be dealing with senior government people who have an understanding, and an affiliation, with the far west of the State.

Funds for Darling - Baaka River

In other news from the NSW Government, the recently handed down NSW State Budget included funding of \$25m to establish the new “Restoring the Darling-Baaka River Program”, which the Water Group of the NSW Government advises is “designed to help nurse the system back to health and improve water quality using groundbreaking science, data and infrastructure.”

One of the key initiatives of the Program includes funding of more than \$6.5 million to trial state-of-the-art temporary fish passage technologies such as a new retrofitted tube design which allows for fish to pass over weirs to escape poor water quality events and reduce the chance of mass fish deaths. At this point, I am not sure as to where this program fits into the “Better Baaka Program,” and prior to that, the “Western Weirs Strategy,” but undoubtedly this can all be explained when the Water Group returns to Louth in coming months to again meet with the community in respect of the Louth Weir and the future of the Louth Weir Pool.

Industrial Manslaughter

If you employ staff, it would be hoped that you are aware that new industrial manslaughter laws have been introduced into the NSW Parliament. The laws provide a new offence of gross negligence by a person (being a company, an individual or an officer of the company) that causes the death of a person at a workplace and include significant penalties, including a maximum jail sentence of up to 25 years as well as penalties of up to \$20 million. New South Wales previously had industrial manslaughter laws under the Occupational Health and Safety Act 2000, however, despite fatalities having occurred across workplaces in NSW, whilst that Act was in operation, no prosecutions were commenced under the old industrial manslaughter laws. Those laws were removed when the new Work Health and Safety (WHS) Act was introduced in 2011.

Whilst the Bill has yet to be debated in Parliament, employers should keep an eye out for the new legislation. Legislation or no legislation, as an employer, we all undoubtedly want our staff to return home safely to their families at the end of a day’s work, and in 2024, we all need systems, procedures, standards and controls, to ensure this is achieved.

Building Trades Panel

Following discussions with Councillors last year regarding Councils procurement processes for the provision of building trades and services to Council, work commenced on investigating a preferred structure around how Council procures such trades services. To this end, given Councils positive experiences with procurement panel arrangements over time, a Building Trades and Services Panel Tender Document was developed as a way of achieving an efficient and effective method of procuring the required trades services by staff. By way of definition, “a panel arrangement is a tool for the procurement of goods or services regularly acquired by entities. In a panel arrangement, a number of suppliers are selected, each of which are able to supply identified goods or services to an entity.” (Source: Australian Federal Department of Finance.)

Procurement Panels are nothing new to Bourke Shire Council. In the last 12 months, Council has awarded panel contracts for the Supply and Delivery of Aggregates and Raw Materials (2 suppliers on the panel); for the provision of Traffic Control Services (4 suppliers on the panel); for the provision of Design Services (23 suppliers on the panel); for the provision of surveying services (10 suppliers on the panel); for the provision of line marking services (7 suppliers on the panel) and for the provision of Plant Hire (22 suppliers on the panel).

Other Councils, along with State and Federal governments have a multitude of panels. For instance, both the NSW and Australian governments have numerous builders who have been pre-qualified to different levels of expenditure on building panels who are invited to submit a price in respect of a particular project. These projects can run into many millions of dollars.

As a result of the inviting of tenders in late 2023 and then again in April/ May 2024, Council has resolved that a Building Trades and Services Panel be established at Bourke Shire. This panel addresses the supply of Building and Carpentry, Concreting, Electrical, Mechanical (Air Conditioning), Painting, Plumbing and Project Management services to Council, with a total of ten (10) trade firms determined by Council as being part of the panel.

In accepting a Supplier onto the panel, such acceptance is on the basis that the suppliers tender submission was that of a 'Standing Offer' which does not place any contractual obligation on Council to hire or engage any contractors; tenders submitted were merely statements by a prospective contractor that they are willing to supply specified services and goods, if and when required, and Council will be in further contact should it wish to source services from a selected panel provider.

The tender process was undertaken through Councils Tenderlink Portal. A further round of tenders for inclusion on the Building Trades Panel will be invited in April/May next year. I would be hopeful that when Council returns to the market in 12 months' time, more local tradies come on board. The more providers in each category, then the more efficient the process becomes.

By registering to be part of the Bourke Council Tenderlink Portal, prospective suppliers can be alerted to all Council tenders. To register, simply go to Councils Tender and Quotations page at <https://bourke.nsw.gov.au/council/tenders-and-quotations/> and click on the 'Tenderlink Portal' tile.

In allocating work under the panel, a procedure linked to Councils adopted Procurement Policy, which contains differing requirements when seeking quotes based on various expenditure thresholds, has been developed. In terms of the various thresholds where either verbal quotes or written quotes are required, in the event of there being insufficient panel members from which to seek a quotation for the particular building trade or service, or where the capability or the ongoing quality/pricing of panel members work is not to standard, Council will seek quotations from suppliers outside of the Supplier Panel.

Quote: "People are afraid of things they don't understand. They don't know how to relate. It threatens their security, their existence, their career, image." Bill Laswell - Musician
